



**FIFTH NATIONAL ASSEMBLY**

**PARLIAMENTARY  
DEBATES  
(HANSARD)**

**SECOND SESSION  
TUESDAY 26 JUNE 2012**

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**THE CABINET****(Formed by Dr. the Hon. Navinchandra Ramgoolam)**

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
Hon. Tassarajen Pillay Chedumbrum	Minister of Information and Communication Technology
Hon. Louis Joseph Von-Mally, GOSK	Minister of Fisheries

Hon. Satyaprakash Ritoo	Minister of Youth and Sports
Hon. Louis Hervé Aimée	Minister of Local Government and Outer Islands
Hon. Mookhesswur Choonee	Minister of Arts and Culture
Hon. Shakeel Ahmed Yousuf Abdul Razack Mohamed	Minister of Labour, Industrial Relations and Employment
Hon. Yatindra Nath Varma	Attorney General
Hon. John Michaël Tzoun Sao Yeung Sik Yuen	Minister of Tourism and Leisure
Hon. Lormus Bundhoo	Minister of Health and Quality of Life
Hon. Sayyad Abd-Al-Cader Sayed-Hossen	Minister of Industry, Commerce and Consumer Protection
Hon. Surendra Dayal	Minister of Social Integration and Economic Empowerment
Hon. Jangbahadoorsing Iswurdeo Mola Roopchand Seetaram	Minister of Business, Enterprise and Cooperatives
Hon. Mrs Maria Francesca Mireille Martin	Minister of Gender Equality, Child Development and Family Welfare
Hon. Sutyadeo Moutia	Minister of Civil Service and Administrative Reforms

Members

Members

## PRINCIPAL OFFICERS AND OFFICIALS

*Mr Speaker*

Purryag, Hon. Rajkeswur, GCSK, GOSK

*Deputy Speaker*

Peetumber, Hon. Maneswar

*Deputy Chairperson of Committees*

Deerpalsing, 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*

Navin, Mr Gopall

*Hansard Editor*

Jankee, Mrs Chitra

*Senior Library Officer*

Pallen, Mr Noël

*Serjeant-at-Arms*

Munroop, Mr Kishore

**MAURITIUS**

**Fifth National Assembly**

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**SECOND SESSION**

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**Debate No.11 of 2012**

**Sitting of 26 June 2012**

**The Assembly met in the Assembly House, Port Louis,**

**At 11.30 a.m.**

**The National Anthem was played**

*(Mr Speaker in the Chair)*

## PAPERS LAID

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

**A. Office of the President**

The 38<sup>th</sup> Annual Report of the Ombudsman for the period January to December 2011 (In Original)

**B. Prime Minister's Office –**

- (a) Certificate of Urgency in respect of The Training and Employment of Disabled Persons (Amendment) Bill (No. XV of 2012).
- (b) The Gambling Regulatory Authority (Amendment of Schedules) Regulations 2012 (Government Notice No. 122 of 2012).

**C. Ministry of Energy and Public Utilities –**

The Central Water Authority (Production of Drinks) (Fees and Other Changes) (Amendment) Regulations 2012 (Government Notice No. 121 of 2012).

**D. Ministry of Finance and Economic Development –**

- (a) The Investment Promotion (Real Estate Development Scheme) (Amendment No. 2) Regulations 2012 (Government Notice No. 119 of 2012).
- (b) The Excise (Amendment of Schedule) Regulations 2012 (Government Notice No. 120 of 2012).
- (c) The Annual Report of the Financial Services Commission for the year 2011 (In Original).

**E. Ministry of Social Security, National Solidarity and Reforms Institutions**

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The Report of the Director of Audit on the Financial Statements of the Training and Employment of Disabled Persons Board for the year ended 30 June 2007.

**F. Attorney General's Office –**

The Report of the Director of Audit on the Financial Statements of the Curatelle Fund for the year ended 31 December 2011(In Original).

**G. Ministry of Industry and Commerce and Consumer Protection –**

The Bread (Control of Manufacture and Sale) (Amendment) Regulations 2012 (Government Notice No. 123 of 2012).

**H. Ministry of Business, Enterprise and Cooperatives –**

The Report of the Director of Audit on the Financial Statements of the SEHDA (Small Enterprises and Handicraft Development Authority) for the year ended 30 June 2009.

## **ORAL ANSWERS TO QUESTIONS BOSKALIS AFFAIR - INVESTIGATION**

**The Leader of the Opposition (Mr P. Bérenger)** (*By Private Notice*) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Boskalis affair, he will, for the benefit of the House, obtain from the -

- (a) Independent Commission Against Corruption, information as to the -
  - (i) reasons why the Commission has handed over the case to the Police after 4 years, and
  - (ii) names of the persons interviewed in relation thereto;
- (b) Commissioner of Police, information as to -
  - (i) if other witnesses have been interviewed;
  - (ii) if fresh information has been supplied by Boskalis International BV, and



- (iii) the names of the persons arrested as at to date, indicating the charges levelled against them, if any.

**The Prime Minister:** Mr Speaker, Sir, I am informed that on 24 July 2008, the Independent Commission Against Corruption (ICAC), on its own, initiated an investigation against Mr Mohammed Siddick Chady following the publication of an article where allegations were made to the effect that a sum of USD 25,000 had been transferred by Boskalis International, a dredging company based in The Netherlands in favour of Mr M. S. Chady, then Chairperson of the Mauritius Ports Authority.

Between 28 July 2008 and 25 August 2008, documents were secured, several persons were interviewed and statements recorded from them including from the representatives of Boskalis International in Mauritius.

On 12 September 2008, following several exchanges of correspondence between ICAC and the Central Authority of Mauritius regarding mutual and legal assistance, an official request for Mutual Legal Assistance was sent by ICAC to Singapore, The Netherlands and the United Kingdom.

Between 02 February 2009 and 30 June 2009, there were several exchanges of correspondence between ICAC and the Authority in Singapore. The reply from Singapore is still awaited.

In regard to the United Kingdom, an official reply was received on 27 January 2009, confirming deposit made from the account of Boskalis International to the account of Yash Raj Films International Ltd for the sum of USD 60,000 on 20 November 2008.

Mr Speaker, Sir, I should like to inform the House that on 02 February 2010 and 23 August 2010 following a motion from the Counsel of Mr Chady to strike out the provisional complaint, arguments were heard on the issue and the District Magistrate ruled in favour of the ICAC and did not strike out the said provisional complaint.

However, on 05 February of 2011, another argument was heard following a motion from the Counsel of Mr Chady to strike out the provisional complaint on the ground of delay. On 15 February 2011, the District Magistrate did strike out the provisional complaint against Mr Chady on the ground of delay.

Mr Speaker, Sir, I did inform the House on 22 March 2011 that the case is not closed. From then on, the requests for Mutual Legal Assistance remained pending. May I emphasise that the delays were due to procedural legal matters in The Netherlands. In fact, it took three years, as I shall explain later, for The Netherlands Court to finally come to a decision to order that some documents be sent.

The request for Mutual Legal Assistance was addressed to the Authorities in The Netherlands on 12 September 2008, that is, hardly eight weeks after ICAC had initiated its enquiry. There were challenges in The Netherlands Court by lawyers representing Boskalis International.

On 05 April 2012, a supplementary request for Mutual Legal Assistance was sent to the Attorney General's Office asking for clarification following documents received from the United Kingdom. Reply is still awaited from the United Kingdom in respect of the other limbs of the investigation.

Regarding The Netherlands, its Central Authority informed the Central Authority of Mauritius that the request for transmission of seized documents to Mauritius was due to be assessed by the Dutch Court on 12 May 2010, but due to the complex nature of the matter, this exercise was rescheduled.

On 01 November 2010, the Central Authority of The Netherlands informed ICAC that on 11 of October 2010, the Dutch Court delivered an interlocutory verdict on objections lodged by Boskalis International on certain documents to be sent to Mauritius. The matter was postponed for the end of January 2011 in The Netherlands.

In October 2011, the matter was heard before the Dutch Court and the ruling was in favour of the prosecution and it was agreed to send some documents to Mauritius.

In February 2012, ICAC met with the Representatives of The Netherlands Embassy and requested a correspondence as to the delay in executing the Mutual Legal Assistance request.

On 30 May 2012, the Authority of The Netherlands informed the Commission through the Central Authority of Mauritius of the reasons of delay in executing the request for Mutual Legal Assistance which was mainly due to several objections and appeal raised and made by Counsels of Boskalis International objecting to the Authorities of The Netherlands sending the documents to Mauritius.

Mr Speaker, Sir, as far back as 15 March 2011, based on available evidence which revealed that there was sufficient evidence that in respect of one limb of the enquiry, an offence had been committed and pending the execution of the requests for Mutual Legal Assistance from The Netherlands and the United Kingdom for the other limbs, ICAC had already referred the case to the Director of Public Prosecutions (DPP) with recommendation for prosecution against one of the suspects for receiving gift for corrupt purposes in breach of Section 15 (a), 82A and 83 of the Prevention of Corruption Act.

In November 2011, local Counsels representing Boskalis International contacted ICAC and informed that their services have been retained by the company who now wished to collaborate and was prepared to give a statement and produce documents.

It transpired that the evidence which they were ready to furnish could implicate more persons than those already under investigation, which offences would not fall under the remit of ICAC for the purposes of investigation and prosecution.

Mr Speaker, Sir, I am informed that on 13 April 2012, ICAC referred the investigation on the Boskalis case to the Commissioner of Police after seeking the advice of the DPP. The DPP confirmed ICAC's view that information provided in November 2011 to ICAC by Mauritian Counsel representing Boskalis International revealed the possible Commission of Offence of Conspiracy and Aiding and Abetting in the Commission of a Crime under the Criminal Code. As the ICAC had no jurisdiction to investigate such offences, it had no option, but to refer such offence to the Commissioner of Police for him to complete the investigation in the light of the advice of the DPP.

Regarding part (a) (ii) of the question, I am informed by ICAC that statements were recorded from eleven persons. At this stage, out of respect for privacy and reputation of these persons and in order not to cause prejudice to the ongoing enquiry, it would not be in order for me to give the names of the persons interviewed.

Mr Speaker, Sir, regarding part (b)(i) and (ii) of the question, I am informed by the Commissioner of Police that in the context of the enquiry, Inspector Rughoonundun of the Central CID and Mr Rashid Ahmine of the DPP's Office proceeded to Geneva, Switzerland with a view to deepen the enquiry and to collect relative documentary evidence.

In Geneva they interviewed Mr Jan Cornelis Haak, Legal Adviser and Mr Antonious Theodorus Johannes Wilhelmus De Goede, Team Leader of Boskalis International. Besides, six other persons were interviewed by the Police.

Mr Speaker, Sir, I am informed by the Commissioner of Police that in the course of the Police enquiry and on the basis of evidence on record the following persons were arrested, questioned and provisionally charged -

- (i) Mr Mohammud Siddick Chady for public official using his office for gratification; conspiracy and money laundering;
- (ii) Mr Ramprakash Maunthrooa for conspiracy, aiding and abetting in the commission of an offence and money laundering;
- (iii) Mr Chietanrao Luximon for conspiracy, aiding and abetting in the commission of an offence and money laundering;
- (iv) Mr George Michel Gilbert Philippe for conspiracy and money laundering;
- (v) Mr Yudeswar Teelock for conspiracy and money laundering, and
- (vi) Ms Bilkiss Banu Rawat for conspiracy.

Mr Speaker, Sir, if we, as responsible and law-abiding citizens are really serious and really determined to combat corruption, as this Government resolutely is, I am sure the House will agree with me that we should always resist succumbing to the temptation to resort to the tactic of political expediency which presents suspects and culprits as victims.

Such political expediency by political adversaries leads them to ascribe a political agenda to the Government in respect of every single case of alleged corruption involving any of the adversaries.

My track record, Mr Speaker, Sir, as Prime Minister and Minister of Interior more than clearly indicates my unflinching determination not to prevent action being initiated against anyone including my own Ministers, PPS's and Advisers involved in corruption for which there was a *prima facie* case.

Thus, no ulterior or other motives of political vendetta can be imputed to me on the basis of erroneous information or disinformation passed on to others.

**Mr Bérenger:** Mr Speaker, Sir, on a point of clarification. Do I take it that the whole file of the Boskalis affair, issues relating to conspiracy but also corruption, everything is now in the hands of the Police and the ICAC is no longer involved in any way in the Boskalis affair?

**The Prime Minister:** My understanding, Mr Speaker, Sir, is that they have referred the case to the DPP, and the DPP has advised that the Police continue their investigation because of new charges which will be beyond the possibility of ICAC to intervene.

**Mr Bérenger:** I understand that some aspects of the enquiry are beyond the powers of ICAC, but I repeat my question. Therefore, is ICAC no longer involved at all, including the aspects that concern corruption? Has everything been handed over to the Police - conspiracy, other criminal activities plus corruption?

**The Prime Minister:** My understanding is that everything has been sent to the Police, but I would assume that ICAC will still follow up if there are any corruption cases later on.

**Mr Bérenger:** I am sure ICAC, when it handed over the enquiry to the Police, must have translated that decision through a letter to the Commissioner of Police. Can we have a copy of that letter from ICAC to the Commissioner of Police laid in the Library of the National Assembly?

**The Prime Minister:** I don't know whether I can lay that copy in the National Assembly, but perhaps I could let the hon. Leader of the Opposition have a look at it.

*(Interruptions)*

**Mr Bérenger:** I heard the hon. Prime Minister say at one point that the file had been sent definitely to the DPP for prosecution concerning one individual. Can we know the name of that individual?

**The Prime Minister:** Mr Speaker, Sir, the file has been sent to the DPP for advice, and they have advised that prosecution should be carried on. This is why I said that other people seemed to have been involved in it and, therefore, it has been enlarged.

**Mr Bérenger:** I heard the hon. Prime Minister say that ICAC had recommended prosecution in the case of one person. Can we have the name of that person?

**The Prime Minister:** That person is Mr Chady.

**Mr Bérenger:** Now that ICAC has handed over the whole affair to the Police, would the hon. Prime Minister be ready to lay a copy of the correspondence exchanged between ICAC and – I don't know whether I get the name wrong - Boskalis? Since, when I raised the issue through my PNQ of 22 August 2008, I did point out that the way ICAC was going about it was wrong because in their correspondence, in their approach to Boskalis, they were in a way trying to make

Boskalis incriminate itself. I had objected to that line of procedure. Therefore, can we have the correspondence between Boskalis and ICAC placed in the Library of the Assembly?

**The Prime Minister:** I don't know whether it would be proper for me to lay this in front of the Assembly, Mr Speaker, Sir, but I am sure we can find ways and means of letting the hon. Leader of the Opposition have a look if need be. But, I am not sure whether I can lay this on the Table of the Assembly.

**Mr Bérenger:** From what I heard the hon. Prime Minister say, would I be right to say that, in fact, the thing was dying down; four years have gone by and it is on the initiative of Boskalis - this time I got it right - in fact, that it is their initiative that the whole thing started again?

**The Prime Minister:** Not quite that, Mr Speaker, Sir. I explained that it took three years for the Dutch Court finally to order them to give the documents. In fact, that is why I said that I think there were challenges in the Netherlands courts by the lawyers representing Boskalis. They were objecting to any document being sent. In Netherlands they did not transmit these documents; they did not send it to Mauritius because they said that it was due to be assessed by the Dutch Court in May 2010, and due to the complex nature of the matter, this was rescheduled. So, the matter was postponed on and off. There was an interlocutory verdict on the objection lodged by Boskalis on these documents to be sent to Mauritius. The matter was postponed and it is only in October 2011 that the matter was heard before the Dutch Court, and the ruling was in favour of the prosecution, that is, for the documents to be sent to Mauritius. It took a bit more than three years for the Dutch Court finally to say that the documents should be sent to Mauritius.

**Mr Bérenger:** The Dutch courts apart, is it not a fact, Mr Speaker, Sir, that towards the end of last year, Boskalis came forward - outside the ambit of the court orders and so on - with new documents at the end of 2011?

**The Prime Minister:** That is correct, Mr Speaker, Sir.

**Mr Bérenger:** Now, if we go back to 2006, Mr Speaker, Sir, is it not a fact that the Indian High Commission got involved because they felt that another Indian firm in association with the Mauritian firm was not getting a fair deal, that there was funny business going on? Is it not a fact that the Indian High Commission approached the Prime Minister's Office and, if this is so, what happened thereafter?

**The Prime Minister:** In fact, it is so, Mr Speaker, Sir. The Indian authorities felt that there has been some '*magouille*' - if I may use the word - and they were very dissatisfied with how things were done. Following these representations made by the Indian authorities, I think it was in May 2006, I requested my Senior Advisers to have a meeting with the Mauritius Ports Authority to ascertain from them that all the procedures for the allocation of the contract were being scrupulously adhered to and that it would stand the test of scrutiny in terms of fairness, transparency and accountability.

**Mr Bérenger:** The hon. Prime Minister has referred to his former Advisers and to '*magouille*'. Is he aware that now, his former Senior Adviser, Mr Philippe, said in *L'Express* on 15 June that he had sent a letter to the Prime Minister himself at that time? If yes, what happened? Now that Mr Philippe also talks of '*magouille*' in the press, has the hon. Prime Minister compared notes with his former Senior Adviser to say what was exactly the nature of the '*magouille*' that Mr Philippe then was supposed to have denounced?

**The Prime Minister:** He did denounce it; he did say that he felt that things are not being done properly, and that we should look into the matter. That is why I followed up the matter to ensure that these allocations of contracts were done properly, and that all the procedures had been scrupulously adhered to, and that it would stand the test of scrutiny. But, I did not compare notes afterwards because the case is still on.

**Mr Bérenger:** He will have to go to prison for that soon! Mr Speaker, Sir, moving on to the Police, can I know whether there are fresh witnesses that ICAC did not deem fit to interview and that, since taking over the file, the Police have interviewed?

**The Prime Minister:** That is correct, Mr Speaker, Sir.

**Mr Bérenger:** It has been reported, Mr Speaker, Sir, that the original agreement between Boskalis and the Mauritius Ports Authority *est introuvable*. Is that the case, or are we in presence of the original?

**The Prime Minister:** I don't think it is *introuvable*. My attention has not been drawn to that, Mr Speaker, Sir. I suppose it's there.

**Mr Bérenger:** The Police have taken over the enquiry, and we have been informed that the only person that ICAC referred to the DPP with the recommendation that there should be a case put in against him was Mr Chady. Can I ask the hon. Prime Minister whether he will remember that the same Mr Chady, on 21 February 2008, took it upon himself - he had no power

to do that, he was a non-Executive Chairman of the Mauritius Ports Authority and he was taken to task later on for that - to write a letter to Patel Ltd. in the case of the huge Neotown project or ghost, I don't know which word to use, giving that prime piece of land in the harbour to Patel Ltd., signing himself? Now that a Police enquiry is on, and being given the recent behaviour of the Patel Group in that affair, is the Police enquiry going to be into that also? What happened, whether there was bribery or conspiracy involved in the case of Neotown?

**The Prime Minister:** I don't think so, Mr Speaker, Sir. I think that this is a separate issue. If we find that there is a reason to investigate, of course, it will be investigated. This is a separate issue, and it has got nothing to do with the Boskalis affair.

**Mr Bérenger:** Mr Speaker, Sir, I understand that the Police are going to go after all those involved. We have already a list of six persons who have been interviewed. Is the hon. Prime Minister aware that there was one gentleman, Mr R. L., who was closely involved in the whole deal, who, in fact, introduced Mr Chady to Boskalis Ltd., according to my information, and was paid a bribe or a consultancy fee - whatever we call it - in Switzerland? That gentleman who is a Mauritian national has emigrated to Dubai, where he is resident now. Have the Police already looked into that and, if yes, will Government consider deportation, bringing him back to Mauritius because he is a Mauritian national - he has been involved in that; his name has already been mentioned? Will, therefore, the Police look into that and, if required, extradition order be sought?

**The Prime Minister:** The Police are enquiring into the matter, Mr Speaker, Sir, as to whether they are going to ask for his extradition or not. But we will certainly facilitate and ask for it, if need be.

**Mr Uteem:** Mr Speaker, Sir, the hon. Prime Minister just mentioned that Boskalis has come forward and given certain information to the Police. May I know from the hon. Prime Minister whether any kind of plea bargain has been entered with Boskalis, and that no prosecution would be envisaged against Boskalis or its officers and representatives in Mauritius?

**The Prime Minister:** What has taken place between the Office of the DPP and the Counsel for Boskalis is privileged legal information. So, I would not be able to say what you call 'the bargain'.

**Mr Bhagwan:** From what we have heard and read, it is clear *qu'il y a eu toute une ramification autour de ce contrat alloué à Boskalis, que ce soit les nominés politiques, les gens*



de la MPA. Can the hon. Prime Minister inform the House, the country, the nation whether there are still very senior officials, management of the MPA actually in service, whose names have been mentioned in the inquiry process, in office, and are handling files concerning award of contracts? Can he inform the House whether he will direct the MPA, through his Office, to ask them to be out of service pending the completion of the inquiry?

**The Prime Minister:** Mr Speaker, Sir, if names are mentioned, it does not necessarily mean that the person is guilty. Some people are giving information. They are being interviewed. They are not necessarily the guilty party. We can't just say 'you get out of the place' because their names have been mentioned. If there is *prima facie* case against them, they will be asked.

**Mr Jugnauth:** Is the hon. Prime Minister aware that the charges that were laid against Mr Ramprakash Mauntrooa in case No. 4467/2012 were based on false facts, therefore, defective, and had to be struck out, and who were the officers who had drafted this information?

**The Prime Minister:** Mr Speaker, Sir, that is a matter which has gone to the DPP. Provisional charges - it is not the first time; the hon. Member is a lawyer - by its very nature are provisional.

**Dr. Sorefan:** Mr Speaker, Sir, may we know from the hon. Prime Minister whether, if it is established that there has been corruptive mechanism from the Boskalis Company, this company will be blacklisted in Mauritius?

**The Prime Minister:** Let us wait until we see what happens in Court, Mr Speaker, Sir. There is a legal case going on. We have to wait and see.

**Mr Li Kwong Wing:** Mr Speaker, Sir, can the hon. Prime Minister inform the House what is the cost difference between the bid of Boskalis and the second bidder? Can he also inform us whether there has been a technical evaluation study carried out before awarding the tender, and who are the members of that Technical Evaluation Committee?

**Mr Speaker:** This is a question on a corruption case against Boskalis. If the hon. Member wants to know what he asking for, he has to come with a substantive question. Hon. Ganoo!

**Mr Ganoo:** Doesn't the hon. Prime Minister think that had the ICAC, at the very early stage of the inquiry, sent the relevant inquiring officers to interview the team leaders or the officials of Boskalis and asked them to cooperate, the inquiry would have proceeded more quickly, and prosecution would have already taken placed?

**The Prime Minister:** I did mention that hardly eight weeks after the investigation was started, they had started looking at how they could get cooperation in Netherlands.

**Mr Bérenger:** I heard the hon. Prime Minister say that they started. But how did they carry out the inquiry? I pointed out that the way they are going, they are trying to get Boskalis to incriminate itself, and that is totally wrong. I am convinced that ICAC made a complete mess of it. The perception out there in the public is that, as long as Mr Chady was in the Labour Party for four years or something like that, everything went by, but now that he is out, certainly new evidence comes up, new initiatives are taken, and the whole case is moved from ICAC to the Police. Pending the Police doing its enquiry, will the hon. Prime Minister agree with me that these three persons at the head of ICAC are *complètement décrédibilisés*, and should be replaced as soon as possible?

*(Interruptions)*

**Mr Speaker:** This is a statutory Commission. If the hon. Leader of the Opposition has anything to complain against the members of the ICAC, he must come with a substantive motion.

**The Prime Minister:** Could I just answer part of it, Mr Speaker, Sir. It is absolutely false to say that because Mr Chady...

I appointed Mr Chady, and then, at the MPA, as soon as the case came up, he was dismissed pending the inquiry. So, it cannot be a case of as if he was with me. Even some people in 'l'Express' have been insinuating. It is absolutely not true.

**Mr Speaker:** Time over! The Table has been advised that Parliamentary Question Nos. B/363 addressed to the hon. vice-Prime Minister, Minister of Finance and Economic Development will be replied by Dr. the hon. Prime Minister, if time permits. Questions addressed to Dr. the hon. Prime Minister. Hon. Jhugroo!

#### **MBC – EMPLOYEES – 60 YEARS & ABOVE**

**(No. B/347) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the employees of the Mauritius Broadcasting Corporation who are aged 60 years and above, he will, for the benefit of the House, obtain from the Corporation, information as to the number thereof employed on a -

- (a) contractual basis, and

(b) free lance basis

**The Prime Minister:** Mr Speaker, Sir, in regard to part (a) of the question, I am informed by the Director-General of the Mauritius Broadcasting Corporation that eight employees currently serving on a contractual basis at the Corporation are aged 60 years and above.

Regarding part (b) of the question, the Director-General has informed that there are at present 26 freelancers employed on a sessional and need basis who are over 60 years old. The services of such freelancers are required in connection with various arrangements for the presentation of programmes in various languages.

**Mr Jhugroo:** Can the hon. Prime Minister inform the House for what reasons our young talented professionals with Degrees in Communication are not being considered for recruitment at the MBC, while retired persons over 65 years are being re-employed?

**The Prime Minister:** The 26 are freelancers, Mr Speaker, Sir; they are not full time. There is a cost benefit. They are not paid a lot of money. They are paid about I think roughly between Rs250 to a maximum of Rs900 per session, and not all of them are presenters or whatever. That is why there is no need to give a full time contract.

**Mr Jhugroo:** May I ask the hon. Prime Minister for what reason the MBC had not advertised the post of PRO, and had subsequently recruited someone over 70 years old? Is it '*un oiseau rare*'?

**Mr Speaker:** It's the decision of the Board!

**The Prime Minister:** This is a matter for the Board of the MBC.

### CONSTITUTION - AMENDMENT

(No. B/348) Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether he will state if Government will consider amending the Constitution to insert the word "secular" where appropriate so that the secular nature of the Republic of Mauritius be henceforth acknowledged therein.

**The Prime Minister:** Mr Speaker, Sir, although the word "secular" does not appear in our Constitution, it is implied that Mauritius is a secular state.

Section 11(1) of the Constitution provides, *inter alia*, that, except with its own consent, no person shall be hindered in the enjoyment of his freedom of thought and of religion, freedom

to change his religion or belief, and freedom, in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

Furthermore, section 11(5) of the Constitution provides that nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of section 11 to the extent that the law in question makes provision -

- (a) in the interests of defence, public safety, public order, public morality or public health, or
- (b) for the purpose of protecting the rights and freedoms of other persons, including the right to observe and practice any religion or belief without the unsolicited intervention of persons professing any other religion or belief,

except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.

On the other hand, Mr Speaker, Sir, section 45(1) of the Constitution provides that Parliament may make laws for the peace, order and good Government of Mauritius.

In the case of *Bhewa and Alladeen v Government of Mauritius and DPP* (1990) - there was Chief Justice Glover and Senior Puisne Judge Lallah (as he was then) analysed the duality of religion and the State in a secular system. The Senior Puisne Judge Lallah, at the time, stated the following, and I quote -

“The secular state is not anti-religious but recognizes freedom of religion in the sphere that belongs to it. As between the state and religion each has its own sphere, the former that of law-making for the public good and the latter that of religious teaching, observance and practice. To the extent that it is sought to give to religious principles and commandments the force and character of law, religion steps out of its own sphere and encroaches on that of law-making in the sense that it is made to coerce the state into enacting religious principles and commandments into law. That would indeed be constitutionally possible where not only one particular religion is the state religion but also the holy book of that religion is the supreme law”.

Lallah SPJ also referred to Article 44 of the Constitution of India which provides that the State of India shall endeavour to secure for the citizens a uniform civil code throughout the territory of India. He concluded that the coexistence of personal religious laws with the secular provision of Article 44 was mainly attributable to India’s heavy heritage of having numerous

religious groups before it attained independence and became a sovereign State, with a written Constitution and he further concluded as follows, I quote,

“There have been some harsh comments from the Supreme Court of India on the lack of political will on the part of the state to give life to Article 44. The position in our country is different. We have never had in our history, whether during French or British administration, any personal laws in spite of the fact that the major religions of the world have been present here for generations. Except for the attempt in 1981 to introduce Muslim personal law, a uniform Civil Code has always been in force.”

Mr Speaker, Sir, the duty of Parliament is to make laws for the peace, order and good government of Mauritius under section 45(1) of the Constitution, and that cannot be derogated from by the provisions of section 11 of the Constitution given that there is no holy book as the supreme law of Mauritius. Law-making for peace, order and good government implies uniformity in legislative provisions and cannot be subjected to personal religious principles. The enactment of personal religious laws is not a requirement to ensure the enjoyment of rights spelt out in section 11.

Besides, the secular character of the State of Mauritius has been acknowledged in two other Supreme Court judgments, namely the Government Teachers Union & Anor against Roman Catholic Education Authority & others (1987) and Minerve against Minerve (1987). In the second judgment, Justice Lallah pointed out, I quote -

“We live in a secular state in which freedom of conscience is a fundamental right for every individual. That freedom avails both the believer and the non-believer or free thinker”.

Therefore, we see there is no need to amend the Constitution and insert the word “secular” in order to acknowledge what is in fact the secular nature of the State of Mauritius.

**Ms Deerpalsing:** Mr Speaker, Sir, I thank the hon. Prime Minister for his answer. We all agree that in a democratic healthy secular State, the plural State has to look at the plurality of the nation. The hon. Prime Minister, in his answer, has mentioned that the secular nature of the State is implied. May I ask the hon. Prime Minister whether he would consider making it explicit in the Constitution to have Mauritius be recognised explicitly, not tacitly, as a secular State?

**The Prime Minister:** There are different definitions of a secular State. Even India, in spite of section 44, still gives a subsidy in affairs for Muslims going on Hajj pilgrimage. So,

there is a grey area in-between, Mr Speaker, Sir. Whether we should now specify it and go into the grey area, I am not so sure. Maybe it is something that we may have a debate about.

**Ms Deerpalsing:** Mr Speaker, Sir, the hon. Prime Minister just mentioned about having a debate. Is he aware that there is wide consensus and a deep aspiration of especially the young, that non secular forces do not encroach onto the State, and will the hon. Prime Minister, kindly consider that a debate ...

*(Interruptions)*

Will the hon. Prime Minister consider that the ball gets started rolling? Therefore, will the hon. Prime Minister consider setting up something like *un Comité des Sages*, of legal experts or something like that, so that actually the ball can start rolling about having our own local contextualised definition of secularity, in our own context of a multicultural, plural, multi-religious nation, and we will have our own version of secularity?

*(Interruptions)*

**Mr Speaker:** The hon. Member has put the question. Let the hon. Prime Minister answer.

**The Prime Minister:** This is something that we have to look at very carefully, Mr Speaker, Sir, because, as I have said, there are grey areas in this and, by going out straightaway into that definition, we might find a lot of difficulties. My feeling is that perhaps we could look at it dispassionately.

**Ms Deerpalsing:** Sorry, Mr Speaker, Sir, if I could just insist. My question is whether the hon. Prime Minister could humbly consider the setting up of a *Comité des Sages*, of experts ...

*(Interruptions)*

...so that the debate can be held in a formal manner...

*(Interruptions)*

...so that we don't get into the grey areas; so that, in fact, we evacuate those grey areas.

*(Interruptions)*

**Mr Speaker:** Order! Order!

**The Prime Minister:** It is such a delicate matter, Mr Speaker, Sir, that, first of all, I am sure I will have to look with a torch who are these 'sages' who will be able to sit on this.

*(Interruptions)*

**Mr Speaker:** Next question, hon. Ms Deerpalsing!

## **GOVERNMENT SERVICES - APPLICATION FORMS – GENDER NEUTRAL**

**(No. B/349) Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes)**

asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the official application forms required to be filled for Government services, he will State if Government proposes to bring amendments thereto with a view to making them gender neutral.

**The Prime Minister:** Mr Speaker, Sir, section 5(1) of the Interpretation and General Clauses Act provides that words importing the masculine shall include the feminine and the neuter. Therefore, to the extent that official Government forms are prescribed by an enactment, the use of any words in the masculine on such forms also comprises the feminine. However, it is to be noted that, where the context otherwise requires, section 5(1) of the Interpretation and General Clauses Act will not apply, for example only a woman can give birth and therefore there is need to use the feminine in that case.

With regard to other official forms which are not prescribed, the same principles are applied. Where it is deemed necessary, information regarding the title, gender and marital status of an applicant is asked for in an application form so as to avoid any possible confusion about the identity of the applicant and to ensure that the services applied for are delivered to the right person. I am advised by the Equal Opportunity Commission that if the gender of the applicant is a reasonably justifiable requirement, given the circumstances and nature of the particular application, no issue of indirect discrimination may be raised.

The forms used by candidates applying for a post at the Public Service Commission and the Disciplined Forces Service Commission are gender neutral. Furthermore, the PRB also makes use, in general, of gender neutral terms for job appellations. Besides, the Ministry of Civil Service and Administrative Reforms issued a circular in 2010 advising all Heads of Ministries and Departments to review the title of post in their respective organisations to make them gender neutral.

However, there are many grades throughout the service, mostly in the Police Department, Prisons Department, Ministry of Health and Quality of Life and the Ministry of Social Security, National Solidarity and Reforms Institutions, etc, where sex specific job appellations have been maintained to ensure recruitment of the appropriate number of persons by sex to meet the

operational needs of the particular service. But there is no discrimination in remuneration of male and female staff in the same grade.

**Ms Deerpalsing:** Mr Speaker, Sir, may I ask the hon. Prime Minister whether he is aware that when we travel and we come back to the country, for example, this form from the Minister of Health asks for the civil status of people? It doesn't ask for the civil status of a man but ask for the civil status of a woman. I don't see how that is pertinent to the information, and there are many forms like this. Will the hon. Prime Minister look into the matter and see that, where there are no reasons to differentiate between the asking of the civil status of a man and a woman, this is not put in the forms?

**The Prime Minister:** Mr Speaker, Sir, I need to have clarification. My understanding is that when they ask for the civil status, it is both for the man and woman. It does not say anywhere that it has to be for the woman.

**Ms Deerpalsing:** Can I ask the hon. Prime Minister whether he is aware that in countries like the UK and Canada, when you fill in the form for immigration, they don't ask whether you are Mr, Mrs, Miss or whatever? They ask you just whether you are male or female. And, in Canada, they go even further; half of the forms, where you have a box, the first box is male and the second box is female. In Canada, half of the forms are printed so that the first box is male and half of the forms are printed so the first box is female. So, can these kinds of gender neutral forms be introduced in Mauritius?

**The Prime Minister:** Mr Speaker, Sir, I need to have clarification. The objection of the hon. Member is to the title?

**Ms Deerpalsing:** It's about the title because the title implies the civil status of the person. For example, in this form, it is already implied because the man is not asked for his civil status, but the woman has to declare the civil status by implication.

**The Prime Minister:** Mr Speaker, Sir, I am still not very clear about the question because my understanding is that the marital status is asked for both – perhaps if I could have a look at this. Even in some other countries, Mr Speaker, for example, in the United States - I have checked - they ask you for your sex, then for the maiden name, and then they ask the question “have you ever been married, have you ever been divorced or widowed?” But that is for both man and woman.



**Ms Deerpalsing:** I am not talking about the United States as a model. I am talking about Canada and other countries.

**The Prime Minister:** I will certainly look into the matter of the title.

**BEAU BASSIN & PETITE RIVIÈRE – DRUG PROLIFERATION**

**(No. B/350) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to drugs, he will state if he has been informed of an increase in the proliferation thereof in Constituency No. 20, Beau Bassin and Petite Rivière and, if so, will he, for the benefit of the House, obtain from the Commissioner of Police, information as to the –

- (a) additional remedial measures that will be taken, if any, in relation thereto and
- (b) number of arrests effected in connection therewith, over the past two years.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that Constituency No. 20, Beau Bassin and Petite Rivière, is Policed by the Beau Bassin, Coromandel, Petite Rivière, Barkly and Albion Police Stations.

During the period of January 2010 to 20 June 2012, there has, in fact, been a decrease in the number of drug cases established and the number of persons arrested in the Constituency No. 20 as follows -

<b>YEAR</b>	<b>NO OF DRUG CASES ESTABLISHED</b>	<b>NO OF PERSONS ARRESTED</b>
2010	99	108
2011	79	83
2012 ( <i>as at 20 June</i> )	41	47
<b>TOTAL</b>	<b>219</b>	<b>238</b>

Mr Speaker, Sir, despite the fact that statistics indicate that there has not been an increase in the proliferation of dangerous drugs in Constituency No. 20, I am informed that the Police has nevertheless continued to take the measures that they had and they have also taken additional measures to combat drugs in the region –

- (i) increased patrols by ADSU personnel with the support of the local CID, the Divisional Support Unit and the ERS;
- (ii) regular targeted stop and search operations are being carried out;

- (iii) crack down/joint operations against drug traffickers with the support of other units of the Force, such as the SSU and the SMF, whenever reliable information are received. Since January 2010, 101 such crack down operations were carried out by ADSU officers;
- (iv) intensive surveillance is maintained over high profile drug targets and their movements are closely monitored by ADSU officers;
- (v) increased raids and searches at the premises of suspected drug dealers/traffickers and their facilitators;
- (vi) the ADSU Intelligence Cell is supported by the Crime Intelligence Officers from other Divisions to process information relating to drug and criminal activities, and
- (vii) drug mapping is being carried out where drug transactions, drug traffickers, peddlers and addicts are located to formulate specific strategies to deal with the problem in each region.

Mr Speaker, Sir, since the launching of the National Policing Strategic Framework in February 2010, much emphasis is laid on prevention whereby the Police work in close collaboration with various stakeholders, including Ministries and NGOs to sensitise population through campaigns. ADSU Officers participate in seminars, workshops, and meetings in the region. The grievances of members of the public are captured through the Community Policing Forums, and remedial actions are taken accordingly. Since January 2010, 243 Community Policing Forums were conducted in Constituency No. 20.

**Mr Quirin:** M. le président, de ces arrestations qui ont été effectuées, l'honorable Premier ministre peut-il nous indiquer combien sont des consommateurs et combien sont des trafiquants?

**The Prime Minister:** I can't give a specific answer to that, Mr Speaker, Sir. I will have to ask for a breakdown of this.

**Mr Quirin:** M. le président, justement par rapport aux trafiquants, l'honorable Premier ministre peut-il nous indiquer quels sont les différents types de drogue qui ont été saisis lors des arrestations?

**The Prime Minister:** For that again, I will need to have a specific question asked, Mr Speaker, Sir.

**Mr Bhagwan:** Nous avons assisté récemment à une prolifération de pharmacies. Je crois que ce n'est pas un phénomène seulement à Beau Bassin - *the opening of new pharmacies*. *Can the Prime Minister inform the House whether the ADSU has a proper monitoring of these pharmacies? We all know about the sale of these syrups.* Nous recevons pas mal de plaintes des habitants de la région concernant l'activité de ces pharmacies.

**The Prime Minister:** I think the Police have been doing that, Mr Speaker, Sir, because we have had complaints in certain pharmacies where certain things are being sold over the counter without prescription. I think the Police are following that up.

**Mr Li Kwong Wing:** Will the hon. Prime Minister agree with us that the statistics that are being bandied all the time are quite misleading because of the definition of the drugs...

**Mr Speaker:** It is not allowed. If the hon. Member does not agree with the answer which the Prime Minister has given, he can raise the matter at Adjournment time. The hon. Member can put questions, but not contest answers given.

**Mr Li Kwong Wing:** No. I am not contesting, Mr Speaker, Sir, because the statistics on the drugs that have been given do not take account of certain mixtures and very potent drugs which are being sold to drug addicts. The question that I ask is: among the remedial measures that are being mentioned, is there a focus being put on the tracing of the source of funds for importing and financing this type of practice of peddling drugs in the constituency?

**The Prime Minister:** Very often, the people they stop on the streets are not the real drug dealers. They try to follow up. It is not an easy matter to follow up. That is why we are amending the Assets Recovery Act so that we make it retroactive.

**Mr Jhugroo:** Can I ask the hon. Prime Minister whether he will consider reviewing the mechanism of prescribing and dispensing dangerous drugs?

**Mr Speaker:** In which constituency?

**Mr Jhugroo:** In general.

**Mr Speaker:** No, in general the hon. Member cannot. He should come with a substantive question.

**Mr Fakeemeeah:** The problem of drugs, in fact, is taking epidemic proportions, destroying our youth. Will the hon. Prime Minister...

**Mr Speaker:** No, the question has to relate to Constituency No. 20, Beau Bassin and Petite Rivière. The hon. Member has to specify it.

**Mr Fakeemeeah:** Will the hon. Prime Minister agree with me that it is high time for the setting up of a Select Committee to look into the issue?

**Mr Speaker:** The question is not allowed.

### **POLICE FORCE - COMPLAINTS AGAINST**

**(No. B/351) Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the members of the Police Force, he will –

- (a) for the benefit of the House, obtain from the Complaints Investigation Bureau, information as to the number of complaints lodged against them, since the creation of the Bureau to date, indicating the number of complaints which have culminated into prosecution and eventually conviction, and
- (b) state if Government proposes to revisit the manner in which investigations into these complaints are carried out and, if so, indicate –
  - (i) the reasons therefor and
  - (ii) when.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that since the coming into operation of the Complaints Investigation Bureau in January 2000 to 21 June 2012, a total of 3,455 complaints against members of the Police Force has been reported at the Bureau.

The outcome of these complaints are as follows -

- (i) In 171 complaints, Police officers were prosecuted. 42 Police officers were convicted in 34 cases.
- (ii) 117 cases were referred to the Departmental Orderly Room and departmental action was taken in 34 cases, involving 34 Police officers.
- (iii) 36 cases have been submitted to the Director of the Public Prosecutions for advice.
- (iv) 470 cases are currently being enquired into by the Complaints Investigation Bureau.
- (v) The remaining cases have been filed after enquiry.

In regard to part (b) of the question, I am informed that the Complaints Investigation Bureau forwards a copy of the declaration of every complaint and reports of the outcome of the

investigation to the National Human Rights Commission which acts as a watchdog. The National Human Rights Commission may also carry out an independent enquiry in all cases which it deems necessary.

In accordance with section 4(3) of the Protection Human Rights Act, the National Human Rights Commission adopts a conciliatory procedure to resolve complaints against the Police. If this does not succeed, the Commission refers the matter to the Director of the Public Prosecutions for decision where it appears that a criminal offence may have been committed or to the Disciplined Forces Service Commission where it appears that disciplinary procedures may be warranted. The current procedure adopted by the National Human Rights Commission and the Complaints Investigation Bureau is an inquisitorial one and not an adversarial one and there is no cross-examination of one party by the adverse party or his Counsel. This results in certain difficulties as evidence collected cannot be produced in Court.

Mr Speaker, Sir, the current system of investigation of complaints against Police officers is generally perceived by the public as being partial and non-transparent when the Police themselves enquire on the Police.

As the House is aware, Government has re-iterated in the Government Programme of 2012–2015 that a Police Complaints Bill will be introduced to set up a Police Complaints Division within the National Human Rights Commission.

The Police Complaints Bill is currently being finalised along with two other Bills, namely the Protection of Human Rights (Amendment) Bill and the National Preventive Mechanism Bill. The Bills are inter-related and will result in the creation of three divisions within the National Human Rights Commission, namely the Human Rights Division, the Police Complaints Division and the National Preventive Division.

The proposed Police Complaints Bill provides for evidence obtained in the course of an investigation to be used in subsequent civil or criminal proceedings. The proposed Police Complaints Division would also investigate the death of any person which occurs when the person is in Police custody or as a result of Police action. Provision would also be made for the Division to designate other officers to act as investigators to carry out the investigation.

**Mr Obeegadoo:** Mr Speaker, Sir, the statistics refer to a 12-year period. Would the hon. Prime Minister be surprised to learn that, right now, even where a complainant has been to hospital for medical treatment following alleged assault by Police and has come to the CIB to

give a statement, the CIB does not revert to the complainant, even after months or even years, no identification parade is ever held, even though the person is willing to identify? Is the hon. Prime Minister aware that the CIB is considered within the Police Force as something of a joke because, in actual practice, it very rarely leads to prosecution, at least these days?

**The Prime Minister:** In the light of this, Mr Speaker, Sir, let me say that in 171 complaints, Police officers were prosecuted; 42 Police officers were convicted in 34 cases; in 117 cases, 34 Police officers, where departmental action has been taken; in 36 cases, it has gone to the DPP. If it has gone to the DPP, that means there is a feeling that there might be a *prima facie* case for it to go to the DPP, and there are other cases that are still being investigated. We can see results from this.

**Mr Obeegadoo:** Is the hon. Prime Minister aware that amongst complainants and lawyers concerned with human rights issues, this CIB is generally considered to be totally ineffective whereas, on the other hand, the National Human Rights Commission has decided that it will not inquire into any case where a provisional charge has been lodged? Is the hon. Prime Minister, therefore, aware that right now there is no recourse in reality for any person who deems himself to have been victim of Police brutality?

**The Prime Minister:** Mr Speaker, Sir, I do not know whether the hon. Member is saying that we should scrap it completely and not have it at all.

**Mr Jugnauth:** Is the hon. Prime Minister aware that the Human Rights Commission is not, in fact, legally empowered at present to handle these complaints because, according to the Act, it is the Commission that has to deal with the files and not the Chairperson himself? Will he look into that?

**The Prime Minister:** I explained last time, Mr Speaker, Sir, that this is completely in order that he should be looking at this until we bring the amendments to the Bill. In fact, the Bill is practically ready. There has been some queries raised about the National Preventive Mechanism Bill by the Commission itself, and this is being looked at at the moment.

**Dr. S. Boolell:** Mr Speaker, Sir, in view of the fact that the profile of the Police Complaints Investigation Bureau is entirely Police, how can the Commissioner of Police be judge and party at the same time?

**The Prime Minister:** I, myself, have said this in the past. That is why we are changing the law.

**Mr Obeegadoo:** Being given that Government now has decided to bring about changes in the investigation of Police brutality, will he agree to address an urgent matter which is the present practice, whereby when somebody comes to court and complains of Police brutality, the Magistrate merely orders an investigation, and he goes back to the custody of those very same officers who have allegedly assaulted him? Would the hon. Prime Minister agree that urgent measures need to be taken to prescribe proper procedures to safeguard the rights of persons alleged to have been victims of brutality?

**The Prime Minister:** First of all, let me say that it is not now that we have decided to change this; it's since some time, but it is taking the time that it takes because there is a lot of discussion that has to go on. I just explained that, for example, the Commission itself has queried some issues about the National Preventive Mechanism Bill. We have to take this into consideration whereas, on the other matter, I am sure it is not always the case. Maybe there are some cases like this. I will look into the matter if the hon. Member would give me the details.

**Mr Speaker:** The Table has been advised that PQ No. B/362 has been withdrawn. Time is over! Questions addressed to hon. Ministers!

### ***PAS GEOMETRIQUES – ALLOCATION***

**(No. B/364) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River)** asked the Minister of Housing and Lands whether, in regard to *Pas Géométriques*, he will state if lands thereon have been allocated, since 2010 to date, and, if so, indicate the names of the members of the public and of the parastatal bodies or public institutions, who/which have been allocated therewith, indicating in each case, the –

- (a) location thereof, and
- (b) purpose therefor.

**Dr. Kasenally:** Mr Speaker, Sir, the information requested is being compiled and will be placed in the Library of the National Assembly as soon as completed.

**Mrs Hanoomanjee:** Can the hon. Minister say, pending the circulation of the list, whether any portion or portions of land have been granted for the purpose of erecting buildings for food outlets on *Pas Géométriques*?

**Dr. Kasenally:** Mr Speaker, Sir, I have to look for information so that I can give precise details. I just do not want to speak offhand. If the hon. Member would give me notice of that, I will do it.

**Mrs Hanoomanjee:** In the same context, can I ask the hon. Minister, in view of the fact that there is a scarcity of *Pas Géométriques* land, whether he can consider keeping these lands for the general public to enjoy instead of giving away these lands for erecting buildings for any particular purpose?

**Dr. Kasenally:** Actually, Mr Speaker, Sir, this is the policy of this Government.

**Mr Ameer Meea:** Mr Speaker, Sir, can I ask the hon. Minister if he would consider to review the procedures for the allocation of *Pas Géométriques*, whether he would include tenders and bids so as to be more transparent and that the better offer gets it. It will be in the interest of the country.

**Dr. Kasenally:** Actually, Mr Speaker, Sir, there is a procedure as far as *Pas Géométriques* is concerned and when there is nobody having a lease on it, it is free. Tender procedure can be resorted to for allocation of these particular sites of *Pas Géométriques*.

#### **MATERNITY LEAVE – LEGISLATION – AMENDMENT**

**(No. B/365) Ms K. R. Deerpalsing (Third Member for Belle Rose and Quatre Bornes)** asked the Minister of Labour, Industrial Relations and Employment whether, in regard to maternity leave, he will state if Government proposes to bring amendments to the existing legislation in relation thereto with a view to be in line with the internationally recommended standards in connection therewith.

**Mr Mohamed:** Mr Speaker, Sir, the International Labour Office (ILO) Maternity Protection Convention, 2000 of No. 183 provides, *inter alia*, for –

- (i) maternity leave of not less than fourteen weeks, including a period of six weeks' compulsory leave after child birth, for all employed women including those reckoning less than 12 months continuous employment with the same employer, and
- (ii) leave to be provided before or after maternity leave in case of illness, complications or risk of complication arising out of pregnancy or child birth.

Presently, in accordance with the Employment Rights Act of 2008, all female employees reckoning more than 12 months' continuous employment in the private sector are entitled to 12 weeks' maternity leave on full pay without any restriction on the number of confinements.

I am personally for a review of the situation, because when one looks at many countries and also the ILO Convention, it does provide for 14 weeks. However, the prevailing economic



situation does not allow us to be in line with the provisions of the Convention. As soon as things do get clearer and the clouds do dissipate, we will surely consider amending our legislation accordingly.

As regards the restriction of three confinements that still prevails in various Remuneration Orders Regulations, my Ministry is removing same as soon as the Regulations or the other regulations are being reviewed. For instance, in the reviewed Attorneys and Notaries (Remuneration Order) Regulations 2010, the limitation has already been removed. Furthermore, in its proposed recommendation for the Cleaning Enterprises (Remuneration Order) Regulations, the NRB has proposed that maternity leave with pay be granted irrespective of the number of confinements.

Allow me also, Mr Speaker, Sir, to say that there are interesting options in other countries, for example, Norway and Sweden where paternity leave and maternity leave are shared among the parents. Those are interesting formulas that, maybe, we will have to look into as we are now a very modern State indeed.

**Ms Deerpalsing:** From what I heard the hon. Minister say, the present situation is such that we cannot review the law. If I understand correctly, he is saying that there is a cost associated to it. Is the hon. Minister aware that, as far back as 1975, the Labour Law Journal of December 1975 clearly established that all the benefits far outweigh the cost of what maternity leave represents in terms of the cost to the economy?

**Mr Mohamed:** I would totally agree with the hon. Member that the benefits far outweigh the issue of cost, and that is why I need not be convinced about the need “to go as far as 14 weeks’. However, let me just underline one important element. A lot of African countries are already on 14 weeks, the Republic Czech is already on 28 weeks, and in Canada it is 16 weeks. However, as far as Mauritius is concerned, a lot of medical services are available free of charge, prenatal and postnatal, but in a lot of those other countries where it is already 14 weeks or 16 weeks, there is no free medical service such as our Welfare State provides for.

**Ms Deerpalsing:** Mr Speaker, Sir, the hon. Minister said that I don’t need to convince him. I am obviously not trying to convince him; I am trying to convince his non feminist colleagues in Cabinet. Is the hon. Minister aware that the Journal of Health Economics of March 2011, Volume 20, Issue II, gives clear indication of the impact of maternity leave on the health

outcome of children? Therefore, this is investment in human capital, not a cost to the economy. The maternity leave has a positive impact on the health outcome of children.

**Mr Mohamed:** Mr Speaker, Sir, may I humbly answer? In fact, let me underline that this is surely not a feminist issue. It is a human rights issue, and I can reassure the hon. Member that all my colleagues in Cabinet are human rights lovers.

**Mr Ameer Meea:** Mr Speaker, Sir, the hon. Minister stated that for a person to benefit from maternity leave, he must have 12 months of continuous employment. Can I ask him what is the case for a person who does not have 12 months of continuous employment? Is he being given leave on pro rata?

**Mr Mohamed:** I thank the hon. Member for his question. As far as the 12 months issue is concerned, it is an issue which a lot of people have had to face. Very often, we have a young lady who has just got married and is working, and all of a sudden she is pregnant. This is a real issue, and a real issue of concern. Those are issues that are being looked into, as far as Remuneration Orders are concerned. We will soon come to this House with amendments to the labour laws because as it stands now, there is a vacuum when it comes to this. It is the Mediation Department of my Ministry that gets involved to try to help in situations like this. It is a real situation, and I thank the hon. Member for the question.

**Mr Seeruttun:** Mr Speaker, Sir, with regard to time off for breastfeeding, will the hon. Minister state whether there is a discrepancy between the private sector and the public sector?

**Mr Mohamed:** As far as this particular issue of breastfeeding and time off that is given is concerned, I have not been made aware of any problems *per se*. However, if the hon. Member is **privy** to any such information where there are problems, I would gratefully receive him at my office in order to discuss same and find solutions.

**Mrs Hanoomanjee:** Mr Speaker, Sir, the hon. Minister has mentioned labour laws which concern mainly the private sector. Is he aware that even in the public service those ladies who have not been appointed yet are not entitled to full pay when they take their maternity leave? What does he intend to do to correct this anomaly?

**Mr Mohamed:** Let me say one thing. As far as the Employment Rights Act of 2008 is concerned, there is no discrimination that is allowed in any event. But more so - following the hon. Member's question - there is no discrimination that is allowed between private sector employees or public sector employees when it comes to the rights of such a nature. As far as

what is happening in practice, there may be certain problems happening both in the private sector and public sector, as in all countries. However, as I have just said in reply to the previous Member's question - I say it to the hon. Member - I would welcome a meeting for us to identify those issues together, in order for us to be able to find immediate solutions.

**Ms Deerpalsing:** Mr Speaker, Sir, may I ask the hon. Minister whether he would be agreeable to set up a study to look at evidence-based in order to be able to decide whether to change or not to change the situation? Because there is one side of the story which is saying that the cost is too much now in the situation, and then there is the other side where the benefits to the society in the long term are so much. Will the hon. Minister consider setting up a study to see both sides of the story, so that there is evidence-based in order to choose a policy that is good for the benefit of the country in the long term?

**Mr Mohamed:** May I, once again, say that is an excellent suggestion. I have made that request to the ILO last year at the Conference in June, and the ILO has promised to send a consultant down. There is consensus both from the employers and the trade unionists that such a study must go ahead.

### **SMEs – FOREIGN WORKERS**

**(No. B/366) Ms K. R. Deerpalsing (Third Member for Belle Rose & Quatre Bornes)** asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the small and medium enterprises employing foreign workers, he will state if Government proposes to introduce specific provisions of the law in relation thereto.

**Mr Mohamed:** Mr Speaker, Sir, the policy of my Ministry is to allow companies, irrespective of their size and nature of activities, except for security services, to have recourse to foreign labour when the need is justified in terms of skill shortage/gap, provided they satisfy all applicable conditions. My Ministry is, in fact, facilitating the employment of foreign workers by the Small and Medium Enterprises like any other companies provided that they are not able to find the available human resource in Mauritius.

I have had several meetings with SMEs in the past two months following a request made by hon. Seetaram who has asked me to meet them. I have had meetings with other enterprises following a request made by the hon. Minister of Industry, Commerce and Consumer Protection who has asked me to meet them precisely on a common issue, the problem of finding human resource locally and the need to expedite matters when it comes to the process of application for

getting foreign workers down. An example which I would like to give, there are the textile factories that are indeed SMEs that have come to show me that *leurs carnets de commande* are indeed full and that is good news for Mauritius. There are lots of orders in the short term and in the medium term. But the only one problem that they are facing is the problem of obtaining workers from abroad because we have been encouraging them to recruit workers locally.

However, I have looked into the matter and I have agreed together with my officers, to facilitate matters on a case to case basis because we are surely not in the business of making their lives difficult. We want to facilitate things and make sure that they can manufacture as much as they can to satisfy their orders that are full.

Let me also say that the SMEs have also informed me that they face lots of difficulties with regard to the bank guarantee, and my former colleagues here who have been Minister of Labour know it, the bank guarantee *qui est déposée* for each worker coming from a foreign country. They have said that it has a direct impact on their cash flow and their working capital. I have personally come up with the suggestion that in lieu and instead of a bank guarantee, I have talked about the possibility of working with an insurance premium. I have had meetings personally, with my officers of the Ministry of Employment and my Permanent Secretary, with the Association of Insurers - and all the insurance companies in Mauritius have been represented - where I have asked them to propose a new product, *un nouveau produit*, which is to give a premium in lieu and instead of a bank guarantee, which makes things easier both for the Ministry and ease their business. It is going in the right direction. I have had, as I have said, those consultations, and as soon as consensus is reached with the insurance companies, I will bring appropriate amendments to the Non-Citizens (Work Permits) (Deposits) Regulations 1994.

A last issue which I would like to mention with regard to the SMEs is that they have made mention to me about the new lodging accommodation permit that I have brought in through the new regulations. It is difficult for them to invest so much money into infrastructure, buildings, in order to have separate accommodation for their foreign workers, whenever they have foreign workers, and it is a lot of costs. However, for me, what is most important, and for the Government what is very important, is the security and safety of each and every worker who is given accommodation by an employer, be it Mauritian or foreign. That is why we are going to insist, while being flexible, that the security and safety issue as to where the accommodation is situated in relation to the workplace is very important before we deliver a work permit.

**Ms Deerpalsing:** Mr Speaker, Sir, I appreciate the fact the hon. Minister is saying that there is flexibility, but the problem that is arising now is because there is this discretion with the officers. Can I ask the hon. Minister whether there will be clear guidelines, so that employers who are employing hundreds or thousands of employees have a certain rule book, SMEs which are employing 10 or 15 employees have a rule book? When the SME is going to an officer - it depends on which officer *ils tombent dessus* - there is no clear guideline. Therefore, there is too much discretion in the system, and this is putting barriers in the SME applications.

**Mr Mohamed:** Let me say, Mr Speaker, Sir, that the labour market is indeed a dynamic market. We have guidelines that have existed for many years, for the past 10 to 15 years now or more, and former Ministers of Labour will remember those guidelines. We are moving away from the guidelines very soon. We are going to move towards regulations that will make things much clearer. In the meantime, before those regulations become law, let me say that whatever confusion there may be in the guidelines have been cleared. They exist no more. Flexibility and ease of business have been given by this Government; instructions have been given by me, and those instructions are very clear.

#### **ROSEWOOD CASE - WORLD BANK - FORENSIC AUDIT**

**(No. B/367) Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the forensic audit entrusted to the World Bank by the Government of Mauritius in the recent rosewood case, he will state the –

- (a) terms of reference thereof;
- (b) time-frame set out therefor, and
- (c) objectives thereof.

**The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval):** Mr Speaker, Sir, as the House is aware, the hon. Prime Minister, in his reply to the Private Notice Question dated 22 May 2012, has apprised the House that a Police enquiry was ongoing in the recent rosewood case, and that the ICAC, on its part, was investigating whether there were cases of corruption and money laundering behind the transshipment of the rosewood.

In addition, my Ministry has, on 22 May 2012, sought the assistance of the World Bank with the objective to identify all those who have been involved and benefited from this illegal transshipment.

In fact, Mr Speaker, Sir, since that day, my Ministry has been in regular contact with the World Bank representatives in relation to the above assignment. In this respect, during a visit to Mauritius only last week by the World Bank Country Director, my Ministry was informed that approval to carry out this assignment was being sought from the World Bank's top management and that the scope of work was also being fine tuned by the Bank's experts.

Mr Speaker, Sir, I am pleased to inform the House that this very morning the World Bank has issued a statement, which I am tabling. Mr Speaker, Sir, the statement reads as follows, and I quote -

“The Government of Mauritius has requested assistance from the World Bank to curb illicit smuggling and trade of rosewood from Madagascar. Illegal logging threatens Madagascar's natural resources and its unique biodiversity. A request from the Government of Mauritius is in keeping with the Bank's mandate of a transparent, sustainable and inclusive development and commitment to helping Madagascar curb illegal logging of precious wood, and managing existing stocks. Our efforts will be guided by the best international practice in this area, including lessons learned from implementing the Stolen Asset Recovery (StAR) Initiative.”

This is signed by Ms Haleh Bridi, Country Director at the World Bank.

**Mr Speaker:** I will stop here for one and a half hour, and then we will continue with the supplementary questions.

*At 12.59 p.m. the sitting was suspended.*

*On resuming at 2.37 p.m. with the Deputy Speaker in the Chair.*

**Mr Jugnauth:** Dans une déclaration, M. le président, faite au ‘Mauricien’ le 28 mai 2012, le vice-Premier ministre a déclaré que la Banque mondiale a réagi favorablement à la demande formulée par le gouvernement et que la Banque mondiale est en train de constituer une équipe d'experts pour l'exécution de la demande de Maurice.

So, may I know which is which; whether that statement was correct at that time, or the answer that is being given now by the hon. vice-Prime Minister?

**Mr Duval:** Mr Deputy Speaker, Sir, in fact, we did receive a series of emails from the World Bank. Firstly, saying that they should be able to help, that they are actually putting together a team, and then came the message also that this would need approval from the top management. So, it is not actually incongruous what I am saying.

**Mr Jugnauth:** May I then know the terms of reference that have been proposed by the Government of Mauritius to the World Bank?

**Mr Duval:** Mr Deputy Speaker, Sir, at the moment, we have a series of emails and what we are saying is that...

*(Interruptions)*

No, I am not tabling the emails because this is privileged correspondence between us.

*(Interruptions)*

The hon. Member is putting into question the World Bank as well? What the World Bank is saying is that it has agreed, it can do it, and is waiting for top management approval. Once it does that, we will agree with the World Bank the terms and conditions, the timing and everything else.

**Mr Jugnauth:** But, surely, Mr Deputy Speaker, Sir, once Government is seeking assistance from the World Bank, I am sure that not only a request has been made but, at least, a proposal in terms of reference must have been made. That is what I want to know; whether they are going to be agreeable with the terms of reference or whether they are going to amend the terms of reference; that is another thing. May I know whether any proposal in the terms of reference has been made, and, if yes, if the hon. Minister will table same?

**Mr Duval:** Mr Deputy Speaker, Sir, as I have mentioned, the exact terms of reference, exactly what the World Bank can or cannot do, will be agreed with them. We have asked for assistance for a forensic audit - this is the message that we sent - to trace those involved in the illegal shipment. That was the request. We have asked for that. They came back to us and said that, in principle, they can do it, and they are waiting for the top management. What is the problem?

**Mr Bérenger:** So, the Government, Mr Deputy Speaker, Sir, has asked for assistance to find out and punish all those involved in this traffic of *Bois de Rose*. The hon. vice-Prime Minister, Minister of Finance and Economic Development will not table the exchange of emails; what he has tabled - the latest - is on the Table of the Assembly. The request was for assistance to find out who was involved in the traffic. The document that has been laid is a press statement attributable - it is the first time that I see that - to Mrs Haleh Bridi, Country Director, the World Bank Mauritius this morning, the latest. What the World Bank says? I quote -

“The Government of Mauritius has requested assistance from the World Bank to curb illicit smuggling and trade of rosewood (...).”

To curb illicit smuggling and trade rosewood; not to find out who was involved in the recent case of smuggling.

*(Interruptions)*

**Mr Duval:** Mr Deputy Speaker, Sir...

*(Interruptions)*

**The Deputy Speaker:** Order! Order, please!

**Mr Duval:** Mr Deputy Speaker, Sir, I will check ...

*(Interruptions)*

**The Deputy Speaker:** Order please! Allow the hon. vice-Prime Minister to answer!

**Mr Duval:** Mr Deputy Speaker, Sir, I have no issue ...

*(Interruptions)*

**The Deputy Speaker:** Order, please!

**Mr Duval:** ...with regard to tabling the documents. I will ask the World Bank if they don't mind. It is mails going back and forth from Mauritius to the World Bank.

*(Interruptions)*

This is a press statement for God sake!

*(Interruptions)*

It is a press statement to be tabled. That's what it says.

*(Interruptions)*

Mr Deputy Speaker, Sir, '*l'opposition decouyoner*'!

*(Interruptions)*

**The Deputy Speaker:** Hon. Leader of the Opposition! Allow the vice-Prime Minister to answer the question, please!

*(Interruptions)*

**The Deputy Speaker:** Order please!

*(Interruptions)*

Hon. Ms Deerpalsing!



**Mr Duval:** Mr Deputy Speaker, Sir, I will tell the difference between us and the previous

...

*(Interruptions)*

**The Deputy Speaker:** Please, allow the vice-Prime Minister to answer the question.

**Mr Duval:** There is an enquiry by ICAC, but we are answering questions, Mr Deputy Speaker, Sir. Previously, when there was an enquiry at ICAC with regard to the Med Point affair, the previous Minister repeatedly encouraged all other Ministers not to reply in the House.

*(Interruptions)*

I am replying, Mr Deputy Speaker, Sir, and I am providing the information, and I will continue to do so.

Mr Deputy Speaker, Sir, I have no issue with tabling the correspondence. I will ask the hon. Prime Minister and the World Bank if they agree. Then, I will have no problem. From the start, Mr Deputy Speaker, Sir, the Opposition has been trying to discredit what we have been doing. They have been trying to discredit what we are doing, saying that it is not in the capabilities of the World Bank to do this assignment, and that they cannot do that. Now, they are responding, saying that they can do it and are waiting for final approval.

*(Interruptions)*

**Mr Jugnauth:** May I know from the hon. vice-Prime Minister whether there have been any consultations with the Government of Madagascar and, if yes, with whom?

**Mr Duval:** I am not aware, Mr Deputy Speaker, Sir, whether, on this issue, we have consulted the Government of Madagascar.

**Mr Uteem:** It is a follow-up from what hon. Jugnauth just said. The press statement which has just been released refers to curbing illegal transaction in rose wood between Madagascar and Mauritius. If Madagascar is not involved, how would the World Bank carry out any exercise? That is why we are asking whether there has been any communication with Madagascar, to see whether it would be a joint effort between Mauritius and Madagascar.

**Mr Duval:** We are not playing around here; this is the World Bank. We have asked them for help; it is for them now to speak to the Government of Madagascar, and this is what I understand will happen. It would be a regional effort to catch the crooks and to stop the traffick because, Mr Deputy Speaker, Sir, there is a lot of money involved, and the people of Madagascar are being punished by this loss of revenue.

**The Deputy Speaker:** Last question!

**Mr Jugnauth:** In previous questions, the hon. vice-Prime Minister has been saying that he has been in constant communication with people in Madagascar, in Government and, in fact, he was kicked off and he himself requested - it seems - the authorities to enquire into that matter. How is it that now he is asking the World Bank to enquire into a matter which pertains to Madagascar? Because we should not forget that *Bois de Rose* is not a prohibited good in Mauritius; it is a prohibited good for export in Madagascar.

*(Interruptions)*

**The Deputy Speaker:** Order! Order, please!

**Mr Jugnauth:** How is it that without consulting ...

*(Interruptions)*

**The Deputy Speaker:** Let the hon. Member ask his question.

**Mr Jugnauth:** ... the Malagasy authorities or the Government, Mauritius is now asking the World Bank to carry out this supposedly forensic audit in Madagascar?

**Mr Duval:** Mr Deputy Speaker, Sir, the mere fact that the goods were seized, not thanks to him but thanks to the MRA, shows that there must have been an offence, something that has happened. The hon. Prime Minister himself explained that there are two ongoing enquiries; one by the Police, and one by the ICAC. Obviously, there are offences which are involved here, and I note the Member is saying now that there is no offence. But that is not our view. He is saying that there is no offence here in Mauritius. That is not the view of the Police and of ICAC because they are enquiring in whatever he is saying. Now, we are asking the World Bank, and it is up for the World Bank.

As far as talking to the Malagasy Government is concerned, I have done so on two occasions regarding this issue. Once, so that we could help in seizing. I am very proud to say that I helped to seize these goods, and I am very proud also that I phoned directly the MRA. God knows if I had phoned instead the hon. Member! I had an inkling I think. I spoke directly to the MRA. And also, Mr Deputy Speaker, Sir, the fact is that there was nothing more official than the request for returning the goods there.

#### **CASINOS OF MAURITIUS – EXPRESSIONS OF INTEREST - BIDDERS**

**(No. B/368) Mr P. Jugnauth (First Member for Quartier Militaire & Moka)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to

the Casinos of Mauritius, he will, for the benefit of the House, obtain from the State Investment Corporation, information as to where matters stand following the invitation for Expressions of Interest for investment therein, and list out the names of the bidders, indicating the value of the bids in each case.

**The vice-Prime Minister, Minister of Finance and Economic Development (Mr X. L. Duval):** Mr Deputy Speaker, Sir, I am informed that the State Investment Corporation (SIC), assisted by its Transaction Adviser Messrs KPMG launched on 09 April 2012 an Expression of Interest (EOI) for investment in the Casinos of Mauritius as the initial phase of an international tender process. Expressions of interest were sought for a stake of 74% in the Casinos of Mauritius. The deadline set was 10 May 2012.

The preliminary stage was meant to test the market and register interests. 20 parties expressed an interest for an investment in the Casinos of Mauritius. I am informed that ten of them have signed the Confidentiality Agreement prior to the deadline of 15 June 2012. The next bidding stage consists of submission of an indicative bid by 31 July 2012, based on the Information Memorandum issued to them by SIC and KPMG.

The final bidding exercise is yet to start. It is only at the final bidding stage and after the necessary due diligence process that technical and financial offers will be received and evaluated.

Accordingly, it would not be appropriate to disclose the names of the parties which expressed an interest and who will be invited to proceed to the final stage of bidding as this may obviously be prejudicial to the entire selection exercise.

**Mr Jugnauth:** May I know if the SIC has carried out a fresh evaluation of the assets of the Casinos of Mauritius before proceeding with the Expressions of Interest?

**Mr Duval:** I am not sure, Mr Deputy Speaker, Sir, that they have themselves evaluated it.

**Mr Bhagwan:** Our attention has been brought recently to the fact that the casinos are making losses, and this is one of the purposes of the policy of Government to privatise and ask for partners. Can the hon. vice-Prime Minister inform us whether he is aware why the casinos these days have recruited political agents massively, who are just sitting, doing nothing and earning money there? Can the hon. vice-Prime Minister inform the House how many such recruitments have been made since these letters of intent have been issued?

**Mr Duval:** Mr Deputy Speaker, Sir, I am not aware of any recruitment in the casinos of Mauritius.

**Mr Jugnauth:** May I know if there is going to be a condition with regard to the preservation of all the jobs at the level of the casinos with the successful bidder?

**Mr Duval:** Obviously, Mr Deputy Speaker, Sir, the preservation of the jobs is a major concern of Government, and we are trying to structure the deal so that all the jobs are safeguarded.

**Mr Jugnauth:** May I know if the hon. vice-Prime Minister has met any company from South Africa with regard to this?

**Mr Duval:** As far as I recall, no, Sir.

**The Deputy Speaker:** The Table has been advised that PQs No. B/372, B/373, B/375, B/400 and B/402 have been withdrawn.

#### **BEL OMBRE GOVT. SCHOOL – CPE PASS RATE**

**(No. B/369) Mr A. Ganoo (First Member for Savanne & Black River)** asked the Minister of Education and Human Resources whether, in regard to the Bel Ombre Government School, he will state, over the past five years -

- (a) the number of pupils who have attended/are attending thereat, indicating the percentage pass rate at the Certificate of Primary Education Examinations, and
- (b) if he has received -
  - (i) complaints regarding the frequent transfer or absences of the teachers posted thereat, and
  - (ii) representations for the fencing thereof and, if so, indicate in each case, the measures taken in relation thereto.

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, with regard to part (a) of the question, the figures are as follows -

**(1) Concerning School Population**

Year		Number on Roll
2008	-	216
2009	-	199
2010	-	184

2011	-	172
2012	-	174

- (2) Regarding the percentage due rates at the CPE examinations over the last five years are -

Year		Pass rate
2007	-	18.4%
2008	-	33.3%
2009	-	34.7%
2010	-	46.9%
2011	-	32.5%

As regards part (b) (i) of the question, Mr Deputy Speaker, Sir, I am informed that verbal complaints had been received from parents regarding the absences of the Deputy Head Master teaching Standard VI as from January 2012. The latter's attention had been drawn to the need to be regular and the situation is being closely monitored. However, the quantum of leave taken (for personal reason) is within his entitlement.

As for part (b) (ii) relating to the project for fencing of the school, a representation was received by way of a letter dated 16 June 2011 reporting that the fencing was in a defective state.

Mr Deputy Speaker, Sir, I wish to point out that my Ministry had already initiated action since November 2009 for the construction of a boundary wall at Bel Ombre Government School. However, there was an issue relating to land which had to be demarcated by the Ministry of Housing and Lands and clearances which had to be sought from the Grand Port/Savanne District Council and the Traffic Management and Road Safety Unit in relation to safety. In the meantime, minor repair works had been carried out now and then to the existing chain link fencing at the zonal level.

A bidding exercise for the construction of the boundary wall was launched in November 2011. However, the exercise had to be cancelled as it was unsuccessful.

New tenders have been launched on 18 May 2012 with the closing date on 11 June 2012. Taking into consideration the fact that the bidding exercise would involve evaluation, award, submission of performance security and mobilisation period, it is expected that the construction works would be completed by early next year.

Nonetheless, the zone has been requested, pending the construction of the boundary wall, to take necessary precautions for the safety of the pupils. My Ministry is following up this matter very closely.

**Mr Ganoo:** Mr Deputy Speaker, Sir, in view of the reply given by the hon. Minister with regard to part (a) of the question, namely that since 2008 the population at the school is decreasing from 216 to 174 this year, and in view of the fact that the percentage of passes has varied from 18% to 46% during these past five years, can the hon. Minister tell us what are the measures which Government intends to take to see to it that Bel Ombre Government School provides better education to the students of the region?

**Dr. Bunwaree:** In fact, the Ministry is giving particular attention to schools like Bel Ombre. There are quite a number of schools falling in that category, where performance is around 30% or even less. But a list of measures has already been taken, and I firmly believe that little by little this school is going to catch up with its performance.

In fact, we have a very special CPE Repeaters' Programme which takes place at this school as in other schools. There is also the Enhancement Programme. There is continuous assessment that has been set up with diagnostic assessment also. There is the overall review of the CPE which is going to come, but some of the measures which are considered very good have already been put into practice in this school.

Mr Deputy Speaker, Sir, there is also the quality of intake in that school and frequent absences of pupils because if we look into the question of absenteeism, in fact, this school is one of the schools where absenteeism is quite high, nearly 20%, which for us is a matter of concern. So, we are trying to do our best: the inspectorate, the school cadre and the Headmaster. In fact, we have just appointed another Headmaster in that school because we feel that, with the consent of the one who was already there and with the consent of the one who has just joined in, we are doing the best. I ask the hon. Member to bear with me and to try to see in what way we can help the parents in that region to help us for the better future of their own children.

### **ONIONS - IMPORTATION**

**(No. B/370) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Agro-Industry and Food Security whether, in regard to onions, he will, for the benefit of the House, obtain from the Agricultural Marketing Board, information as to the -

- (a) date on which some 2000 tons thereof were imported from India, indicating the -
  - (i) purchasing and selling prices per ton thereof, and
  - (ii) storage capacity therefor, and
- (b) quantity thereof imported from Rodrigues, in September 2011, indicating the purchasing and selling prices per ton thereof.

**Mr Faugoo:** Mr Deputy Speaker, Sir, as regards part (a) of the question, I am informed by the Agricultural Marketing Board (AMB) that, at no point in time, 2000 T of onions have been imported in one lot from India. Therefore, question (a) (i) does not arise.

With regard to part (a) (ii), 1120 T of onions can be stored in the cold rooms and 560 T can be stored in the dryer rooms of AMB.

As for part (b) of the question, the AMB purchased around 89 T of onions of Grades I and II from Rodrigues in September 2011, last year. The purchasing price for Grade I onions is around Rs27,000/T, and that of Grade II is around Rs23,000/T. The average selling price is around Rs28,000/T.

**Dr. Sorefan:** Mr Deputy Speaker, Sir, importation from India in October, November, December, totalled to 2,800 tons. That was in 2011. The hon. Minister has said that there was storage. We know that we have three cold rooms of 250 tons per room, which makes 750 tons. We don't store onions in dryers because with the humidity it starts to germinate. May we know from the hon. Minister how many tons have been dumped because of improper storage?

**Mr Faugoo:** From the information that I have gathered from the AMB, no onions have been dumped, Mr Deputy Speaker, Sir. As I said, the question relates to the date on which some 2,000 tons were imported - there is no single date because there is a procurement plan according to which AMB imports every month, every two months and so on. So, at no point in time, there were onions which were dumped.

**Dr. Sorefan:** According to my information, 300 tons have been dumped, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** The hon. Minister has already answered the question!

*(Interruptions)*

**Dr. Sorefan:** Regarding the buying and selling price...

*(Interruptions)*

**The Deputy Speaker:** There was no dumping at all. Please, go ahead with the next question!

*(Interruptions)*

**Dr. Sorefan:** Mr Deputy Speaker, Sir, regarding the buying and selling price, the buying price from India is around USD600 per ton by the Marketing Board, and the local private importer pays USD400 from the same supplier. May we know why this difference?

**Mr Faugoo:** How can I explain this? I don't have information about the private importer. What I can say is how much it costs to AMB. This is within my knowledge as per information forwarded to me by the AMB. We need also to know the quality and source, and time of purchase.

**The Deputy Speaker:** The hon. Minister does not have the information. Hon. Li Kwong Wing!

**Mr Li Kwong Wing:** With regard to the importation of onions, can the hon. Minister inform the House whether the AMB made losses or profits during the course of 2011 for the importation and sale of onions?

**Mr Faugoo:** They made a very slim profit, Mr Deputy Speaker, Sir. Sometimes, they breakeven, but they don't make a loss.

**Dr. Sorefan:** Mr Deputy Speaker, Sir, can the hon. Minister inform the House whether one container of onions was taken on loan from one Mr V. Ramcharan of Quatre Bornes, and this was refunded when AMB imported it and, as compensation to Mr Ramcharan, 15 tons of potatoes were sold to the same person to the tune of Rs18,000 per ton when AMB sells for Rs24,000 per ton?

*(Interruptions)*

**Mr Faugoo:** Mr Deputy Speaker, Sir, I am not responsible for the day-to-day management of the AMB. If there is a question on policy where I am responsible, I can answer. I don't have that information.

**The Deputy Speaker:** Last question!

*(Interruptions)*

Hon. Jhugroo!

**Dr. Sorefan:** Regarding Rodrigues, Mr Deputy Speaker, Sir, in September 2011, about 80 tons were bought for Rs23,000 per ton. There were offers from merchants to the tune of



Rs40,000 per ton, and they were refused. In January 2012, the same onions were sold to them to the tune of Rs10,000 per ton. May we know why from the hon. Minister?

**Mr Faugoo:** Again, Mr Deputy Speaker, Sir, the AMB operates under the aegis of my Ministry. We are trying to decrease the importation of potatoes, onions and garlies by boosting production. From what I can recall, production of onions in year 2000 stood at 11,134 tons, and this was decreased by 62% to a mere 4,183 tons in 2003.

Compared to the figure of year 2003, we have increased local production by 40%. This is what is important for me, and not matters which are beyond my control. This is operational.

*(Interruptions)*

There is a procedure, Mr Deputy Speaker, Sir, which exists for years at the AMB. They go according to set procedures. I wouldn't go into details.

*(Interruptions)*

**Dr. Sorefan:** Mr Deputy Speaker, Sir, people are talking about onions; if they don't know what the public is suffering...

*(Interruptions)*

**The Deputy Speaker:** Don't make a statement! Go ahead with your question!

**Dr. Sorefan:** The public is suffering, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Don't make a statement, I said!

*(Interruptions)*

**Dr. Sorefan:** Let me inform the House...

**The Deputy Speaker:** Hon. Sorefan, put your question!

**Dr. Sorefan:** Yes, Mr Deputy Speaker, Sir. Is the hon. Minister aware that, from this transaction, the public has lost about Rs18 m.?

*(Interruptions)*

**Mr Faugoo:** I don't know of which transaction he is talking about, Mr Speaker, Sir. As I said...

*(Interruptions)*

**The Deputy Speaker:** He has not finished his answer! Let him give his reply first!

*(Interruptions)*

Hon. Sorefan, you have put a question. Listen to the reply now!

**Mr Faugoo:** Mr Deputy Speaker, Sir, the market forces are important. We have partially liberalised since 2007; 50% goes to the private importers and 50% is kept by the AMB. So, the supply and demand is driven by market forces. How can AMB penalise the consumers? The private importers also supply on the same market. It is the rule of demand and supply, Mr Deputy Speaker, Sir.

**Mr Bhagwan:** The hon. Minister can recall that in the recent past we have had a gross case of mismanagement at the AMB, and the Head had to resign and sent to – I won't say - jail. The hon. Minister has just stated that he is not responsible for the day-to-day management. Can the hon. Minister, at least, agree that the AMB is being run like a bazaar with gross mismanagement, where there is a political nominee...

*(Interruptions)*

....of the Labour Party doing *maja karo*?

**Mr Faugoo:** This is not correct! The hon. Member is a specialist in putting such questions, Mr Deputy Speaker, Sir.

*(Interruptions)*

He is a specialist *démagogue*. When I had to put order, I sacked the General Manager. He cannot teach me lessons, Mr Deputy Speaker, Sir.

*(Interruptions)*

*Eta ferme to la bouche...*

*(Interruptions)*

**The Deputy Speaker:** Hon. Bhagwan!

*(Interruptions)*

Hon. Bhagwan! Hon. Faugoo! Do not use any provocative terms, please! Last question, hon. Sorefan! Please, listen to his question.

*(Interruptions)*

Repeat your question!

**Dr. Sorefan:** Mr Deputy Speaker, Sir, I think this should be added in the *magouille* of the Prime Minister's list.

**The Deputy Speaker:** Don't make a statement, please! Go ahead with you question!

*(Interruptions)*

**Dr. Sorefan:** Mr Deputy Speaker, Sir, as the hon. Minister does not know a lot of answers...

**The Deputy Speaker:** Put your question, please!

*(Interruptions)*

Let him put the question!

**Dr. Sorefan:** Could the hon. Minister institute an...

**The Deputy Speaker:** He should not make a statement. He should go ahead with the question!

*(Interruptions)*

He must put his question straightaway!

*(Interruptions)*

I am sorry, hon. Dr. Sorefan - you can't make a statement. Go straight to your question, and then you'll get the answer from the hon. Minister.

*(Interruptions)*

Please, go ahead with your question! Don't make a statement, that's all! The Standing Orders are very clear on that. No statement!

*(Interruptions)*

**Dr. Sorefan:** Mr Deputy Speaker, Sir, I did not make any statement. The hon. Prime Minister himself said that there was a lot of *magouille*...

*(Interruptions)*

**The Deputy Speaker:** This is a statement!

*(Interruptions)*

**Dr Sorefan:** As a last question, will the hon. Minister set up an enquiry because he does not know what is going on at the AMB? A lot of money - about Rs17m. - is being lost by the taxpayers.

*(Interruptions)*

**Mr Faugoo:** This is not true at all, Mr Deputy Speaker, Sir, and there is no need for any enquiry. Onion is a highly perishable commodity. It does not depend which side of the House is in Government, Mr Deputy Speaker, Sir. Onion is onion! My friend knows it better than I do.

*(Interruptions)*

The post harvest losses are due to shrinkage.

*(Interruptions)*

**The Deputy Speaker:** I would ask the hon. Minister to give his reply!

**Mr Faugoo:** There is also rooting and sprouting of onions. Let me give the figures. He is talking of *magouille*, he is talking of loss. The percentage of shrinkage between 2000 and 2005: in 2001, it was 7% of the total import; in 2002, it was 7%; in 2003, it was 3%; in 2004, it was 4%; in 2005, it went up, and now, it stands at 1.4%-1.5%. Am I saying that the MSM-MMM Government was responsible for the shrinkage of onions, Mr Deputy Speaker, Sir? What is important is that the stock is managed in such a way that the consumers do not have to pay. They have not paid for any *maldonne* of the AMB, Mr Deputy Speaker, Sir.

*(Interruptions)*

**The Deputy Speaker:** Next question, hon. Dr. Sorefan!

*(Interruptions)*

### **MES –TELEPHONE BILLS - REFUND**

**(No. B/371) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Education and Human Resources whether, in regard to the Director of the Mauritius Examinations Syndicate, he will, for the benefit of the House, obtain from the Syndicate, information as to if the Director has been refunded the sum of Rs18,362 and Rs13,218, respectively, for his telephone bills for March and April 2011 and, if so, why.

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, I am informed that the Mauritius Examination Syndicate has settled the telephone bills in respect of the mobile of its Director for an amount of Rs18,362 and Rs13,281 for the months of March and April 2011 respectively.

The Director was, in fact, on overseas mission for period 28 March to 05 April 2011 when he attended the Annual Review Meeting held at the Cambridge International Examinations in the UK. During his mission, he has also had discussions with the School of Asian and African Studies regarding collaboration with the University of London with respect to translation and moderation of all Asian papers.

Mr Deputy Speaker, Sir, the Director of an Organisation such as the MES is called upon to be in regular contact with his Office even when he is on mission overseas, for purposes of queries and other matters pertaining to examinations. His official mobile phone was, therefore, on international roaming during the period of his overseas mission. As such, all incoming and outgoing calls as well as emails were chargeable by the Mauritius Telecom. I am informed that

the relatively high cost of the telephone bill was due to incoming and outgoing international calls and the blackberry service.

I would like to add, Mr Deputy Speaker, Sir, that the claims have been settled with the approval of the Board of the Syndicate.

**Dr. Sorefan:** Mr Deputy Speaker, Sir, I heard the hon. Minister saying 'his official mobile phone', but in the document that we have, 2585261 is his private phone number for which he is claiming. I have a document which I am going to table.

*(Interruptions)*

I would like to know from the hon. Minister if the Director has written a letter to the Financial Department of the MES asking for refund of this money.

**Dr. Bunwaree:** I said it was approved by the Board. He gave all the explanations. The hon. Member, himself, met the Director for a personal problem and the request that he asked.

*(Interruptions)*

He knows well what type of man he has in front of him.

**Dr. Sorefan:** Mr Deputy Speaker, Sir, I am Dr. Sorefan. There are 15 Dr. Sorefan in Mauritius. I never met him!

*(Interruptions)*

**Dr. Bunwaree:** *Pena manière! To ouler mo répéter...*

*(Interruptions)*

**The Deputy Speaker:** Next question, hon. Mrs Ribot!

**Mrs Ribot:** He has not finished yet.

**The Deputy Speaker:** You have supplementary questions; please go ahead.

**Dr. Sorefan:** Mr Deputy Speaker, Sir, may I ask the hon. Minister if he can table or place a copy of the Minutes of Proceedings of the Board in the Library and say whether the Director was present on the Board?

**Dr. Bunwaree:** No, Sir, I won't do that.

*(Interruptions)*

**Dr. Sorefan:** Sir, I am tabling the documents.

**The Deputy Speaker:** Next question hon. Ribot!

*(Interruptions)*

**ST ESPRIT COLLEGE, RIVIERE NOIRE - SAFETY & SECURITY**

**(No. B/372) Mrs J. Radegonde (Fourth Member for Savanne & Black River)** asked the Minister of Education and Human Resources whether, in regard to the Saint Esprit College, Rivière Noire, he will state where matters stand as to the proposed measures to be implemented to ensure the safety and security of the school children before and after school hours.

*(Withdrawn)*

#### **LES SALINES DE TAMARIN – CLOSURE**

**(No. B/373) Mrs J. Radegonde (Fourth Member for Savanne & Black River)** asked the Minister of Labour, Industrial Relations and Employment whether, in regard to the proposed closure of Les Salines de Tamarin, he will state if measures have been taken for the redeployment of the 400 workers thereof and, if not, why not.

*(Withdrawn)*

#### **CHILD PROSTITUTION – STUDY**

**(No. B/374) Mrs L. Ribot (Third Member for Stanley & Rose Hill)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to child prostitution, she will state if any study has been carried out to assess the extent thereof, and, if so, indicate the -

- (a) findings thereof, and
- (b) measures that will be taken in relation thereto.

*(Interruptions)*

**The Deputy Speaker:** Hon. Minister! Hon. Minister! No. Order, please! Hon. Dr. Sorefan, let the hon. Minister reply please. Cool down.

*(Interruptions)*

**Dr. Bunwaree:** I withdraw, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** The hon. Minister has withdrawn. Yes, please go ahead with the question.

**Mrs Martin:** Mr Deputy Speaker, Sir, I am informed that a first study on the commercial sexual exploitation of children in Mauritius and Rodrigues was carried out...

*(Interruptions)*

**The Deputy Speaker:** It's done now. The hon. Minister has withdrawn. Let us listen to the reply of the Minister.

**Mrs Martin:** ...with the assistance of the United Nations International Children's Emergency Fund and the World Health Organisation in an attempt...

*(Interruptions)*

**The Deputy Speaker:** Hon. Aimée, please keep quiet!

**Mrs Martin:** ... to assess the magnitude of the problem, and to identify the leading causes of CSEC in Mauritius. A second study was thereafter carried out in 2001 by the University of Mauritius, with the assistance of the UNICEF, and published in 2002.

As regards to part (a) of the question, I am informed that the main findings of these studies indicated that there may be as many as 2,600 children involved in prostitution. These children were early school dropouts, who mostly came from broken families, with a monthly income of less than Rs5,000. Over 25% of these children were reported to have used drugs. CSEC took place mostly at nightclubs and hotels with the majority of local clients. Taxi drivers and hotel employees were reported to be involved.

Mr Deputy Speaker, Sir, with respect to part (b), a series of measures have been taken to prevent and progressively eliminate CSEC, and also to protect CSEC victims and ensure their recovery and integration in society. The full support and collaboration of all stakeholders, ranging from Government organisations, parastatal bodies to NGOs have been enlisted in an integrated and holistic approach, and has been adopted based on the following four components, namely coordination and cooperation, prevention, protection, recovery and reintegration.

As regards coordination and cooperation, a National Child Protection Committee, now known as the Working Together Committee, comprising of various key partners provides the basis for a network of cooperation for inter-agency work for protection of children.

**Prevention.** Information, education and communication campaigns are ongoing to educate both parents and children on the problems and issues relevant to commercial sexual exploitation, namely through schoolchild protection clubs and *l'école des parents*. Sensitisation campaigns are also pursued on a regular basis, through talks delivered at schools and to the community at large on the need to protect children from harm and abuse.

As concerns protection, professionals such as family welfare and protection officers, Police officers, probation officers working with children have been trained with a view to providing better services to victims of CSEC. NGOs and community-based associations are

becoming more involved in tackling CSEC. With this greater involvement, there has been a better understanding of the issues related to CSEC.

Recovery and reintegration. A drop-in centre is operational in Bell Village, and a new residential care drop-in centre for the development and protection of children from any form of sexual abuse and exploitation has been constructed...

*(Interruptions)*

**The Deputy Speaker:** Hon. Aimée!

**Mrs Martin:** ...at the Grand Rivière North West. The building, with a capacity to accommodate 32 children aged between 9 to 18 years, is expected to be operational before the end of this year.

**Mrs Ribot:** Mr Deputy Speaker, Sir, I am very surprised to hear that the last study was carried out in 2003, and hearing the hon. Minister, it is as if I am reading the answer to the PQ of the hon. Prime Minister in July 2008. I wanted to ask the hon. Minister whether she doesn't think that it is more than high time that a study be carried out now on child prostitution.

**Mrs Martin:** I must inform the hon. Member that there has been an evaluation report following the studies that have been published in 2002. But I do agree with the hon. Member that it is time for us to do another study, so that we can really assess the current situation.

**Mrs Labelle:** Mr Deputy Speaker, Sir, the United States Department of State in the Trafficking in Persons Report 2011 stated that there is, allow me to quote, Mr Deputy Speaker, Sir -

“The government’s efforts to coordinate among all relevant ministries, however, remained lacking, leading to inconsistent provision of protective and investigative services to trafficking victims.”

The report is talking, of course, about children and so on. May I ask the hon. Minister whether she has taken cognizance of this report, and whether there is any particular action which has been initiated following this report?

**Mrs Martin:** Indeed, Mr Deputy Speaker, Sir, I have taken cognizance of this report, which also says that, and I quote -

“The government sustained its protection of child trafficking victims during the reporting period(...)”

and dedicated significant financial resources to expanding existing assistance options.



They also further added that -

“The Minors Brigade systematically refers all cases of identified children in prostitution to the CDU for victim assistance”.

But I do agree also with the hon. Member that there is necessity to coordinate all the different aspects, and we are actually doing so at the level of the Working Together Committee, where we will be signing shortly a different Memorandum of Understanding between the different stakeholders and the Ministry in order to enable a better coordination.

**Mr Bérenger:** To clarify a point, Mr Deputy Speaker. If I heard the hon. Minister correctly, she said that there are 2,600 children, unfortunately, involved in child prostitution. At the same time, she said that the last survey report dates back to 2002-2003. Is that figure of 2,600 from the 2002-2003 report or is it an update, therefore, an estimate as of to date of what was found then?

**Mrs Martin:** The hon. Leader of the Opposition would recall that he also asked a PNQ about this to the hon. Prime Minister. Actually, the number that is mentioned here is based on the 2002 report.

**Mrs Ribot:** Mr Deputy Speaker, Sir, in the 2002 report, it was pointed out that 62% of children exploited sexually have someone engaged in prostitution in their close environment. I would like to know from the hon. Minister what is the policy of her Ministry to protect such children.

**Mrs Martin:** Actually, Mr Deputy Speaker, Sir, whenever a case is reported to us or whenever the *Brigade des Mineurs* goes on intervention and finds a case, we immediately take charge of the child, and take every action necessary in order to protect the child.

**Mrs Dookun-Luchoomun:** Mr Deputy Speaker, Sir, I heard the hon. Minister saying that assistance is given to children who have been identified to be engaged in prostitution, and that the cases are reported to the CDU. May I ask the hon. Minister what type of assistance is given to the children, and what are the supports that are provided to these children?

**Mrs Martin:** There are various forms of assistance, Mr Deputy Speaker, Sir, one of which is the placement of the child in a shelter and trying to reintegrate the child through different psychological support, as well as to try and see in what way the child can reintegrate the society safely.

**Mrs Labelle:** Mr Deputy Speaker, Sir, the hon. Minister has mentioned that the report has talked about the Minor Brigade. One of the recommendations in this report was to increase the funding and support to the Minors Brigade because it was not enough. I would like to know whether this has been done. Also, Mr Deputy Speaker, Sir, the hon. Minister mentioned that most of the victims of prostitution among the young persons are the CPE failures. Is the Minister aware that the report also mentioned secondary school age girls and to lesser younger girls? Has the Minister initiated any particular action regarding secondary school age girls who are engaged in prostitution and so on?

**Mrs Martin:** Mr Deputy Speaker, Sir, there are several recommendations that had been made following the 2002 report. We have been actually going on implementing some of the recommendations, among which is tackling the subject of absenteeism at school, which the hon. Minister of Education is doing a wonderful job of, and this prevents the children from being exposed to the dangers of not going to school and, therefore, being exposed to all sorts of social ills.

**Mr Bérenger:** Being given that the figure of 2,600 dates back to 2002, therefore, it must have been most probably increased, unfortunately. Can I ask whether there have been enquiries to find out in how many cases the parents are encouraging those children to go into prostitution? Is it a large majority of cases, about half of the cases, a few cases only? What is the role of the parents in encouraging those children to go into prostitution?

**Mrs Martin:** I think I have this information. If the Leader of the Opposition would bear with me just a few minutes, I will find it. There have been several recommendations, as you know. One of the recommendations stated that, obviously, the children who were within families where there have been cases of prostitution are also more exposed to being involved in the prostitution business itself. I cannot find the figure right now, but, from memory, I can say there are about 60% of children whose parents are involved in prostitution, who are more in danger to enter prostitution as well.

**Mrs Hanoomanjee:** Mr Deputy Speaker, Sir, the Minister just said that these children who have engaged in prostitution are placed in shelters for some time. Can the hon. Minister say whether these shelters are fully equipped to take care of children who have gone through these traumatic experiences, and say, for a period of three years, what is the percentage of children who have been able to reintegrate successfully in society?

**Mrs Martin:** From the figures that I have for 2011, I believe there were eight children, who had been reported to have engaged in child prostitution, who have been taken on board by the Ministry and have reintegrated their families.

**Mrs Ribot:** Mr Deputy Speaker, Sir, I heard the hon. Minister mentioning psychological support. Since we are still talking about the 2002 report, that report also recommended that those children engaged in prostitution should be given some kind of medical and nutritional support. I would like to know from the hon. Minister whether this forms part of her policy and, at the same time, I will ask her if she can ask the hon. Minister of Education - maybe she is going to be luckier than us - that once and for all, sexual education be produced in our schools.

**Mrs Martin:** I believe that sexual education is already taught in schools, but then maybe there needs to be a little bit more of it.

As regards the taking in charge of the nutritional facilities for children, whenever the need arises, there is a whole chain of support that is given to the child, and I would assume that this is so.

**Mrs Navarre-Marie:** Mr Deputy Speaker, Sir, one of the measures proposed in the plan of action following the study on commercial sexual exploitation of children is the setting up of a Drop-in-Centre because these children are to be put in a Drop-in-Centre instead of the traditional shelter. I would like to know whether the Minister could inform the House about the number of victims - Commercial Sexual Exploitation of Children (CSEC) victims - who have reported to the Drop-in-Centre since the centre has been set up.

**Mrs Martin:** I would not have the figure since the centre has been set up, but I do have it for 2011 and 2012. The total cases reported for 2011 is 10; the total cases throughout the island for 2012 are four. For 2012, none of them has been reported from the Bell Village Drop-in-Centre.

As regards the Residential Drop-in-Centre, I must inform the House that the handing over was effected on 04 June 2012, and tender for management of the shelter was launched on 03 May 2012.

**Mr Jugnauth:** The hon. Minister said that the recommendations that have been made have been implemented in the meantime. May I know if there has been an assessment of how effective those measures have been so far?

**Mrs Martin:** I agree with hon. Mrs Ribot that there is need to have a study carried out after five years of implementation of those measures that we have actually put in place, Mr Deputy Speaker, Sir.

**Mrs Ribot:** Mr Deputy Speaker, Sir, I would like to ask the hon. Minister whether, when a child is found out to be engaged in sexual exploitation, there is any kind of psychological support for the other children of the same family.

**Mrs Martin:** Actually, Mr Deputy Speaker, Sir, whenever such a case happens, the whole family is taken into account, and we also see in what way we can improve the situation not only of the child but of the family because it is imperative and it would be preferable for the child to be able to return to his own family unit.

#### **FAMILY SUPPORT BUREAU & CHILD DEVELOPMENT UNIT - DEBRIEFING SESSIONS**

**(No. B/375) Mrs L. Ribot (Third Member for Stanley & Rose Hill)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the debriefing sessions of the Counsellors with officers of the Family Support Bureau and of the Child Development Unit, she will state the outcome thereof.

*(Withdrawn)*

#### **BPML - RECRUITMENT**

**(No. B/376) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Information and Communication Technology whether, in regard to the Business Parks of Mauritius Ltd., he will, for the benefit of the House, obtain therefrom, information as to the names, age, address, position held, and salaries and allowances drawn by each of the employees recruited thereat, since July 2007 to date, indicating in each case if the post was advertised and if so, indicate the –

- (a) newspapers in which the advertisement therefor were published, indicating the date thereof, and
- (b) qualification requirements therefor, indicating if the recruits possess same.

**Mr Pillay Chedumbrum:** Mr Deputy Speaker, Sir, I am informed that since July 2007, 43 employees have been recruited by the Business Parks of Mauritius Ltd. to occupy different positions within the organisation. 27 of the vacancies were advertised in the press whilst the remaining 16 (i.e. 15 Handy Workers and 1 Driver) were filled by appointment of candidates on

the database of applications kept at BPML. From May 2010 to date, only two officers (1 Internal Auditor, Mrs B. Y. of St. Pierre, and 1 Health and Safety Officer, Mr F. H. of St. Julien) have been recruited following a press advertisement and in accordance with established recruitment procedures as set out by BPML.

I am tabling a statement showing the names, age, position held and salaries drawn by each of the employees as well as the information asked for at parts (a) and (b) of the question.

Mr Speaker, Sir, I am informed by the BPML that established procedures are being strictly adhered to, contrary to past practices prevailing during the period 2002 to 2005 in regard to recruitment of employees, financial management, landscaping/embellishment projects and construction of apartments.

**Mr Bhagwan:** We all know who is at the head of the BPML these days, having a case with ICAC. Can I know from the hon. Minister what is the outcome of the Ministerial Committee chaired by hon. Bachoo concerning the management of the BPML, of the actual head. The Minister said there is a list of these persons who have been recruited. Can we know who draw that list and who called these people?

**Mr Pillay Chedumbrum:** Mr Deputy Speaker, Sir, in fact, following the Ministerial Committee which has prepared a report and submitted to the Cabinet, already I can say that we are putting up structures so as to look into how we can proceed with the embellishment of Ebène and also whatever works which have to be done insofar as parking spaces are concerned. All these are being looked into, and a report has been sent to BPML to work it out accordingly.

**Mr Bhagwan:** Can the hon. Minister inform the House whether one of the recommendations of the Committee was that the services of the head, Mr N. – I won't mention the name – should be terminated forthwith for mismanagement, and has obtained Government's approval?

**Mr Pillay Chedumbrum:** So far this aspect is concerned, Mr Deputy Speaker, Sir, I don't remember having seen that in the Ministerial report. But still, I will say that he is appointed by the Board. So, this particular question is being looked into, not by the Minister of ICT, but, in due course, the necessary will be done.

**Mr Bhagwan:** Can I know from the hon. Minister whether Government is looking seriously into asking the departure of the actual MD?

**Mr Pillay Chedumbrum:** I am not aware about what the hon. Member is saying.

**The Deputy Speaker:** The hon. Member has got a supplementary?

**Mr Bhagwan:** The hon. Minister said that he has not understood what I am saying.

*(Interruptions)*

He is not listening.

**The Deputy Speaker:** Let the hon. Member put his question!

**Mr Bhagwan:** You must listen. Don't talk to him, he will be misguided.

*(Interruptions)*

Can I ask again the hon. Minister whether he is aware that Government is looking seriously into the dismissal of Mr N. as MD of BPML for mismanagement and cases of corruption?

**Mr Pillay Chedumbrum:** I am not aware about same, Mr Deputy Speaker, Sir. This issue is not being looked after by my Ministry.

**Mr Jugnauth:** Can the hon. Minister table a copy of this report to the Assembly?

**Mr Pillay Chedumbrum:** Mr Deputy Speaker, Sir, I don't know whether we have the right to table it, but I am going to look into it. It was a document which was submitted on the table of the Ministerial Committee. So, I cannot, on my own, say that I am going to table it.

**Mr Bhagwan:** Can I understand from...

*(Interruptions)*

The hon. Minister is not listening again, Sir.

*(Interruptions)*

**The Deputy Speaker:** Remain silent so that the Minister can listen carefully to the question.

**Mr Bhagwan:** Since the hon. Minister has just stated that the decision to cut the head of the actual MD for corruption does not rest with him, can I ask him whether the file has been sent to the Prime Minister since months, and whether the decision now rests with the Prime Minister to sack...

*(Interruptions)*

I have not yet finished. Wait!

*(Interruptions)*

Can I ask the hon. Minister whether the decision now rests with the Prime Minister, and there is a unanimous wish that this corrupt man be sacked from the BPML?

**Mr Pillay Chedumbrum:** Unfortunately, Mr Deputy Speaker, Sir, I don't have those privileged information to communicate.

### **BPML – PROPERTIES – SELLING PRICE**

**(No. B/377) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Information and Communication Technology whether, in regard to the Business Parks of Mauritius Ltd, he will, for the benefit of the House, obtain therefrom, information as to the properties which it has sold out/is proposing to sell to private companies, indicating in each case the –

- (a) extent thereof, and
- (b) selling price thereof, indicating the –
  - (i) valuation method used for the valuation thereof;
  - (ii) name of the valuer thereof, and
  - (iii) name of the buyer thereof.

**Mr Pillay Chedumbrum:** Mr Deputy Speaker, Sir...

*(Interruptions)*

**The Deputy Speaker:** Allow the hon. Minister to give his reply, please!

*(Interruptions)*

**Mr Pillay Chedumbrum:** Some people are good, Mr Deputy Speaker, Sir, only to sell *sirop*. When they come here, they make all sorts of remarks and misbehave.

*(Interruptions)*

**The Deputy Speaker:** Order, please! Go ahead with your reply!

*(Interruptions)*

Order, order, please! Hon. Jhugroo! Order!

**Mr Pillay Chedumbrum:** Mr Deputy Speaker, Sir, I am informed by the BPML that one industrial building at Pamplémousses and two plots of land at Rose Belle Business Park have been sold and that it also proposes to sell the Industrial Building at Rivière du Rempart.

With your permission, Mr Deputy Speaker Sir, I am tabling details regarding parts (a) and (b) of the question.

I would like, Mr Deputy Speaker, Sir, to inform the House that proper valuation procedures have been adopted to assess the value of the properties which reflect the market rates prior to the sale.

*(Interruptions)*

**Mr Bhagwan:** Can we know...

*(Interruptions)*

**Mr Pillay Chedumbrum:** I have already tabled it, Mr Speaker, Sir. You have all the information in the document which I have tabled.

**The Deputy Speaker:** Hon. Bhagwan, any supplementary question?

**Mr Bhagwan:** Can we know from the hon. Minister how this lucky person was chosen - the valuer - and what amount was paid to him?

*(Interruptions)*

**Mr Pillay Chedumbrum:** No, I don't know that lucky person, Mr Deputy Speaker, Sir. If the hon. Member will give me the name, then I can answer.

**Mr Bhagwan:** Can it be that the Minister does not know the name of that valuer?

*(Interruptions)*

**The Deputy Speaker:** Hon. Soodhun, please!

**Mr Pillay Chedumbrum:** Mr Deputy Speaker, Sir, insofar as the industrial building at Pamplémousses is concerned, the valuer is from the Government Valuation Office, and insofar as Rose Belle Business Park is concerned, it is from GPW International, Jean Pierre Wan, and for the industrial building at Rivière du Rempart, Tinkler and Ramkelawon.

**Mr Bhagwan:** Can the hon. Minister give us an idea how much these lands and properties have been sold?

**Mr Pillay Chedumbrum:** Insofar as the Industrial Building at Pamplémousses is concerned, the selling price is Rs27 m., that of Rose Belle Business Park Rs17.5 m., land at Rose Belle Business Park Rs20.25 m., and for the proposed sale at Rivière du Rempart it is Rs30 m.

**Ms Anquetil:** Mr Deputy Speaker, Sir, can the hon. Minister inform the House what is the rationale for the sale of these properties by BPML?

**Mr Pillay Chedumbrum:** Regarding the sale of those properties, Mr Deputy Speaker, Sir, I am informed by BPML that it is fully justified, and has been made in the best interest of the company. Allow me to elaborate...

*(Interruptions)*

**The Deputy Speaker:** Hon. Jhugroo!



**Mr Pillay Chedumbrum:** With regard to the property sold in Pamplémousses, it is to be noted that the building has been constructed in 1985 for textile activities. BPML has found it not profitable to rent and maintain the building, and it was decided in the best interest of the company to sell it at prevailing market rate to Lillemor Ltd. of Perouz Group, which is a high-end pharmaceutical company established in Mauritius since the year 2002. The policy of BPML is to sell non-performing assets and to reinvest in new development that will trigger job creation in new fields of activities. Mr Deputy Speaker, Sir, Perouz Group, which was already renting those premises, was contemplating to expand its activities, and found it appropriate to purchase the existing property. Otherwise, they would have had no alternative than to relocate to China.

I would also like to emphasise that besides the approval of the BPML Board, clearance from the Ministry of Finance, which represents the shareholder for Government, was also obtained.

As regards the sale of the plots of land at Rose-Belle Business Park, I wish to remind that although these were available for sale since a long time, in 2000 or 2005, this present Government has reviewed the policy of property sales to ensure a harmonious development of business parks in rural areas while being in strict compliance with the principle of good governance.

In this context, two plots of land were sold to Laurelton Diamonds and to Mauritius Telecom. These sales were approved by the Board of BPML as well as the Ministerial Committee set up for the purpose, at prices reflecting market rates following the conduct of a proper valuation exercise.

It is to be noted that Laurelton Diamonds is a branch of Tiffany & Co, world famous, and specialised in diamond polishing. It has completed a state-of-the-art building at Rose Belle and will be employing over 200 people within a year.

Mauritius Telecom is setting up a hi-tech warehousing facility at Rose-Belle.

**Mr Bhagwan:** Mr Deputy Speaker, Sir, since all the issues of sale of assets at the BPML stink corruption ...

*(Interruptions)*

There have been wide allegations of corruption at the level of the Board of the BPML. If the hon. Minister and Government have nothing to hide, is the Government, through its representatives, ready to appoint a Commission of Enquiry chaired by a retired Judge to look into

all the issues of the BPML, including the issues as recommended by the Ministerial Committee presided by the hon. vice-Prime Minister Bachoo, asking him to put some order there, and that the culprits be prosecuted?

**Mr Pillay Chedumbrum:** Mr Deputy Speaker, Sir, the question of setting up a Commission of Enquiry does not arise. I would like to point out that we can say the financial situation of BPML as at date is healthy and, after having paid all the debts, the profit for BPML group stood at Rs162.8 m. in 2011. I would like to remind the hon. Member that land has been leased according to the market value. If the land would have been leased at the market value at the time of ...

*(Interruptions)*

**The Deputy Speaker:** I think the hon. Minister has already given the information sought by the hon. Member. Next question, hon. Ms Anquetil!

#### **ARTS AND CULTURE – WHITE PAPER**

**(No. B/378) Ms S. Anquetil (Fourth Member for Vacoas & Floreal)** asked the Minister of Arts and Culture whether, in regard to the preparation of the White Paper on Arts and Culture, he will state where matters stand.

**Mr Choonee:** Mr Deputy Speaker, Sir, the House will recall that Government Programme 2012-2015 which was presented to this Assembly on Monday 16 April this year, makes mention of the publication of the first-ever White Paper on arts and culture for the Republic of Mauritius.

I have the pleasure to inform the House that, as soon as debates on the Government Programme are completed, I shall seek the green light of Cabinet first, and thereafter invite public views on the White Paper.

**Ms Anquetil:** M. le président, dans le cadre des discussions autour de la politique culturelle et artistique de notre pays, je voudrais savoir si – il y aura évidemment des consultations – tous les artistes - on a l'impression qu'à Maurice ...

*(Interruptions)*

**The Deputy Speaker:** Let's go ahead, please!

*(Interruptions)*

Order, please! Allow the hon. Member to ask her question!

*(Interruptions)*

**Ms Anquetil:** Je voudrais savoir si tous les artistes seront conviés aux consultations. Je veux dire non seulement les musiciens, les danseurs, mais aussi les sculpteurs, les libraires etc. Est-ce que le ministre pourrait nous dire la durée des consultations, et où cela se fera ?

**Mr Choonee:** Mr Deputy Speaker, Sir, I cannot say how long the consultations would take. It all depends on the artists, including the Opposition, of course!

*(Interruptions)*

Mr Deputy Speaker, Sir, as I said in my reply, after Cabinet consultations, we will allow the public to view the White Paper and to comment on it. All art forms, whether it is visual, literary or performing arts! When I talk of visual, it means drawings, paintings, those who draw, those who paint, sculptures. When we talk of literary arts, it concerns publications ...

*(Interruptions)*

**The Deputy Speaker:** The hon. Minister should address the Chair.

**Mr Choonee:** ... poems, slams, short stories and all. When we talk of performing arts it includes theatre, opera, films, music, dance and so many others.

**Mr Bhagwan:** Mr Deputy Speaker, Sir, since the hon. Minister has made so many contradictory statements during the recent past on all the issues concerning history and culture, can he inform us whether he is serious in bringing the red paper or White Paper that he stated to the House, and whether he has had consultations with the special Adviser of the Prime Minister on culture, Mr Gordon-Gentil, on that issue?

**Mr Choonee:** Mr Deputy Speaker, Sir, my comment would be that my White Paper turns some people red; that is one. I am sorry to say that. My second one ...

*(Interruptions)*

**The Deputy Speaker:** Hon. Bhagwan!

**Mr Choonee:** *Toi ki pou alle avant.*

*(Interruptions)*

**The Deputy Speaker:** There is no need to get excited, hon. Minister!

*(Interruptions)*

Hon. Minister, don't get excited, I said!

*(Interruptions)*

Hon. Bhagwan, please! Let the hon. Minister continue with his answer!

*(Interruptions)*

**Mr Choonee:** Mr Deputy Speaker, Sir, I will never bow down to that level in my life.

*(Interruptions)*

I will never do that! My White Paper will be open for circulation to every Mauritian, and it is the first time ever White Paper of any Government in this country, and I have to thank the Prime Minister for that.

**Ms Anquetil:** M. le président, dans la même foulée, est-ce que le ministre pourrait indiquer à la Chambre s'il est prêt à organiser les assises de la culture et de l'art dans notre pays ?

**Mr Choonee:** Il y aura tant de choses ...

*(Interruptions)*

**The Deputy Speaker:** Order, Order, please!

**Mr Choonee:** At least 70 new proposals will be included in the White Paper.

**Mr Barbier:** Mr Deputy Speaker, Sir, may I remind the hon. Minister that in a meeting held some time last year with the artists all around Mauritius at the Sir Harilal Vaghjee Hall - the Minister will recall - he promised then that the White Paper would be ready by September 2011? That's why my friend, hon. Bhagwan, is asking himself whether this time it is serious, and whether the hon. Minister will now give us a time frame for the issue of the White Paper and take a commitment now for the artists' community, and whether he really means business.

**The Deputy Speaker:** Has the hon. Minister got a time frame?

**Mr Choonee:** Mr Deputy Speaker, Sir, I have already taken a commitment, and it is this Government that takes the commitment. No other Government ever did it. We took the commitment and, I said, as soon as we clear it, after debates in Parliament, we will go to Cabinet. After that, it will immediately be made public. It is up to the public to react. How long the public will take to react will be for the public to decide. After that only, we can finalise it.

### **CWA - SECURITY SERVICES – CONTRACT**

**(No. B/379) Mr S. Soodhun (Second Member for La Caverne & Phoenix)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the award of the contract for security services, in December 2011 at the Central Water Authority, he will, for the benefit of the House, obtain from the Authority, information as to the companies which submitted bids therefor, indicating the –

- (a) value of the bid in each case;

- (b) company to which the contract was awarded, and
- (c) contract value thereof.

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, with your permission, I am tabling the information in respect of part (a) of the question.

With regard to parts (b) and (c), I am informed by the CWA that the contract has not yet been awarded. In this respect, I am informed that an application for review has been lodged at the Independent Review Panel by one dissatisfied bidder.

**Mr Bérenger:** Can we have the dates on which the tender was issued, the award granted and the appeal made?

**The Deputy Prime Minister:** Invitation for the bids for the procurement was November 2011, and the bids were closed in December 2011. At its sitting of 28 February, the CWA Board approved the recommendation of the Procurement Finance Committee, IRP, in January.

**Mr Soodhun:** I wonder whether the hon. Deputy Prime Minister is not confusing with the second question about the Wastewater Authority.

**The Deputy Prime Minister:** I am sorry. Give me one minute please!

*(Interruptions)*

No. Sorry, the challenge was on 09 March 2012, and appeal to IRP 30 March.

**The Deputy Speaker:** Next question hon. Soodhun!

**Mr Soodhun:** No, I have some supplementary questions. Can I, with your permission, Mr Deputy Speaker, Sir, ask some supplementary questions?

**The Deputy Speaker:** Yes!

**Mr Soodhun:** Thank you.

*(Interruptions)*

Can I ask the hon. Deputy Prime Minister, Minister of Energy and Public Utilities ...

*(Interruptions)*

...if he can inform the House of the reason why there was a second invitation for the bids in October 2011?

*(Interruptions)*

I will repeat. Whether the hon. Deputy Prime Minister can inform the House why there was a second invitation for bids in October 2011.

**The Deputy Speaker:** Was there a second bid?

**The Deputy Prime Minister:** No, I am not aware of this. What I am aware of is that there has been a request for the security services, and this is the issue at the moment.

**Mr Soodhun:** For the information of the House, there has been a second bid, but the first bid was on 15 March 2011, and for same there was a second bid ...

**The Deputy Speaker:** The hon. Member is not asking a question!

**Mr Soodhun:** Can I ask whether the hon. Deputy Prime Minister can confirm...

*(Interruptions)*

**The Deputy Speaker:** Please ask your question and let the hon. Deputy Prime Minister give the answer!

*(Interruptions)*

**Mr Soodhun:** Will he state to the House ....

*(Interruptions)*

It is a very serious question that I am going to ask, and help the hon. Prime Minister from *magouille* ...

*(Interruptions)*

**The Deputy Speaker:** Order please!

**Mr Soodhun:** I would like to know whether the hon. Deputy Prime Minister is aware that, on 05 March 2012, a letter was issued to RSL Security Services Ltd. that the contract had been awarded. The contract was awarded for Rs52.3 m. when the offer valued at Rs50.6 m. For the information of the hon. Deputy Prime Minister, I am going to table a copy.

**The Deputy Prime Minister:** The bid value which I have submitted was Rs50,000,626.00, and the evaluated sum was Rs52 m. when they did all the corrections, and it applies to each and every of the six bidders.

**Mr Soodhun:** The hon. Deputy Prime Minister informed that the case has been at the IRP, but there is the issue for the contract to RSL concerning the security services that the contract has been awarded, and there is no case of IRP. This is the letter.

**The Deputy Prime Minister:** They give notification of award, but they cannot award until they listen to the challenge. So, there is no award.

#### **WMA - SECURITY SERVICES - CONTRACT**

**(No. B/380) Mr S. Soodhun (Second Member for La Caverne & Phoenix)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the award

of the contract for security services at the Waste Water Management Authority, he will, for the benefit of the House, obtain from the Authority, information as to the companies which submitted bids therefor, indicating the –

- (a) value of the bid in each case;
- (b) company to which the contract has been awarded, and
- (c) contract value thereof.

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, with your permission, I am tabling the information sought for by the hon. Member.

**Mr Soodhun:** Can I ask the hon. Deputy Prime Minister whether the General Manager of the Wastewater Management Authority signed the contract to RSL Security Services Ltd in April 2012?

**The Deputy Prime Minister:** I am not aware of the date, Mr Deputy Speaker, Sir, but I can assure the House that all the procedures have been followed, and if the hon. Member would like to know, the bidders who made the lowest responsive bid got the award. It had been divided into two bidders. Unfortunately, the one who was lowest did not submit all the information required and did not submit for all the works that had to be performed. It is in the information, and I hope the hon. Member will look at it and raise any other questions subsequently.

**Mr Soodhun:** I am not going into the details about why the rest of the bidders did not submit. I am not going into whether the Procurement Office should have asked all the information. But, what is very serious is that the same person, the actual General Manager of the Wastewater Management Authority is also the Chairman of the Independent Review Panel, and he himself reversed a decision of the Ministry of Agro-Industry and Food Security which awarded a contract to RSL Security Services Ltd. the same month. A few days after, he awarded the contract to RSL. Is the hon. Deputy Prime Minister aware of that?

**The Deputy Prime Minister:** Mr Deputy Speaker, Sir, I see absolutely no connection between these two; whether it is RSL or any other. But I can assure the House that he does not sit on cases where Wastewater issues are raised.

**Mr Soodhun:** Can I ask whether the hon. Deputy Prime Minister is aware that the Independent Review Panel has severely condemned RSL Security Services Ltd., the same General Manager who is the Chairperson? I am going to table a copy of the report given by the IRP.

**The Deputy Prime Minister:** Anyway, Mr Deputy Speaker, Sir, I do not go into the details, but what has been done has been done in transparency. It can be challenged; there is no issue there.

**Mr Soodhun:** I would like to know whether the hon. Deputy Prime Minister is aware. Maybe he is not aware...

*(Interruptions)*

As the hon. Prime Minister says...

*(Interruptions)*

The same RSL Security Services Ltd, in spite of this report, is the only one being awarded all the contracts of the security service in the Ministry of Energy.

**The Deputy Prime Minister:** It so happens, Mr Deputy Speaker, Sir, that this particular RSL did not get all the contracts. It got two out of three, and one of them was Rapid Security Services Ltd. I would like to stress that I do not know who they are, and I do not want to know also.

**The Deputy Speaker:** The Table has been advised that PQs B/389, B/390 and B/393 have been withdrawn. Next question hon. Obeegadoo!

### **YOUTH UNEMPLOYMENT – STATISTICS**

**(No. B/381) Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Minister of Labour, Industrial Relations and Employment whether, in regard to youth unemployment, he will state the latest available statistics thereof, indicating –

- (a) if his Ministry has commissioned a study in relation thereto, and
- (b) the specific measures taken, if any, to address the challenges thereof.

**Mr Mohamed:** Mr Deputy Speaker, Sir, I thank the hon. Member for this question. This question gives me the opportunity of at least communicating to the hon. Members of this House some good news. The good news being that this question has given me the opportunity of looking back and having a global picture of the situation of unemployment among the youth and it has confirmed finally that we are indeed going in the right direction.

The figures that I have obtained from the Central Statistics Office show that in the last ten years things have improved dramatically. Right in 2001 the percentage of youth unemployment to total unemployment was 82.4%.and today it stands to 41.9%. For the persons aged between 16 and 25, the youth that we are specifically referring to, in the past ten years once again, we



have made a lot of headway and gone in the right direction, which is good news which we have to share.

In 2001, the unemployment rate among the persons aged 16 to 25 was 25.6%, and today I am happy to note that, in the last CSO of 2011, it stands to 20.2%. Even the figures, I must say, have gone down. In 2001, unemployment amongst people of 16 to 25 was 28,600, and today it stands to 19,300. Having said that, I must point out that there has also been an improvement with regard to youth unemployment, which concerns most importantly the females. In 2005, the figures stood to 32.8%, and in 2011 it stands to 25.3%.

I would like also to say, Mr Deputy Speaker, Sir, with regard to the number of youth that are registered with the Employment Service of my Ministry, that the figures are different with the CSO. Obviously, internationally speaking, and based on ILO recommendations, we base ourselves on the figures of the CSO. But the figures between 16 to 25 are 7,631, whereas the CSO bases itself on a continuous multipurpose household survey.

As regards part (a) of the question specifically, no study has been commissioned by my Ministry at this stage. However, the Employment Service registers unemployed persons, including youth, at the 13 Employment Information Centres across the island.

My Ministry works in close collaboration with the National Empowerment Foundation (NEF), the HRDC and other organisations as well to address the issue of youth unemployment. The NEF has submitted to us a list of 4,628 unemployed youth, out of which 2,745 are already registered with my Ministry, and we have already done the needful to register the remaining 1,883. Furthermore, my Ministry has started consultations with the private sector as well, to launch a massive campaign to encourage all unemployed and unregistered youth to get themselves registered at the Employment Information Centres.

As announced in the Budget Speech of 2012, and in line with Government Programme 2012-2015, provision has been made for the implementation of a three-year National Youth Employment Programme for those aged between 16 to 25, whereby youth will be provided with apprenticeship, training, and placement in various sectors of the economy. The aim is to address youth unemployment by building capacity and sponsoring employable skills among the youth, and to build a dynamic pool of skills based on demand from industry, while at the same time reducing the number of foreign labour. Given that this will be a joint public and private sector undertaking, my Ministry has already had consultation and I, myself, had consultation with the

employers' associations, namely MEXA, JEC, the Building and Civil Engineering Contractor Association, the Mechanical and Engineering companies, bus owners amongst many others, to chart the way forward, and to assess the skill gap that exists.

Concurrently, my Ministry is carrying out a survey of the aspirations of the unemployed youth through its Employment Information Centres. In this context, my Ministry will organise a youth employment fair on a regional basis to -

- (i) sensitise the youth on the effort being made by Government to assist them in finding a suitable employment;
- (ii) encourage them, most importantly, to register themselves at the Employment Information Centres on the spot, and
- (iii) to allow them to opt for vocation of their choice in order of priority.

Training will be provided to them by both public and recognised private institutions, with the collaboration of employers. This programme will also cater for youth from deprived areas, and will have a high gender focus.

My Ministry is proposing to recruit, under the Capacity Building Programme, a Project Manager and an Assistant Project Manager who will have the responsibility to manage the National Youth Employment Programme, and will address youth unemployment by building capacity and promoting, sponsoring employable skills among the youth.

Mr Deputy Speaker, Sir, my Ministry, together with the Ministry of Social Integration, is implementing a Circular Labour Migration Programme as well to place job seekers, including youth, in employment abroad. To date, 350 Mauritians have already been placed in Canada. We are also exploring employment opportunities in Italy, with whom we will sign an agreement shortly.

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, quite apart from the CSO or the Ministry of Employment figures quoted, is the hon. Minister aware of the increasing concern amongst MPs, on both sides of the House, about graduate unemployment, with many young people, local graduate, University of Mauritius, but also graduates returning from abroad who are sitting at home without any jobs and willing to work for peanuts, whether in the private sector or in parastatals? Is he aware of that trend, which goes unreported because those youth people do not register, and will he, therefore, consider the commissioning of an analytical study, not just factual collection of figures, to explore the labour market rigidities in that regard?

**Mr Mohamed:** In actual fact, what the hon. Member said is true. There is a concern, and there is a perception among certain Members of both sides of the House that there is this need for employment by graduates, for instance, who are not obtaining the jobs that they have studied and had thought they would have obtained. I know personally of someone who is a pilot working at this moment in a Call Centre because he is expecting to get a job as pilot, but he insists to get it in Mauritius itself and nowhere else. Those are perceptions. However, what is of utmost importance - and I am sure that hon. Members would agree - is facts and figures, and not necessarily perception because we can only find concrete results and implement concrete solutions based on concrete facts and figures. The facts and figures speak for themselves. The facts and figures show that, for the past ten years, things have consistently improved, and drastically improved. That's a fact, and those are the figures that speak the truth.

Let me, however, add something else to what I have said. We are also re-engineering our employment information centres into *Pôle Emploi*. I had a meeting with the *Agence Française de Développement*, who has proposed to us *un jumelage*, both in terms of ability, capacity building, software availability with *Pôle Emploi*, France, with our employment service centres. We have accepted gracefully their suggestions. Why? Because we also believe that our graduates must not be sent towards jobs in Mauritius, but that the 13 employment information centres that exist must also act as an employment agency, with people going out there to find jobs for graduates, for those who have vocational skills, for those without any training, and give them the possibility to find a training.

At the same time, the Ministry of Finance is helping in such a big way with the HRDC, with funding their training, giving them a stipend during their training, and also thinking of those employment information centres, giving them the possibility to go and work abroad such as in Italy or in the United Arabs Emirates.

The fact is that we are not at this stage going to commission any study because a study would take the time that it takes. We are interested in results. The fact is that, the past ten years, the figures show that we are delivering, and the results are there to prove it.

**Mr Uteem:** The hon. Minister has referred to circular migration, and also to encouraging our youth to go and work abroad. Doesn't he agree that the legitimate expectation of a youth in this country is to work in this country, and not have to go abroad to work, and that this is a sign that the Government is not doing enough to find jobs for young people here?

**Mr Mohamed:** Once again, I thank the hon. Member for this question. I would humbly say that he is ill-advised when it comes to what the aspirations of the youth are. There are a lot of countries in the world, for instance, the Philippines, India, that have shown us the way forward. When we have human resource, and the fact that there is an opportunity to go and conquer another territory by sending out human resource, for example, to the Province of Saskatchewan, to France, to Italy, there is nothing wrong in there. I have conducted a survey in our employment centres among the youth, and the overwhelming answer that we get is: yes, we would like to go to work abroad, but we want to come back to Mauritius.

That is exactly what circular migration is. We are not talking about emigration; we are talking about circular migration; it means that they go to work abroad and earn high salaries, they have the opportunity of saving money, sending foreign exchange to their parents at home and their family, and then coming back to their country to share the experience that they gathered abroad and make this whole country as a nation advance. So, we are going in the right direction.

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, this question was initially addressed to the Minister of Finance, but I will try my luck with a second question. Seven or eight months ago, when the hon. Minister presented his Budget, he whacks eloquent about this new scheme which was to be called the SPGTI, which was to provide 8,000 unemployed youths with internship, placements within the year 2012 alone. This was a sponsored pre-job training initiative. Am I right to understand that this scheme, although we are nearing the end of June 2012, is still not off the ground, and will the hon. Minister - if he has obtained the information from Finance - tell us why that is so?

**Mr Mohamed:** According to my information, whatever has been provided for in the last Budget and whatever the Government has said they would go ahead within the last Budget, everyone knows it. We have established time frames and, as far as my information goes, everything that we have provided for, specifically what the hon. Member is asking, has already started. If the hon. Member wants exact figures about it, he comes with a substantive question either to me or to the hon. Minister of Finance, and he will get it.

**Mr Roopun:** The hon. Minister started by answering, and he was himself the first one to be surprised by stating that there has been a large decrease in the number of the youths unemployed. Has the hon. Minister carried out an enquiry to know, first of all, the methodology which has been used to compile the figures? Secondly, have there been reasons behind this

decrease? In fact, is it due to the youths finding a job or having no faith in the system and not getting registered. I want to know about these two aspects.

Also, I would like to know whether the hon. Minister can give us figures about where the youths have been employed, if ever they have been employed.

**Mr Mohamed:** As far as the figures are concerned into what sectors youths are being employed, may I humbly and gladly direct the hon. Member to the CSO on labour, which is available online for 2011. I do not have it in my possession, but it is available online, and all the details that the hon. Member is looking for is available in that document. Had we been allowed to use the Ipad in the House, I would have given it to him right away. But then, again, we could do it outside later on, and I am sure he will be happy also, as a real patriot, to note that we are going in the right direction and that the figures for youths on unemployment is on the decrease.

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, is the hon. Minister aware of a recent public statement reported in the press, “*L’express*” of 15 June, by the Director of the Mauritius Export Association (MEXA), stating the extent of the problem? I’ll quote what is said -

“What is really missing is a bridge between the work environment and the education world and yet the internship system remains somewhat piecemeal and disorganised, and there is also a lack of synergy between industry and institutions like the MITD and the University of Technology (...).

“ (...) the ongoing shortage of engineers in the textile industry as a point”.

Will the hon. Minister, therefore, agree that this is not an issue that can be handled only by his Ministry on the basis of compiling registration of unemployed figures, and will he agree to take up with Government the idea of an Inter-Ministerial Taskforce comprising Education, Finance, the Ministry of Youth that has its own plans, and the Ministry of Tertiary Education to look into all these issues, including the issue of bank credit for entrepreneurship amongst youth and tackling and addressing the very real rigidities, the discrimination within the labour market, vis-à-vis our youth?

**Mr Mohamed:** I have not read the press. I have not read it, and the reason why I have not read it is that, with regard to that Association, they have their own appreciation of the situation. They are representing members in business, export-oriented enterprises. I have had meetings with them and, as I have said in my answer, we have had meetings with MEXA. What we are proposing is not only looking at facts and figures, as the hon. Member puts it; we have

gone even further on that. I would like to reiterate what we are doing because I have the impression that the hon. Member most probably did not catch what I was saying, but I will say it again. We have gone as far as to have meetings with the private sector, and whatever venture that we are launching in order to create employment and placement is a public private venture. We have had meetings whereby the private enterprises are meeting us very often, and we are also meeting with the HRDC. I am meeting with the Ministry of Social Integration, and we already have this movement of Inter-Ministerial Committees working together. However, it is good to see that the hon. Member and we think alike. We are already doing what he is suggesting, and we are going in the right direction.

**The Deputy Speaker:** The Table has been advised that PQs No. B/382, B/383, B/384, B/386 and B/395 have been withdrawn. Time is over!

#### **UNIVERSITY OF MAURITIUS – DEAN OF STUDIES – ABUSE OF POWER**

**(No. B/382) Mrs L. D. Dookun-Luchoomun (Second Member for Quartier Militaire & Moka)** asked the Minister of Tertiary Education, Science, Research and Technology whether, in regard to the recent case of alleged abuse of power by a dean of studies at the University of Mauritius, he will, for the benefit of the House obtain from the University, information as to if an inquiry has been carried out thereinto and, if so, the outcome thereof.

*(Withdrawn)*

#### **SIR VEERASAMY RINGADOO GOVT. SCHOOL – STUDENT - DEATH**

**(No. B/383) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Education and Human Resources whether, in regard to the recent death of a student of Standard III of the Sir Veerasamy Ringadoo Government School, he will state if an inquiry has carried out at the level of his Ministry to determine if the hygienic and sanitary conditions prevailing at the school had any bearing on the health of the said student.

*(Withdrawn)*

#### **MINISTER OF FOREIGN AFFAIRS, REGIONAL INTEGRATION AND INTERNATIONAL TRADE – SECRETARY FOR FOREIGN AFFAIRS – OVERSEAS MISSIONS**

**(No. B/384) Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to

the Secretary for Foreign Affairs, he will state the total number of overseas missions he has undertaken, since July 2005 to date, indicating in each case the –

- (a) countries visited;
- (b) duration thereof;
- (c) composition of the delegation, and
- (d) total amount of money spent in terms of air tickets, *per diem* and/or other Allowances.

*(Withdrawn)*

## MOTION

### SUSPENSION OF S.O. 10(2)

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

*Question put and agreed to.*

## PUBLIC BILL

*On motion made and seconded the Training and Employment of Disabled Persons (Amendment) Bill (No. XV of 2012) was read a first time.*

**The Deputy Speaker:** I suspend the sitting for half an hour for tea.

*At 4.21 p.m. the sitting was suspended.*

*On resuming at 4.58 p.m. with Mr Speaker in the Chair.*

## MOTION

### GOVERNMENT PROGRAMME 2012-2015

*Order read for resuming adjourned debate on the following motion of the hon. Third Member for Port Louis North and 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.*

**Mr A. Hossen (Third Member for Port Louis South & Port Louis Central):** M. le président, je voudrais tout d'abord saluer le Président par intérim, Madame Monique Ohsan-Bellepeau, pour la lecture de ce discours-programme 2012-2015.

Nous avons été encore une fois, M. le président, de ce côté de la Chambre, exact au rendez-vous, puisqu'à travers cette lecture du discours-programme, on n'a pas fait d'une seule pierre deux coups, mais on réalise d'une seule pierre trois coups, puisque c'est la toute première fois que nous avons une femme qui a accédé à ce poste de vice-président et, en cette occasion, elle a assuré, pour la toute première fois, l'intérim à la présidence. Et c'est la toute première fois aussi qu'une femme est appelée à faire lecture du discours-programme.

Exact au rendez-vous, M. le président, mais surtout nous sommes animés, de ce côté de la Chambre, d'un sentiment de devoir accompli. Il suffit de regarder les bancs vides de l'opposition pour réaliser ce manquement de la part de l'opposition à l'occasion de la lecture de ce discours-programme, sauf le représentant du FSM, que je salue.

M. le président, c'était une occasion pour nous d'apporter encore une fois notre contribution à la lutte pour l'émancipation de la femme. Nous avons une longue tradition, de ce côté de la Chambre, d'avoir, à intervalle régulier, répondu présent pour apporter notre pierre à ce bel édifice. Et là, je déplore l'hypocrisie de l'opposition, qui pourtant milite que soi-disant ils sont à l'avant-garde de cette lutte en faveur de l'émancipation de la femme, non seulement de par leur absence aujourd'hui, mais surtout du fait que cette opposition n'a nullement jugé utile de saluer, si ce n'est qu'en une seule occasion, la lecture du discours-programme gouvernemental par une femme. On déplore cela, et c'est bon que *this goes on record*. Je vous parlais de l'histoire, connaître l'histoire, afin de comprendre le présent, M. le président.

Je salue aussi la motion présentée par ma collègue, l'honorable Madame Kalyanee Juggoo, pour le débat autour du discours-programme 2012-2015 au sein de cette auguste Assemblée.

Il est bon, M. le président, qu'on fasse un petit rappel de l'histoire.

Nous sommes privilégiés d'avoir eu des illustres prédécesseurs qui ont, à intervalle régulier, apporté leur contribution, non pas pour mettre le pays à genoux, non pas pour occasionner des grèves ou des *sittings*, paralysant les secteurs clés de notre économie, mais qui ont été présents à différents moments de notre histoire pour apporter leur contribution à faire avancer le pays vers son indépendance, à faire avancer la cause de chaque individu en ce qui



concerne leurs droits fondamentaux. Aussi, à avoir apporté leur contribution à intervalle régulier, afin de faire en sorte qu'on puisse diminuer, éliminer la disparité qui a pendant trop longtemps existé entre villes et villages, et aussi d'avoir consolidé les services essentiels et l'État-providence dans notre pays, M. le président. Cela a été une lutte inlassable mais soutenue dans le respect pour la consolidation de la démocratie.

Nous sommes fiers, M. le président, que notre cheminement aujourd'hui se fasse selon cette même voie tracée, selon cette même philosophie.

Il est bon ici, avant d'aborder, le contenu du programme gouvernemental 2012-2015, de faire un petit rappel et voir quelle a été la philosophie qui a guidé cette même majorité dans la présentation du programme gouvernemental 2005-2010, et je cite –

*“My Government believes in Putting People First. It is my Government's steadfast conviction that regardless of gender, creed, ethnic origin or class, each Mauritian citizen has the basic right to citizenship with dignity. The very first and crucial step will be to rally all Mauritians around a national project to garner all our willpower and energy to shape a prosperous nation where our unique cultural mix is a source of pride and inspiration rather than a platform for compartmentalising the nation.”*

C'était les intentions du gouvernement exprimées dans le programme gouvernemental 2005-2010 : placer l'individu au centre de tout développement, 'Putting People First'. Le programme gouvernemental de 2010-2015 va vers le même cheminement, dans le même sens.

*“Economic efficiency and social justice will continue to underpin all the actions of Government. The Constitution we inherited from the founding fathers of the nation has served us well. However, no matter how well our institutions may be seen to be functioning, they need to be adjusted to help the country face new challenges. We need a constitutional regime that will strengthen our democracy, promote nation-building and further entrench the fundamental rights and freedom of all Mauritians.”*

Nous sommes fiers d'avoir poursuivi dans cette même voie, M. le président, tracée par nos illustres prédécesseurs, animés de cette même philosophie : la consolidation de la démocratie et des droits fondamentaux de chaque individu ; la consolidation de l'état providence ; œuvrer afin de diminuer la disparité entre villes et villages.

La population plaçait sa confiance dans le *leadership* de notre Premier ministre en 2005 et lui réitérait cette même confiance d'une façon des plus claires et nettes en 2010. Notre pays progresse dans l'unité, la modernité et la justice sociale.

Au niveau de cette progression, tous les secteurs clés sont concernés, M. le président. Avant tout, l'amélioration de la qualité de vie de nos citoyens. On a eu la possibilité lors des débats autour du discours-programme 2012-2015 d'apprendre, à travers les services de santé, M. le président, les gros investissements qui se font au niveau des constructions de nouvelles facilités hospitalières, mais aussi de gros investissements qui se font toujours afin de doter les enfants de ce pays d'une médecine de technologie de pointe.

L'éducation. On a eu la possibilité récemment de voter dans cette même Assemblée, une loi concrétisant le désir de progresser au niveau de l'éducation tertiaire à travers la création, encore une fois, d'une nouvelle université - l'Université des Mascareignes, M. le président. Mais aussi on n'a pas négligé l'environnement, l'aspect écologique de notre développement, et l'emphase au niveau du *Prime Minister's Office* est toujours maintenu en ce qui concerne le concept de Maurice Ile Durable, M. le président.

Faisant de notre pays '*a land of not only new opportunities, but a land of equal opportunities*', comment ne pas mentionner, M. le président, le *Business Facilitation Scheme*, la promotion sans précédent du secteur de la petite et moyenne entreprise, et là nous saluons l'effort qui a été fait à travers le budget. En l'espace de cinq mois, on se retrouve, selon le rapport de la Banque de Maurice, avec un financement de l'ordre de près de R 600 millions pour accorder des facilités tant attendues au niveau du secteur des petites et moyennes entreprises. La démocratisation de l'économie est faite d'une façon sans précédent, et tout cela *under the able and wise leadership of our Prime Minister, Dr. Navinchandra Ramgoolam*.

Nombreuses, M. le président, ont été les législations qui témoignent de sa vision avant-gardiste et de sa détermination afin d'engager le pays dans un développement moderne, tout en consolidant l'unité nationale, le droit fondamental de chaque individu, et nos structures démocratiques. Permettez-moi de mentionner quelques-unes des ces législations. On a vu les amendements apportés à notre code civil, l'*Energy Efficiency Bill*, la profession d'architecte qui a été revue, l'apport du *Clinical Trials Bill*, *the Asset Recovery Bill* pour apporter l'encadrement nécessaire afin de consolider notre lutte contre ce fléau de la drogue ; le *cadastral survey* qui vient dans une très grande mesure faciliter la tâche de nos collectivités locales et faire en sorte

qu'il y ait un meilleur contrôle des *surveys* qui sont faits à travers le pays ; l'*Equal Opportunities Bill* et l'institution de l'*Equal Opportunities Commission* ; the *Maritime Zones Bill* qui vient élargir notre zone maritime et nous permettre de développer cette nouvelle industrie océanique, M. le président. Et comment ne pas mentionner le *new Local Government Bill* qui vient instaurer une démocratie régionale avant-gardiste au niveau du pays, et permettre qu'il y ait une interaction entre d'une part les collectivités locales et les différentes institutions ou au ministère où on va retrouver enfin cette collaboration tant attendue, afin de veiller à ce qu'il y ait une amélioration de la qualité de la vie au niveau de chaque quartier, que ce soit ville ou village, de notre pays, M. le président !

Le service de santé. L'honorable ministre, l'autre jour, dans le cadre des débats autour du discours-programme a mentionné l'apport des *health kits* à travers les différents centres communautaires existant à travers le pays. Solliciter aussi le ministère de l'environnement pour améliorer la qualité de vie et les facilités au niveau de l'environnement de chaque quartier, M. le président, tout cela va dans le sens d'une politique avant-gardiste. On tourne la page, on ouvre un nouveau chapitre qui permet un partenariat, non seulement entre les différentes institutions locales, mais aussi permettre un partenariat afin d'encourager les différentes spécificités communes, d'une part entre nos villes et certaines villes étrangères de la région, mais aussi entre nos villes et certaines régions qui connaissent un développement accéléré au niveau local. M. le président, une sorte de jumelage intérieur qui définitivement apportera, ce qu'on appelle en anglais, *un level playing field*, et évitera qu'il y ait un développement à deux vitesses au niveau du pays.

Une équipe stable, compétente et solidaire sous le *leadership* éclairé et déterminé de notre Premier ministre, le Dr. Navin Ramgoolam. Un pays résolument tourné vers l'avenir, la modernité dans l'unité et la justice sociale, M. le président. Et comment ne pas mentionner l'ordre qui est établi au sein de cette majorité gouvernementale par les initiatives, les innovations, les législations que j'ai mentionnées ! Si l'ordre était ainsi établi au sein de cette majorité, cela, bien sûr, dérangeait les membres de l'opposition, et les magouilleurs patentés, M. le président, de l'opposition ne pouvaient plus garder le silence pendant longtemps. Les prophètes de malheur se devaient de passer à l'ouvrage. On a connu au sein de cette auguste Assemblée cette tentative d'otage de la part de dix députés de l'opposition, aujourd'hui du

MSM, qui ont *cross the floor*. L'honorable ministre Vasant Bunwaree l'a mentionné, et mon collègue, l'honorable ministre Pillay Chedumbrum, l'a mentionné.

Mais c'est un fait s'il y a eu *crossing of the floor*, s'il y a eu abdication de la part de certains au sein de cette auguste Assemblée, c'est bien au niveau des dix députés du MSM qui, pour des raisons qui sont connues maintenant, ont choisi de se retrouver sur les bancs de l'opposition. Et lorsqu'on parle de l'opposition, M. le président, si l'ordre est établi au sein de cette majorité gouvernementale, quelle entropie au sein de l'opposition. On se retrouve, aujourd'hui, en 2012, avec une opposition à trois niveaux, M. le président. Nous avons un premier niveau de l'opposition, que je salue, composé des éléments du FSM, de l'OPR et du MMSD, mais nous avons un deuxième niveau d'une opposition minoritaire et, bien malin, M. le président, celui qui saura déterminer correctement la hiérarchie au sein de cette opposition. Une deuxième opposition minoritaire, avec une troisième opposition majoritaire. Cela se passe au niveau de cette Chambre en l'an 2012, dans le nouveau millénaire, M. le président, mais nous avons ici, une opposition, une sorte de monstre à trois têtes.

Nous avons un leader d'un petit parti, comme le dit si bien l'honorable Shakeel Mohamed, qui arrive mal à se situer dans cette hiérarchie. Nous avons un official *Leader of the Opposition in the House*, et on se retrouve dans notre démocratie de l'île Maurice aujourd'hui avec un *Leader of the Opposition who is outside the House*. Allez comprendre tout cela ! Vous imaginez le chamboulement qu'il y a eu au sein de ce côté de cette Chambre, et ce sont des gens qui prétendent pouvoir diriger ce pays demain, M. le président. En somme, une véritable cacophonie !

L'ordre du côté de la majorité, entropie au sein de l'opposition, M. le président. Et, dans ce contexte, il ne faut pas oublier que nous avons à faire face à un contexte international qui est dans la tourmente. Nos marchés d'exportation sont directement concernés par cette crise de l'euro. La diplomatie économique, les accords bilatéraux, la coopération régionale, nos contacts privilégiés, rien n'est laissé au hasard par notre gouvernement, sous le leadership de notre Premier ministre, afin de permettre au pays de faire face à cette crise qui nous guette, d'une meilleure façon. Et l'on s'attendait, dans ce cas de figure, dans un contexte économique international des plus défavorables, que cette opposition allait faire preuve de responsabilité, le sens patriotique allait se manifester au sein de cette opposition, mais hélas, M. le président, ils agissent en véritables prophètes de malheur.

At each and every opportunity, both inside and outside the House, wishing for the worst scenario for the country Mr Speaker, Sir. Their ultimate and only concern is to achieve power by all means. We need not forget that, in the recent past, Mr Speaker, Sir, the former President, Sir Anerood Jugnauth, taking advantage of his position and status as President, was openly criticising the Prime Minister and the Government at every given opportunity. That was not only a real cause of embarrassment, but most importantly, Mr Speaker, Sir, flouting all ethical standards and principles. It's only after being called to order by the hon. Prime Minister that Sir Anerood Jugnauth eventually submitted his resignation.

Whereas the 2012-2015 Government Programme lays emphasis on the need to strengthening cooperation with our traditional partners and developing a strategic, economic partnership with emerging countries in Africa, Asia, the Gulf and Latin America, whilst, of course, consolidating existing ties, partnerships and affiliations, another blunder was yet to come, Mr Speaker, Sir. Sir Anerood Jugnauth now proclaims that Mauritius should withdraw from the Commonwealth of Nations. We, undoubtedly, apprehend the far-reaching consequences of such a statement. Mauritian citizens in the United Kingdom suddenly losing their benefits of Commonwealth citizenship, Mauritian citizens becoming subject to immigration control, the loss of consular assistance in foreign countries, non-eligibility of our students to Commonwealth scholarships to mention, but a few, Mr Speaker, Sir. Although Sir Anerood Jugnauth holds no official status anymore, he made this statement in his capacity as Leader of the Opposition 'remake alliance'.

Mr Speaker, Sir, is this statement heralding the foreign policy of the remake alliance? If so, then we need to know, the population must be made aware of all the intended shambles of the remake alliance.

The Leader of the Opposition, hon. Paul Raymond Bérenger, has yet to comment and give his views on such a blunder. As Leader of the Opposition and member of the remake alliance, he owes a formal statement to this House...

**Mr Speaker:** Was the remake alliance a matter concerning the House or was it outside the House? If it was outside the House, the hon. Member cannot bring it in the House!

**Mr Hossen:** As Leader of the Opposition, he owes a formal statement to this House, but also to the nation, proclaiming in very clear terms whether it is the declared policy of the Opposition that Mauritius withdraws from the Commonwealth of Nations. This should be an

issue of great concern to everybody, including members of the press. We all need to know, in very clear terms, Mr Speaker, Sir, the intentions of the Opposition.

In the meantime, it is the foremost duty of Sir Anerood Jugnauth, as a true man of honour, to immediately relinquish the knighthood he received from her Majesty the Queen, Head of the Commonwealth.

We live in challenging, yet exciting times, Mr Speaker, Sir. This Government, under the leadership of our Prime Minister, hon. Dr. Navinchandra Ramgoolam, will continue to be guided by firm principles. These same principles that have seen the nation improve its growth and achieve historically stable economic performance and social justice.

Thank you.

(5.17 p.m)

**The Minister of Tourism and Leisure (Mr M. Yeung Sik Yuen):** Mr Speaker, Sir, first and foremost, let me start by congratulating the acting President for having presented the programme 2012-2015 of this Government. I would also like to congratulate the Deputy Speaker and the Deputy Chairman of Committees on their election. I wish also to congratulate the hon. Prime Minister for his able leadership and wisdom in inspiring this Government to work in the interest of the country and not in the interest of a few or *a clan familial*.

The hon. Prime Minister has always energised us with his vision of working together, create a new Mauritius for our youth and children. I wish also to congratulate the hon. vice-Prime Minister, Minister of Finance and Economic Development, for his great vision and strategies in shaping the right policy measures and initiating bold economic reforms to respond to the prevailing Euro zone economic crisis, and steer the country on the road of progress.

M. le président c'est ce gouvernement qui va transformer ce pays d'un état d'urgence économique à un état de résilience, et sans équivoque.

Mr Speaker, Sir, it is pertinent to remind the House that, at the time the Labour Party/PMSD alliance came to power in 2005, all our key macro indicators were in red. The former Prime Minister, hon. Bérenger, was so right when he admitted that, *on est en état d'urgence économique*. La crise est sans précédent, et la situation est dramatique. All the key macro indicators were in red in 2005. Unemployment rose to 9.6%; public debt was 56% of GDP; GDP growth declined from 10.2% in 2000 to 2.7% in 2005; FDI rose at the low figure of Rs2.8 billion; tourism stagnated with a tiny growth of 2.3%; textile and clothing sector registered

an all-time negative growth of 12.3%; budget deficit stood at 8.1%, and 26,000 jobs were lost in the EPZ sector. Indeed, Mr Speaker, Sir, we inherited not only a poor economy but also skeletons in the cupboard. Over and above, we had to face a fast changing world and three major external shocks at the same time, namely 36% reduction in the price of sugar, dismantling of the multi-fibre agreement, and soaring oil prices.

Mr Speaker, Sir, as soon as we acceded to power, we pulled our sleeves and set ourselves to task. We took bold economic measures without any fear or favour in the superior interest of the country. We have succeeded through determination and hard work to change the course of the ship of the State, which was on the brink of a precipice. Today, Mauritius is on the path of global competitiveness and sustained growth.

Mr Speaker, Sir, although the hon. Members of the Opposition were criticising our economic reform programme, today they recognise that these measures have yielded not only positive results, but also cushioned the economy from the impacts of the worst global economic crisis since 80 years. The results of the reforms have been beyond expectations. FDI inflows reached a record figure of Rs20 billion in 2007; budget deficit and debt to GDP ratios are on the declining trend; unemployment reduced from 9.6% in 2005 to 7.9% in 2011; GDP growth rose from a declining 2.7% in 2005 to 5.6% in 2006; 5.7% in 2007; 5.5% in 2008; 3.1% in 2009; 4.2% in 2010, and 4% in 2011, in spite of the prolonged global economic recession. Per capita income increased from USD5,000 in 2005 and reached USD8,007 in 2011. Textile sector, which was written off by the MMM/MSM Government, registered an 8% growth in 2011. The tourism sector, which stagnated at 2.3% in 2005, registered a growth of 7.5% in 2010, and 3.2% in 2011, in spite of the global economic recession.

On top of that, Mr Speaker, Sir, we implemented the PRB report 2008 amounting to Rs5.2 billion in full, at one go, without raising VAT and without increasing the budget deficit.

Mr Speaker, Sir, it is worth emphasising that all these have been achieved at a time when the world was facing a prolonged recession resulting from the combined effects of energy, food crisis, and financial crisis.

This Government has never hesitated from taking difficult decisions and bold measures to turn the course of a sinking ship caught up in strong winds and high tidal waves, heading towards a coral reef. The economic democratisation project has heralded the way to a new economic and social model where economic efficiency and social justice prevail.

Mr Speaker, Sir, the Members of the Opposition have levelled criticisms against this Government to the effect that not much has been done to combat the problem of poverty. This is most unjustified and unwarranted. We have been able to weather every storm, and our achievements speak volume.

Mr Speaker, Sir, allow me to briefly situate the multi-pronged strategy of the Labour Party and PMSD Government since 2005 to tackle the problem of poverty...

**Mr Speaker:** I think I have given some latitude to the hon. Minister. He has been speaking from 2005 to 2010. The Programme we are discussing is 2012 to 2015.

**Mr Yeung Sik Yuen:** Mr Speaker, Sir, I will now come to the Government Programme that we intend to implement over the next three years to move the nation forward to new heights of development, prosperity, sustainability and connectivity, while building a strong nation imbued by the spirit of patriotism, social justice, fairness and equity. The Government Programme outlines the vision, objectives, policies and projects that would be implemented by this programme to create a more inclusive, just, prosperous, cohesive and modern society, where every citizen enjoys equal opportunities. The programme also embodies the broad philosophy that would guide the Government in its action, in its commitment during the rest of its mandate. It contains specific measures for different sectors of the economy. The programme is based on great ambitions for the country. It is a programme for the future. As in the past, Mr Speaker, Sir, the Labour Party and the PMSD will together build this future, where every section of the population will prosper and feel secure.

Our programme, Mr Speaker, Sir, is based on a vision for a Mauritian society where unity, equality and modernity remain entrenched core values in our socioeconomic fabrics. While these three principles will guide our action, we will continue with the same policies and principles that have put the economy back on the growth path, and saved the country from economic collapse.

Mr Speaker, Sir, I shall now refer to measures pertaining to my Ministry. My Ministry acts as a facilitator and catalyst for sustainable tourism development, and for maintaining the position of Mauritius as a top-class tourism destination in the region. The overall strategic thrust of Government is to create a globally competitive, environmentally sustainable, and socially responsible tourism industry.



Mr Speaker, Sir, in this era of globalisation, our tourism sector, which accounts for 8.4% of the GDP and 15% of the labour force, is called upon to evolve in a highly volatile and competitive environment. The situation has been further complicated with the deepening of economic crisis in the Euro zone, which constitutes 63% of our total tourist arrivals in 2011.

In spite of all these odds, Mr Speaker, Sir, our tourism sector has performed relatively well, and has shown signs of resilience. Allow me to mention a few figures.

- The share of the tourism sector to GDP increased from 2.3% in 2005 to 8.4% in 2011.
- The tourism sector registered a growth of 3.2% last year, in spite of a severe recession in Europe.
- Tourism receipts reached a record figure of Rs42.8 billion in 2011 compared to Rs25.7 billion in 2005.
- Tourist arrivals registered a figure of 964,642 last year, as opposed to 761,063 arrivals in 2005.
- Direct employment in the sector stood at 30,000 in 2011, and indirect employment was estimated at 60,000 jobs.
- The statistics for May this year revealed that tourist arrivals increased by 4.7% compared to the same period last year.

This augurs well for the industry, and it shows that our market diversification strategies are yielding positive results.

Mr Speaker, Sir, the World Economic Forum Travel & Tourism Competitiveness Report 2011 has placed Mauritius as the highest rank country in the sub-Saharan African region. Since the beginning of the year, we have been awarded by the World Travel Awards the World's best Leading Island Destination, and recently we have obtained the award of the best honeymoon destination in Germany.

Mr Speaker, Sir, statistics clearly demonstrate that the tourism sector has now in-built resilience thanks to the policy measures adopted by this Government. But still, we need to provide the sector with the required support to confront the new challenges ahead while exploiting hidden opportunities.

Mr Speaker, Sir, Mauritius has successfully, over the last three decades, positioned itself as a premium destination with high-end beach resorts, and penetrated the niche markets segments

at the top end market. This model, which has for years worked well for Mauritius, is today being challenged.

Like every country, the tourism industry in Mauritius is not shielded from external shocks such as –

- Intense competition from emerging destinations and similar destinations.
- Renewed global economic recession triggered by the Euro zone crisis.
- Shrinking demands from Europe and changing preferences of travelers.
- Changes in the aviation sector with emerging or alliance formation by major airlines.
- Technological advances, particularly the internet, mobile phones and common IT platform that have radically changed the traditional mode of marketing.
- Rising costs of fuel adversely impacting upon cost of air travel.

In response to these challenges, Mr Speaker, Sir, Government has embraced a three-fold approach focusing on greater visibility of the destination, improved accessibility to the destination and enhanced attractiveness of the tourism product portfolio.

Mr Speaker, Sir, today our tourist enterprises have to operate in a fast changing world that is characterised by unpredictability and inherent risks. To survive, our operators should imperatively reorient their business models, reinvent themselves, and harness their strength to exploit hidden opportunities. Our entrepreneurs should be resilient, adaptable, and decisive in dealing with uncertainty and crisis situation.

Mr Speaker, Sir, to give a new impetus to the tourism sector, various policy measures will be implemented over the next three years by my Ministry. First, greater synergy will be created between the public and private sector for evolving more responsive policy measures. As we attune ourselves to sense the global wind of change, we must also be in touch with the realities of the ground and engage all the stakeholders, so that we can develop sound policies that will better serve the needs of business community. In this context, a Tourism Advisory and Monitoring Committee comprising of the public and private stakeholders will be set up to closely monitor the performance of the tourism sector and advise the Government on measures that could be implemented to mitigate the adverse impacts of global crisis.

Mr Speaker, Sir, second, we have revisited our destination promotion strategy to mitigate the adverse effects of the Euro zone crisis on one hand, and exploit the opportunities in emerging markets on the other.

To this end, we have adopted a four-pronged marketing strategy underpinned by –

(i) Consolidation of Traditional Markets

An aggressive marketing in selected traditional markets with growth potential such as France, Germany and Switzerland. In such source markets, MTPA will promote a prestigious image of the destination as the ideal holiday package comprising a complete and diversified product offer ranging from the sea, sun and beach to encompass water sports, wellness and eco-tourism. A concept of '*luxe accessible*' will be promoted through tours, road shows, e-marketing, online campaigns, on social platforms, celebrity marketing and brand window dressings as well as joint marketing activities with tour operators, travel agents and hoteliers.

(ii) Penetration of Emerging Markets

A market diversification strategy through deeper penetration in emerging markets, like China, India and Russia, is being pursued to compensate for predicted contraction in existing markets.

With the growing outbound tourists in these potential markets, Mauritius is well poised to capture specific groups. The MTPA will reinforce its presence in the main cities of these emerging markets and conduct visibility campaigns which include advertisement on Mauritius in newspapers, TVs and magazines. Billboards on busy roads and metro, online campaigns, FAM trips for tour operators, participation in major fairs and association with celebrities will also be envisaged.

(iii) Exploitation of New Markets

New markets like Czech Republic, Scandinavian Countries, Middle East, Japan and South Korea which are very promising will be nurtured to enlarge our tourist base. Campaigns consisting of road shows will be undertaken with support of airlines and hoteliers.

(iv) Spearheading Regional Tourism

A deeper penetration in regional markets like South Africa, Reunion Island, Seychelles and Kenya is being undertaken to give a boost to regional tourism. Digital campaign with tour operators, road shows, media trips and tours are being resorted to while focusing on the niche market segments such as golf, diving, surfing, MICE, medical and family.

Mr Speaker, Sir, Mauritius has built a worldwide reputation for the quality of its tourism product based on a brand promise of high physical standards, a clean and safe environment, charming local population hospitality and excellent service delivery. It is imperative that we continuously nurture the brand and reinforce our image as a safe and secure up-market tourist destination. In a bid to enhance the attractiveness of the destination and to preserve the pristine nature of the environment, my Ministry has taken a series of measures –

- (i) a new set of security measures have been imposed upon hotels with a view to reinforcing the safety of tourists. The new measures encompass all aspects of security ranging from security equipment and access control to watchmanship and night security norms within hotel premises;
- (ii) to reinforce security at sea: swimming zones, snorkeling zones, ski lanes and split limits zones will be established by the Tourism Authority and appropriate Regulations will be introduced to regulate these activities. Such actions will contribute to preserve our lagoon which is a primary asset;
- (iii) an official rating system for hotel classification has been developed in collaboration with the tourism operators to strengthen the overall image of the hotel industry, reinforce travellers' confidence and ensure hotels meet minimum standards. The official rating system will also guarantee the tourists value for money. A similar system will be evolved for tourism enterprises;
- (iv) the Tourism Signage Programme, which comprises the installation of directional and informational signs as per the World Tourism Organisation international standards, will be pursued and completed. This will increase the visibility of our tourists' attractions and provide opportunities for remote areas to benefit from economic gains of tourism, and

- (v) coastal walkways at Trou d'Eau Douce, Grand'Baie and over tourist-concentrated areas will be constructed to facilitate access to the beach while at the same time embellishing the coastal landscapes.

Mr Speaker, Sir, the tourism product has for too long been dependent on the classic offer 'sea, sun and sand', safe lagoon, and a scenic diversity complemented by a year round sub-tropical climate, appealing mainly to the leisure market, honeymoon and wedding market, and sporting events market. The classical tourism products portfolio is gradually being broadened to include eco-tourism, medical tourism, business tourism and shopping tourism to better face challenges and international competition. There is a scope for our rich cultures and heritages to be promoted and developed, considering that, according to the World Tourism Organisation, cultural tourism will account for 20% of all travels in the next 20 years.

The UNESCO World Heritage Sites at Aapravasi Ghat and Le Morne are assets that can be leveraged to give a boost to the cultural and heritage tourism.

Sports tourism is another fast growing segment within the global travel and tourism industry that offers tremendous opportunities for the broadening of our tourism product. Sailing competition, kite surfing competition, golf international competition, beach volley competition and beach soccer competition are a few sports activities that would be promoted to give a boost to sports tourism.

Moreover, folklore extravaganzas like *Festival International Kreol*, carnival and Mauritius Shopping Fiesta would be organised on an annual basis to attract tourists in Mauritius.

Mr Speaker, Sir, improving accessibility to the destination is crucial for the growth of a tourism sector. Air transport will continue to be vital to support the tourism industry, and in this context the national carrier will have a critical role to play.

Mr Speaker, Sir, today we are at the threshold of a new era where all economic fundamentals are being questioned and climate change is redefining the mode of operation, production and consumption.

The tourism sector, which is a highly climate sensitive sector in view of its close connection with the environment and climate, needs to portray itself as a green industry. It is more than ever necessary for all our tourism businesses and destinations to adapt to climate change in order to minimise associated risks, and capitalise on new opportunities in an economically, socially and environmentally sustainable manner. Steps have also been taken to

ensure that the architectural layout and designs of buildings are eco friendly and are of tropical resort type.

Mr Speaker, Sir, all these measures will not only contribute towards the attainment of our '*Maurice Ile Durable*' vision, but also at mitigating the negative impacts of climate change.

Mr Speaker, Sir, the twin processors of globalisation and trade liberalisation have dramatically changed market conditions and competitive strategies. The new terms of competition in today's hi-tech globalised world have put a premium on speed, flexibility, quality, product differentiation and innovation. The challenge of our State-owned enterprises is to adapt to the new dynamics of competition change and innovation. In this context, it is imperative for our public enterprises, most particularly, those having a key role to play in the development process to reengineer their operations, to redefine their objectives, to reassess their roles and functions to build capacity and flexibility, to better exploit opportunities in the face of adversity while adapting to new trends.

Mr Speaker, Sir, this is precisely why we are currently undertaking a restructuring of the MTPA, so that it is endowed with innovative structures and flexibility to be able to –

- (i) quickly turn strategies into actions;
- (ii) manage processors intelligently and efficiently;
- (iii) innovate continuously;
- (iv) detect emerging trends greater than competitors and make rapid decisions, and
- (v) embrace change, adapt to new trends and address new challenges facing the tourism sector.

Expression of interest for the restructuring exercise has already been received, and tender for consultancy will shortly be awarded.

Moreover, the Tourism Authority is reorganising its services and processors, so as to be more responsive to the needs of the tourism operators and carry out its regulatory and monitoring functions more effectively.

Mr Speaker, Sir, the Government Programme 2012-2015 has chartered the path towards the future underpinned by unity, equity, sustainability and modernity. It gives a glimpse of a Mauritius we are going to shape for our future generations.

Mr Speaker, Sir, we have a vision with a mission; we have a vision with a passion. We are committed to advancing social justice and economic democratisation, which remains the

backdrop of our economic and social model. We are going to deliver on prosperity for all, broaden the circle of opportunities, and build a strong nation full of dynamism to overcome the challenges of looming ahead.

Mr Speaker, Sir, you can rest assured that this Government will leave no stone unturned in its action to create a modern, inclusive and vibrant Mauritius *où il fait bon vivre*.

Thank you, Mr Speaker, Sir.

### **PERSONAL EXPLANATION**

#### **HON. HOSSEN - REFERENCE TO HON. FRANCOIS**

**Mr Speaker:** We have a point of personal explanation.

**Mr J. F. François (Third Member for Rodrigues):** Mr Speaker, Sir, I seek your permission on a point of personal explanation. During the speech of hon. Hossen, my name and party have been mentioned as forming part of the level three Opposition. I would like, on a point of personal explanation, to state that I am sitting in an independent position.

Thank you, Mr Speaker, Sir.

(5.45 p.m.)

**The Minister of Tertiary Education, Science, Research and Technology (Dr. R. Jeetah):** Mr Speaker, Sir, it was indeed a historic occasion that the Government Programme was presented by the first woman vice-President of the Republic of Mauritius.

The appointment of the first woman vice-President in itself symbolises the progressive vision of this Government in ensuring equality of opportunity and the empowering of women, and the Opposition, that is, the MSM and the MMM, decide to walk out. Such an appointment could only have come from the Labour Party, of course, in alliance with the PMSD, and it is a landmark in the history of the country and a tribute to all the women of this country, that is, the Republic of Mauritius. I need also to pay tribute and thank my good friend, hon. Mrs Juggoo, for proposing a motion to debate the Government Programme 2012-2015.

The programme presented on 16 April 2012 defines the vision for the future prosperity of our people, and the Opposition walks out. It is a pledge for greater democracy, a commitment to improve the lives of our people and create a more equitable society, and the Opposition walks out. The uniqueness of this programme is that it caters for every segment of our society - The workers, the Opposition walks out; the elderly, MSM/MMM walks out; women, the Opposition walks out; children, the Opposition is absent; the youth, the Opposition is absent again; sports

people, the Opposition walks out; artists, the Opposition walks out; craftsmen, the Opposition is not here; small entrepreneurs, the Opposition walks out, and it contains special reference to animal protection and welfare and yet again the Opposition walks out. The MMM keeps on walking, *marche marcher même* as they say, with their very small party. This is a programme which sets out a roadmap for modernisation for the next two decades. This is not a party affair, it is a national programme for all the people of this country and the welfare of each and every citizen, and the Opposition walks out.

We all know that such a humane approach can only emanate from the Labour Party in alliance with the PMSD because this party is historically known for its spirit of service to the nation and its sense of humanism. This is a Programme that is welcomed by the nation, by public opinion, for its boldness and daring vision, for its innovation, creativity and imagination. We would have expected the Opposition to be present and bring its contribution to the debate. They are paid to do that and make constructive proposals to the building of the future of this country. But they walk out. They have decided not to be present. This is very significant, Mr Speaker, Sir. It speaks a lot about the Opposition and what it has become today. An Opposition which is feeling the fatigue of time; they are tired, and are already on pre-retirement mode and which will go after retirement as the most unproductive Opposition that the country has ever known in its history. Can we ask what has been their contribution as an Opposition, apart from the strikes of the 1970s and blackmail in the 1980s and so on? For 40 years some of the Members have been warming the bench of this House here! I keep on asking myself this question: what has been their contribution? No wonder, Mr Speaker, Sir, that this Leader of the Opposition has broken the world record on walkouts in Parliament. And it would be good to check the number of walkouts in his lifetime as a Member of Parliament. He has also broken a record in not answering PQs in this Parliament.

**Mr Speaker:** I am sorry, the hon. Minister cannot attack the hon. Leader of the Opposition individually. So long the hon. Minister is attacking the Opposition, he is allowed.

**Dr. Jeetah:** Mr Speaker, Sir, at a later stage, I can come and lay at the Table of the Assembly the questions that that he has not answered.

**Mr Speaker:** I have given a ruling and the hon. Minister has to respect the ruling.

**Dr. Jeetah:** I bow to your ruling, Mr Speaker, Sir, but I can present the documents on questions that I asked myself personally.



**Mr Speaker:** I said I have given a ruling, and the hon. Minister should abide. Whatever he wants to do, he does it later.

**Dr. Jeetah:** Mr Speaker, Sir, it is clear from the hysterical and infantile reactions of Members of the Opposition that they have been taken aback. They are dumbfounded by the comprehensiveness and the dynamic vision underlying this Programme. It is not '*du déjà vu*', as they claim, but '*du jamais vu*', for the simple reason that this Government Programme proposes a novel approach to social welfare, to economic development and social justice.

Let us have a quick look at the Programme, Mr Speaker, Sir. What are we talking about here? Table of contents: Chapter 1 talks about prosperity for one and all, and the Opposition is out. Chapter 2 is about connectivity for our young people, about the airports and seaports etc, and they walked out. Chapter 3 is about people, about the interest of the people, the very people who elected them, and they walked out. Chapter 4 is about what kind of society we would like to be living in, and they walked out. Chapter 5 is about nation-building, they are still not here. Chapter 6, Mr Speaker, Sir, is about sustainability; something that they will not probably understand.

Mr Speaker, Sir, to show its seriousness and sense of purpose, this Government has presented an action-oriented Programme, including clear timelines and performance targets, and has immediately set up a unit at the Prime Minister's Office to ensure project delivery and quick implementation. The Programme will, therefore, be delivered within the three years' time span. We are known to do what we say. I recall a while ago - I know that you might stop me - we promised that we would offer free transportation, and we did.

Mr Speaker, Sir, I would like to now come to the sector under my mandate that is, tertiary education, science, research and technology. All over the world, higher education is undergoing considerable changes with globalisation, technological developments, the rise of the knowledge economy and changing skill requirements in labour markets. It is expanding in all regions of the world. According to UNESCO, between 1991 and 2006 the number of students enrolled in higher education institutions worldwide more than doubled, that is from 68 to 143.9 million students, and that Growth Enrolment Rate (GER) increased from 13.8 to 25% during this period. In addition to increasing student mobility, the sector has also witnessed increasing institutional mobility through the setting up of branch campuses, franchising or training arrangements. Today,

countries like Malaysia, Singapore, China and Dubai are already hosting a number of foreign universities.

UNESCO points out that higher education has become a commodity marketed across borders under the General Agreement on Trade and Services (GATS). The rapid growth of the global market in higher education indicates how things have changed. The growing importance of higher education as part of the new knowledge economy has prompted many countries to establish separate Ministries for higher education, namely France, Sri Lanka, Malaysia, Kenya and Trinidad and Tobago, amongst others. This is the trend. This has become a necessity. This is the future.

As we want our higher education sector to become the foundation of the knowledge economy, in 2010, the hon. Prime Minister set up a separate Ministry for Tertiary Education, Science, Research and Technology. The days when one or two higher education institutions had complete control of higher education are gone. Like other sectors, our tertiary education system has to adapt to the changing economic landscape and emerging social needs. We need to create high level human resources to progress to the rank of middle income country. Indeed, empirical evidence internationally points to a strong correlation between access to tertiary education and GDP per capita. In spite of this change in the world scene, one Member of the Opposition has clamored on the rooftop that there is no need for a Ministry of Tertiary Education, there is no need for the expansion of universities, and there is no need to create opportunities for our people to have access to tertiary education. This is typical of the negativism and the oppositional culture, which has become the brand of the MMM Opposition for the last 40 years, I am afraid to say. This elitist vision of higher education from those who have called themselves socialists is a gross aberration. We, on this side of the House, are committed to Labour's vision of Education for All. This is our social commitment to the people of this country, and we pledge ourselves to implement it. I am not surprised, and nobody in this country is surprised anymore, by Dr. Jekyll and Mr Hyde discourses. Since the creation of the MMM, hon. Paul Bérenger has every year in and out criticised Government's measures, Government's Budget and Government Programmes with a load of clichés, which have now become so stale. His speeches are always full of doom and gloom, announcing every year, every month that new catastrophes will appear on the horizon, and election is next door.

Even when they were in government, they actually created *un état d'urgence économique*, and by their words and actions they caused no less than 35,000 workers to lose their jobs between 2000 and 2005. Every honest analysis will show that the MMM lacks imagination and creativity, and is totally bankrupt of ideas today. Every time, they claim supposedly that they have solutions in their pockets, and when they are actually in saddle, they cannot deliver. This is the bare truth, Mr Speaker, Sir.

Today, the only way they think they can satisfy their greed for power is by desperately flogging a dead horse. Every effort to revive this dead horse has lamentably failed. I think my hon. friend on the other side, the forensic surgeon, should take over and start the post-mortem already, and I am sure the report will be warmly welcomed by his party. We should not forget that the same people were critical of the decision of Sir Seewoosagur Ramgoolam to introduce free education in 1976. Yet today, it is universally accepted that we are reaping the benefits of free education with an educated and trained workforce. Thousands of young people, especially women, have found their way to schools and the university, which they could not afford before 1976.

In the same way, the measures being taken by this Government in the field of higher education will yield results in years to come - with a high level of manpower, increased skills and knowledge, and wider opportunities for young Mauritians as well as the youth from Africa. Only about five to six weeks back, we proposed the setting up of the new University of Mascareignes, which would benefit all students and more particularly the students from Barkly, Plaisance, Camp Levieux and the surrounding regions. Guess what! The Opposition said 'no' to a university in this region. I am asking myself some hard questions. Do these hon. Members want to keep university education only for themselves and their children? I do not know. I am asking myself these tough questions. We know what happened during 2000 to 2005, when they decided to destroy the Royal Colleges, Queen Elizabeth College and so on, while their own kids were attending fee-paying private colleges – fat fees. Fortunately, we corrected this mistake when we came to Government in 2005.

However, in the process, we have sacrificed a group of students. The *status quo* is their motto. During the debate on the University of Mascareignes, I asked them: “what have they done for the last 40 years?” Nothing, Mr Speaker, Sir! Nothing to show in the field of education! In

fact, I know one hon. Member who holds a record of bringing down the CPE passes over the four years he presided over the Ministry. Record, again!

We are not going to follow them in this path. Government has decided that there should be a university there, and this has been voted. I must tell you that I was very disappointed by the two hon. Members of the Opposition who themselves, I guess, have been to university and who stood up and opposed the creation of a new public university, that is, a *Université des Mascareignes*.

History will bear testimony to this. What was even worse on that day was the absence of the hon. Leader of the Opposition in the House during the debate. At a moment, in my humble opinion, when this historic Bill was being voted, the hon. Leader of the Opposition chose not to be present, to vote for the emergence of the University in his constituency at Camp Levieux. He keeps on walking out. I am sure history will not forgive him and his colleagues for their attempt to prevent the children of Camp Levieux, Barkly, Stanley, Trèfles, Rose Hill, Roches Brunes, to name but a few from access to university.

Let me now come to the main orator on the Opposition side. Somebody who supposedly wants to succeed his leader came and followed the same beaten track. When I was proposing a University, I was horrified, Mr Speaker, Sir, indeed very horrified. The only thing that this Member could say about this new University was to dig an old speech - I have a copy of his old speech here - made ten years back on the UTM, repeating exactly the same words, the same clichés and the same arguments which he delivered against the UTM Bill, and which has since confirmed him as a prophet of doom. Is it what we expect from that Member after ten years? Are they so tired? Are they so disillusioned that they are no longer capable of work, of coming up with fresh ideas, arguments and debates, and making some constructive contributions to the debate? I wonder. In fact, Mr Speaker, Sir, he appears to be even more tired than his leader. No wonder they have become the permanent Opposition, and they will remain the permanent Opposition of this country for a long time.

Mr Speaker, Sir, Government will continue to put in efforts to make high education a key pillar and an engine for economic growth for the Mauritian economy. In this respect, a long term strategy is being finalised by my Ministry, in collaboration with the World Bank, to steer this sector's development up to 2020. The Labour Party introduced free education up to tertiary level in 1976, opening the door of free education and tertiary education to thousands of Mauritians. In

2005, the hon. Prime Minister, Dr. Navinchandra Ramgoolam, introduced free transportation for all students, which has allowed thousands of students from less fortunate families to attend schools, colleges and universities. I have to quote this again; this decision must have been taken in 2003, when the hon. Prime Minister was visiting Panchavati in a by-election where I was present, the constituency of the former President of this country, who incidentally is reminding us of the difficulties of the common people. In 2003, children could not afford to pay Rs6 for bus fare from Panchavati to Rivière du Rempart and Rs6 back. It was the state of the constituency of the former President of this country, who is now out to give lessons. Here also, I remember what he actually said; to come to what my hon. friend said here; he was waiting for the population to get poorer to resign.

Making education, Mr Speaker, Sir, accessible to all, has been our political undertaking, an oath that the hon. Prime Minister has taken towards the younger generation. We have taken some bold policy measures to increase access by introducing -

- (i) foundation programmes for learners with one 'A' Level;
- (ii) admission of mature students for tertiary education;
- (iii) recognition of prior learning for admission of learners in tertiary education, and
- (iv) extension of opening hours of universities and other tertiary education institutions till late at night.

I said that this is nothing new. These things have already been tested overseas. Now, we are taking these bold decisions to bring them here in this country.

Today, our Gross Tertiary Enrolment Rate, that is, the GTER, has reached 46% as compared to 28.4% in 2005. Since 2010, nine private institutions have been set up, bringing the total number of tertiary education institutions to 71, that is, 11 public and 60 private; and 2,600 persons are employed on a full-time basis, of which around 400 are in private higher education institutions.

Mr Speaker, Sir, we have diversified and increased the fields of study available to learners in terms of diversity of provision. The number of programmes on offer have increased from 400 in 2005 to 770 in 2011. New subjects have been introduced in the public and private sectors, for example, today a Mauritian student can, at least, study Actuarial Science here in Mauritius, Architecture, Bio-Informatics, Pharmacy, Quantity Surveying, Sustainable Environment Management, Marine Science and Technology, Criminal Justice, Corporate

Governance and Corporate Social Responsibility and so on. I said earlier on, Mr Speaker, Sir, I had a question from a young journalist here, a certain Ms Sarah, who wanted to know if students can follow all the courses here in Mauritius. I must say that I have requested the Tertiary Education Commission to scan through all the courses being offered here and try to find out what is that we are not offering, and to prepare a plan, so that in time we would be able to complete the full list as a country. I don't know if the lady is here. I have just replied to that. In terms of levels, there has been an increase in programmes ranging from Certificate to PhD levels. Even private institutions are now offering courses up to PhD.

The setting up of two additional universities, namely the Open University of Mauritius and the creation of the *Université des Mascareignes* through a merger and upgrading of Swami Dayanand Institute of Management and *Institut Supérieur de Technologie*, is under way. My Ministry is proceeding with the appointment of the Board of the Open University while a Bill for the *Université des Mascareignes* has already been voted on 15 May 2012.

I now wish to spend a moment on courses being offered in the field of medicine. Thanks to our Tertiary Educational Policy, the wish of many young people to become a medical doctor is no longer a faraway dream. Medical studies are now within reach of students from any social status or income group through increased opportunities being offered locally. In addition to the ongoing collaboration of the University of Mauritius with the University of Bordeaux and the SSR Medical School, the D. Y. Patil Medical College and Anna Medical College and Research Centre are now providing medical courses in partnership with UTM.

We have concluded negotiations with Professor Carpentier from the University of Geneva, who was in Mauritius a while back for the setting up of an English medium Medical School jointly with the University of Mauritius. I am given to understand that this school will be launched by the end of this year, and courses will start next year. It is a matter of great privilege that such a prestigious institution is in partnership with the University of Mauritius will start offering its service. The *Hôpitaux Universitaires de Genève*, which is associated to the University of Geneva, is the most important medical institution of Geneva. It will bring high level courses and research within the reach of Mauritian students. It is my personal wish to see that we would be able to offer specialisation and super specialisation, but it will take the time that it takes. But I think the important thing is to start, and we are making a start as from next year. I must also mention to the House that, through discussions with Professor Carpentier, there

is also the possibility of setting up a Dental School in collaboration with the University of Mauritius. We are currently working on this project.

Given the prevalence of diabetes in Mauritius, Mr Speaker, Sir, we need to intensify research and develop specialisation in this field. As we are all aware, 50% of adult population in this country are either pre-diabetic or diabetic. I think that it is a must now for us to do something about this. We are working on the setting up of a Regional School for Diabetes, which will serve Africa as part of our strategy to build research capacity in this field. I had discussions with Professor Owen and a number of other eminent Professors, whom I had the chance to know as former Minister of Health, who are currently advising Government in this field. The MRC is working on the organisation of an international conference on diabetes next year in collaboration with the Ministry of Health to encourage targeted research in this field.

Mr Speaker, Sir, this Government wants to make tertiary education accessible to all, and it has taken an almost revolutionary decision to decentralise campuses. The construction of university campuses at Réduit, Montagne Blanche and Pamplémousses on 150 acres of land obtained under the MSPA/Government Agreement, that is, the 2000 *arpents* Scheme, would create additional space for some 8,000 students and decentralise access to tertiary education. The master planning and design has been completed, and the contract is expected to be awarded this year. I am bound, like any other Ministers here, by procedures, and we have to let the procedures take their course. The campuses will be put at the disposal of both public and private institutions against payment.

Mr Speaker, Sir, I would like to take this opportunity to comment on the site selection for these campuses. Six sites have been shortlisted for the campuses, chosen on a regional basis to serve each region of the island: Montagne Blanche, Pamplémousses, Réduit, Rose Belle, Piton and Rodrigues. This decentralisation of campuses will do justice to the rural regions by ensuring an equitable distribution of modern facilities in all regions of the island. The projects will benefit the country as a whole and not one region or one constituency in particular. They are meant for posterity and for the future of the population as a whole.

I have to inform the House that these campuses will also accommodate private universities and learning centres. Several private institutions have expressed interest to set up their campuses on these sites. In order to proceed with the allocation of land on the basis of

transparent procedures and objective criteria, we are setting up a special purpose vehicle to manage the land and infrastructure.

Mr Speaker, Sir, with the same objective of creating regional campuses, the ex-MBC building at Forest Side will be converted into a regional campus to accommodate the University of Technology, part of the Open University, and the ILO Regional Training Centre. This would address the concerns raised by students of UTM regarding learning space.

Mr Speaker, Sir, the Government has always been very compassionate towards students from vulnerable groups and low income families. We do not want to act as an impediment to access to tertiary education.

The Human Resource, Knowledge and Arts Development Fund is providing loans and scholarships to students, based on a number of criteria, amongst others a household income not exceeding Rs10,000 per month. Since the creation of the HRKAD Fund, from July 2008 to December 2011 a total of 1,119 scholarships have been awarded, and 168 government guarantees provided for student loans.

Broad access to higher education opens up the opportunities and benefits of both initial and lifelong learning to all, enabling women and men of all ages, in both rural and urban areas, to fulfil their aspirations. It is on this basis that we have introduced the policy of one graduate per family. This policy has a social dimension in terms of increasing social mobility, improving employability of people, giving dignity and respect to our young citizens.

It is totally incorrect to state that this policy is inflating the number of unemployed graduates. We are monitoring the employment of graduates, and tracer studies and employers' survey are being carried out by the Tertiary Education Commission to provide baseline data on the state of employment, unemployment, and underemployment, as well as skills mismatch to the tertiary education providers to enable them to bring necessary changes to their provision.

A tracer study carried out by the Tertiary Education Commission revealed that, on average, 88.6% of 2006 to 2010 graduates found employment within one year of graduation. The study also revealed that, in general, it took about two years for the rest, that is, the 10% or so who could not secure a job, that is, a total of 98%, to secure a job, irrespective of study and gender.



The Tertiary Education Commission is reviewing the Indicative Priority Fields of Study to avoid areas which have low employment demand, based on the findings of an employment survey covering 486 organisations, and the projected output of graduates.

The transition from university to work is a critical stage for young graduates. As stated in the Government Programme, we will now introduce a National Graduate Internship Programme to enable young graduates to join the labour force and acquire work experience.

There has been increasing interest from foreign tertiary education institutions to establish campuses or operate in partnership with local institutions. Already some brand-name institutions from overseas are running courses in Mauritius, such as Middlesex University, Amity, Vatel, Coventry University, and the University of Wolverhampton, and the *Hôpitaux Universitaires de Genève* will be also present as from next year.

Increasing private participation in the tertiary education sector requires stronger quality control and appropriate regulatory frameworks, to ensure compliance with standards.

Mr Speaker, Sir, I would like to make some comments on the issue of quality. It is the ambition of our country to become the favoured destination for higher education in this region. While we are undertaking action to expand access to higher education, I have to state clearly that no compromise will be made on quality. We will continue to improve quality and standards.

The existing regulatory framework introduced in 2005 includes guidelines for the -

- ☐ registration of institutions;
- ☐ the accreditation of programmes;
- ☐ the recognition and equivalence of qualifications;
- ☐ the setting up of universities and branch campuses, and
- ☐ the granting of awarding powers.

A clinical Training Framework for Medical, Dental and Nursing Education was introduced in 2009.

The Tertiary Education Commission regularly carries out quality assurance interventions with the support of experts from Australia, South Africa and India to form part of the International Monitoring Committees (IMCs).

With the changing tertiary education landscape and larger number of private operators in the sector, as well as a more diverse set of programmes, there is a need to revisit our quality assurance system, and strengthen controlling and monitoring of the quality process.

As stated in the Government Programme, the introduction of independent and strong quality assurance mechanisms will be one of the central elements of the new Tertiary Education Bill, which would lay down the basic principles governing tertiary education.

Quality improvement will also depend on the exchanges and partnership with reputable universities of international recognition. In addition to the partnership with *Université de Bordeaux*, the *Hôpitaux Universitaires de Genève*, and the University of Geneva, we have also initiated a collaborative project with the Government of India to set up an IIT-like institution in Mauritius.

It is needless for me to mention that IITs are world renowned organisations, and have produced brilliant professionals, many of whom are Chief Executives in multinational companies worldwide.

The collaboration engaged with the IITs is an exceptional opportunity to upgrade our research and teaching capabilities, and bring higher quality in our higher education landscape. We will not only benefit from the brand name of the institution, but also from the experience and competence of its academics.

A high level delegation from the IIT New Delhi visited Mauritius in February, and has submitted its recommendations for the setting up of such an institution in Mauritius. During my talks with the Minister of Human Resource Development of India in March, I have been assured of the total support of the Government of India for this project. The proposed institution is expected to become operational by next year.

With a view to enable our academics and students to remain up-to-date in their respective field and improve teaching, learning and research, the Tertiary Education Commission has since January 2010 made three well-known databases, namely Elsevier/Science Direct, Emerald and EBSCO, to our public tertiary institutions available.

These databases provide access to some 13,500 top-rated international journals, and over 10 million peer reviewed articles on a 24/7 basis. The above services will be made available in post offices, the National Library, as well as Rodrigues.

The Ministry of ICT is also implementing a project to establish Wi-Fi facilities throughout the campuses of our public universities.

As mentioned in the Government Programme, we will now set up specialised libraries in each of the public tertiary education institutions to become operational by end of 2013.

The development of a knowledge hub is also based on creating and enabling environment for the recruitment of foreign students. A UNESCO study has pointed out that sub-Saharan Africa has the highest growth in tertiary enrolment. It is our aim to make Mauritius a platform for higher education in this region, and provide educational opportunities to students from Sub Saharan Africa.

In order to attract foreign students, we have set up a Study Mauritius Office to act as a one stop shop to provide information to students. A student visa has been introduced, and students are now authorised to work for 20 hours per week. A survey of rented accommodation has been carried out to establish a database of housing facilities available to foreign students. Participation in road shows organised by the BOI and Enterprise Mauritius in Kenya, Tanzania and Uganda has started to give results with increasing enquiries from foreign students. Government has approved the signing of a Memorandum of Understanding with Kenya and Tanzania, and we propose to ratify the Arusha Convention on recognition of qualifications in higher education in Africa in due time.

It is undeniable that quality in higher education goes hand in hand with research. Research at tertiary level is presently concentrated with the University of Mauritius and University of Technology Mauritius. The total number of research students within these two institutions taken together stood at 205 in 2009/10, with some 70 students enrolled for a PhD, 123 for an MPhil and 12 for a Masters in Research. 65 MPhil/PhD students are benefitting from the TEC MPhil/PhD Research and Related Support Schemes.

We have undertaken a number of actions, Mr Speaker, Sir. Time not permitting, I won't go in all the details. Allow me to quickly, just before I end, Mr Speaker, Sir, express my views on the aspect of science.

Mr Speaker, Sir, Abdus Salam, the Nobel Laureate in Physics has observed -

“In the final analysis, it is basically mastery and utilisation of modern science and technology that distinguishes the South from the North.”

Science in developing countries is not a marginal activity. It is at the root of innovation and creation and is, therefore, vital, especially in developing countries. We need to help adapt technology to local circumstances, to use our resources, to develop the green economy, to ensure food security, and to improve health of the population. The teaching of modern science should

be geared to produce active scientists. Science is critical in guiding policy choices and decisions made by Governments.

It is not easy however, to develop and popularise science unless we have the necessary resources and the drive to do it. Government has given a new impetus to science since 2010, with the separate mandate given to my Ministry and funding through the research fund, and the project to set up an IIT capacity in the field of science will be strengthened.

The activities organised to increase awareness of science are a National Science Engineering Technology Week, the introduction of a Best Mauritian Scientist Award, the introduction of a Business Research Incubator Centre, and courses on writing skills for researchers.

The *Caravane de la Science* and Sky Observation Programmes throughout the island organised by the Rajiv Gandhi Science Centre are providing access to science information and concepts to students and the public at large. They have to be made to understand that we need doctors, engineers and scientists to make sure that this country keeps on moving forward. I have requested the Centre to intensify its activities as a center for awareness and understanding of basic science principles and organise activities during school vacations and in District Councils for all age groups.

We are very grateful to the Government of India, Mr Speaker, Sir, for the support to the promotion of science education in Mauritius. As the House is aware, during the Prime Minister's visit to India, a Memorandum of Understanding has been signed with the Government of India to provide financial support for the construction of a 1,000 square metre new gallery and a 600 square metre modern planetarium.

A high level delegation from India has already visited Mauritius, and the implementation of the project is in progress. The National Council of Science Museums of India will provide expert advice on the design and construction of the galleries and the planetarium.

To conclude, Mr Speaker, Sir, looking at the tertiary education sector, we cannot but be proud of our realisations in the short time span during which my new Ministry has been in place. But, I must also acknowledge the contribution of my predecessors because today, whether we like it or not, we have achieved 46% enrolment rate when next door in Africa the average enrolment rate is of the order of 5%. It is the objective of this Government to make sure that

every individual is given an equal chance to pursue tertiary education without any discrimination whatsoever.

The various measures proposed in the Government Programme place focus on the new generation, the youth and the children of this country - education, training, skills development and early childhood care are all centered on building a more talented, entrepreneurial population with the capacity to withstand the challenges ahead. Peter Drucker has stated -

“Management is doing things right; leadership is doing the right things.”

This Government, under the leadership of the Prime Minister, is doing the right things to build the structures for the future of our country and the people.

I thank you for your attention, Mr Speaker, Sir.

**Dr. A. Boolell:** Mr Speaker, Sir, I move that the debate be now adjourned.

**Mrs Bappoo rose and seconded.**

*Question put and agreed to.*

*Debate adjourned accordingly.*

(6.27 p.m.)

## **PUBLIC BILL**

### *Second Reading*

## **THE LEGAL AID (AMENDMENT) BILL**

**(No. VII of 2012)**

*Order for Second reading read.*

**The Attorney General (Mr Y. Varma):** Mr Speaker, Sir, I move that the Legal Aid (Amendment) Bill (No. VII of 2012) be read a second time.

I will start by referring to an article written by Chief Judge Hugh Stansfield in the Bar Talk, publication of the Canadian Bar Association, on Access to Justice. I quote -

“Whether our justice system regains public confidence will be determined to a great extent by whether we - the Bar, the Bench, and Government - effect material improvements in access to justice. Access to justice is the essential goal which should be shared by all of us. If we don’t adapt our processes to meet the needs of the community more effectively, why should they reasonably bestow upon us the precious commodity that is their confidence?”

Mr Speaker, Sir, the House will appreciate Government has embarked on a series of reforms in the legal and judicial sectors. In fact, the present Bill is the 15th piece of legislation that this Government is presenting to the House in relation to the reforms.

The Government Programme 2012-2015 states at paragraph 35 that the Legal Aid Act will be reviewed in the coming year to broaden the scope for legal assistance.

This Bill represents yet another landmark in the judicial and legal history of Mauritius.

In a world where the fundamental rights of individuals are increasingly and substantially maintained and protected, a developing country like Mauritius, being signatory to various international and regional conventions for the upholding of human rights, should aim at having a legal framework based on fairness. With this Bill, we are increasing “access to justice” to the common man, the less fortunate, the needy and the deserving.

Mr Speaker, Sir, since 1974, Mauritius enacted the Legal Aid Act to provide State assistance in terms of legal aid for Court proceedings. This system of legal aid has indeed contributed to the upholding of the rights of our citizens and to allow them to have assistance from lawyers in Court proceedings. However, this system had to be improved to better meet the needs and requirements of those who are in need.

The Legal Aid Act needed a fresh look to reflect the changes of the Mauritian legal system and society at large. The need for reform in the prevailing legal aid system has been highlighted in the Mackay Report ever since 1997.

In July 2008, in line with the Government Programme 2005-2010 and the recommendations contained in the Mackay report, a Green paper on ‘Equal Access to Justice: Reform on Legal Aid in Mauritius’ was prepared by Professor Ved Prakash Torul with the help of my Office.

The guiding principles of the proposals made in the Green Paper were -

- (i) the Means test has to be reviewed in favour of the Merits test;
- (ii) a shift from the concept of ‘poor persons’ to ‘eligible persons’,
- (iii) a need to widen the assessment criteria not only based on monthly income but also on ‘family responsibilities’.

In August 2008, *inter alia*, the above mentioned proposals were presented to Government, and the Green paper was circulated for public consultation in December 2010. There were consultations and representations from the hon. Chief Justice, the Bar Council, the

Law Society, the Chamber of Notaries, the Law Reform Commission, the Judicial Department Court Ushers Union, and the National Economic and Social Council. Their views together with those of the Director of Public Prosecutions and the Commissioner of Police were taken into consideration in the finalisation of the Bill, which has been prepared with the assistance of Sir Victor Glover, legal consultant.

Mr Speaker, Sir, the salient features of the Bill are that, amongst others, it -

- (i) simplifies the application process for legal aid;
- (ii) extends legal assistance at Police enquiry and bail stages;
- (iii) provides for a penalty section for those who provide misleading information in order to prevent an abuse of the legal aid system, and
- (iv) provides for a Means test and a Merits test wherever applicable.

On 02 February 2012, following an increase in the legal aid allocation in the Budget 2011-2012 from Rs2.5 m. in 2011 to Rs10 m. in 2012, amendments were made by way of regulations to the Legal Aid Act, to provide for an immediate increase in the threshold of legal aid entitlement, pending finalisation of this Bill. The income ceiling was increased from Rs5,000 to Rs10,000, and the requirement of the value of property owned from Rs75,000 to Rs500,000.

The present Bill now purports to bring about the other changes, taking into account the difficult economic situation while providing for flexibility.

Mr Speaker, Sir, clause 5 of the Bill is to clarify the wording of the existing section 3 of the principal Act with respect to offences which legal aid and legal assistance cater for. No change is being brought to the already prescribed offences.

Clause 6 of the Bill provides in section 4 of the principal Act for a simplified application process for legal aid. A prescribed form for legal aid is now being provided, setting out all the particulars and requirements which need to be satisfied for legal aid. The application form requires relevant information and details which would enable the Authority to have a better picture of the financial situation of the applicant.

An important amendment which the Bill proposes to bring is found at clause 8, where a new section is being inserted which caters for the Merits test. This test may be used by the Authority in specific cases to provide for a fairer system that has been in operation until now. The existing 'Means test' has been qualified as being too rigid, as it is based on what can be

classified as an ancient assessment of a man's needs and requirements. Therefore, this section would enable the Authority responsible for the grant or refusal of an application for legal aid, to use its discretion in cases where disqualification to legal aid depends only on the capital limit and to consider whether it would be reasonable for the applicant to finance the litigation out of his capital assets.

Mr Speaker Sir, clause 9 of the Bill provides for an amendment to section 7A of the Act, which is extending the new concept of legal assistance to minors also so that, as from now on, any minor who is a detainee or who has been charged of a criminal offence will be provided with a legal representative for the purposes of the Police enquiry and bail application. This measure is an important step inasmuch as there is an urgent need to provide them with assistance at the earliest, in order to safeguard and protect their rights.

Another important amendment is the new section 7B at clause 10 of the Bill. The Bill now provides for legal assistance during Police enquiry and for bail application in regard to the prescribed offences. This measure will be of great assistance and will ensure that the rights of accused parties, and in particular persons with low or no means, can have access to legal advice as from the time of arrest. The importance of access to legal advice at earliest opportunity has been highlighted in a number of Supreme Court judgments. This amendment is a major and colossal step towards the upholding of the constitutional rights of the detainee or accused party. The procedures for legal assistance will be promptly dealt with, and the enquiry provided under section 6 will be dealt at a later stage so as not to delay or protract matters. At first instance, the authority will base itself on the sworn or solemnly affirmed information provided by the applicant under the application form.

Clause 13 of the Bill, subsection (9), increases the penalty already provided for under section 10(1)(b) of the Act from a fine not exceeding Rs1,000 to a fine not exceeding Rs10,000, and from a term of imprisonment of three months to a term of imprisonment of one year. Such penalty shall be imposed in the event of breach of section 10(1)(a) of the Act, which provides that any person who takes or agrees to take or seeks to obtain from a person to whom legal aid has been granted any fee or reward for the conduct of his business in Court. This increase in the penalty to be meted out will act as a further deterrent, and will provide additional protection to the beneficiaries of the legal aid system and prevent against any abuse of power from those in authority or those who are appointed to assist them.



Mr Speaker, Sir, the new clause 12A of the Act is provided for under clause 14 of the Bill, and provides for a penalty for any false information provided in order to obtain legal aid or legal assistance. Again, this measure will ensure a better and adequate control on the information furnished by applicants, and to prevent any abuse of the simplified and prompt application process put into place.

Clause 16 provides for two new schedules to be incorporated into the Bill by providing for prescribed forms for applications for legal aid and legal assistance. Mr Speaker, Sir, I will be moving for minor amendments at Committee Stage.

The Judiciary, which is one of the major players in the implementation of the amendments to the legal aid system, has given its full support and collaboration for extending legal aid to a larger category of persons and providing legal assistance at Police enquiry and bail stages.

As the House is aware, since early this year, the Bail and Remand Court is open during weekends and public holidays. With the increasing number of newly qualified Barristers and Attorneys, we are confident that there are adequate resources available on the market for the good implementation of the amendments being brought.

The Mackay report states at chapter 15, I quote -

“We consider there may be injustice occasioned by the present absolute nature of the capital and revenue limit”.

The Means and Merits tests are the solution for a more equitable and fair system of assessing entitlement to legal aid. The Green Paper in 2008 strongly recommended the putting into place of the Merits test, which would not only ensure a fairer system, but also a more humane approach to legal aid. This Bill provides for this possibility at the new section 7(3) with the caveat that additional sums may be injected into the particular segment of legal aid as and when the economic situation will allow.

The proposed amendments are called for, in view of changes in the legal system and society at large. They will, in fact, increase access to justice to a larger category of persons. Nowadays, a concept of legal aid is no longer restricted to meaning legal representation in court proceedings. The purpose of legal aid is effectively to empower people to overcome the barriers to equality and justice. It effectively means that legal aid should go beyond the normal legal representation and address every issue which may give rise to prejudice.

Mr Speaker, Sir, the changes being brought about in our legal aid system was long overdue, and will align our existing laws with the current realities of life.

I seize the opportunity to thank my officers and all stakeholders, without whose valued support this project would not have become a reality.

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

**Dr. A. Boolell rose and seconded.**

*At this stage the Deputy Speaker took the Chair.*

(6.49 p.m.)

**Mr A. Ganoo (First Member for Savanne & Black River):** Mr Deputy Speaker, Sir, at the very heart of our democratic system lies our Judiciary and our justice system which is, in fact, the pillar on which rests the architecture of our democracy. But, at the heart of the justice system, Mr Deputy Speaker, Sir, lies the principle of access to justice, and access to justice means not only the possibility for a litigant to have a fair trial, to retain Counsel of his choice, but also for those who cannot afford it, access to legal aid schemes. In other words, equal access to justice.

This is why, Mr Deputy Speaker, Sir, we, on this side of the House, are in agreement with this Bill which is being proposed by the hon. Attorney General. It is certainly a step forward because we know behind this piece of legislation, as has been indicated by the hon. Attorney General, there has been a lot of work, background work, which has gone on for a few years in the past. There has been the Green Paper, which was referred to by the Attorney General. We know that there have been brainstorming sessions, concept papers, seminars which have been held on this issue in 2008 or 2009. In fact, Mr Deputy Speaker, Sir, all this was being done because our present Legal Aid Act had to undergo reforms and had to be subjected to amendments since, in the course of time, with the passage of time, this Act has been proved to be inadequate.

Here we are today, amending this 1973 piece of legislation, and when we do that, Mr Deputy Speaker, Sir, we recognise the vital role of legal aid in any democratic State. Legal aid or access to justice or equal access to justice is a human right.

In fact, it is encapsulated in several articles in the Universal Declaration of Human Rights. It is also provided in several clauses and several articles in the International Covenant on Civil and Political Rights. It is enshrined in our Constitution, Mr Deputy Speaker, Sir.

Section 10 (2) (d) of our Constitution provides for the right to a legal representative, and I quote -

“(...)or where so prescribed by a legal representative, provided at the public expense”.

Therefore, it is constitutionally enshrined as a safeguard. The United Nations, Mr Deputy Speaker, Sir, has recently reaffirmed the vital role of a proper scheme of legal aid. Many UN member States have recently agreed that legal aid schemes should be a basic part of any country's justice system. In fact, the United Nations Commission on Crime Prevention and Criminal Justice has just adapted, at a meeting in Vienna, a groundbreaking resolution on, I quote -

“ Access to legal aid in criminal justice system”.

This resolution adopted a set of principles and guidelines designed to ensure that access to legal information, legal advice and legal assistance is available to the provisions of legal aid, thus realising the rights for the poor and the marginalised, and entrenching one of the key building blocks of a fair, humane and efficient criminal justice system.

Mr Deputy Speaker, Sir, this instrument which I just referred to has been the first international instrument on legal aid, and it has helped us to come closer and to ensure that universal access to human rights are rights that should not remain illusory. They are illusory, in fact, if they are only accessible to those with financial means.

Having said this, Mr Deputy Speaker, Sir, I come to the Bill and, with all due respect to the Attorney General, the first comment I would like to make is that – it is not unprecedented, but very rare – this is an amendment Bill which contains 17 clauses, which purports to amend the Legal Aid Act which contains 14 sections. I am wondering whether the hon. Attorney General should not have come, in fact, with a new Legal Aid and Assistant Act. As I said, there are 17 clauses in the amendment Bill which purports to amend an Act with 14 different sections. Be that as it may, Mr Deputy Speaker, Sir, this Bill was long overdue. These amendments were long overdue for the reasons which had been elaborated by the hon. Attorney General before me, and there were several reasons why the Bill had to be revisited, had to be updated, had to be modernised.

The first one is the Means test. One, the ceiling was too low. True there have been recently efforts made to raise the ceiling. The Government Notice No. 10 of 2012 of January of this year, in fact, raised the figure from Rs75,000 to Rs500,000 in terms of capital worth and

from Rs5,000 to Rs10,000 in terms of revenues, earnings and emoluments. This was the last effort which was done. It is a progressive effort, Mr Deputy Speaker, Sir, but the Means test is one question. The second one is that the Merits test had to be introduced, and it has been done in this Bill. Congratulations to the Attorney General. But there are other points also which should have been revisited and which, unfortunately, I think, have not been forthcoming, and we have been *laissés sur notre faim*, Mr Deputy Speaker, Sir, and this is a bit regrettable.

There are other points which have been made in the Green Paper and which I would have thought the Attorney General should have taken the opportunity to introduce in this Bill, for example, the question of whether the assisted person could have chosen his own Attorney or Barrister. I will come to that later. No procedure for a civil appeal to the Supreme Court: the Act is silent on this issue, and this has been commented upon by judgments of the Supreme Court. Appeal to Privy Council: why has not legal aid or legal assistance been provided for those who wish to appeal to Privy Council? Fees paid to Solicitors and Barristers are not adequate. We all know the problem. The hon. Attorney General has himself been at the Bar for some years before he was elevated to the post of Attorney General. I am sure he knows about this problem – the question of fees paid to Solicitors and Barristers to which I will come later.

I wish to make this first point, Mr Deputy Speaker, Sir. True it is the concept of legal aid has been redefined in the amendments. Now we don't talk only of legal aid, we talk of legal assistance. Rightly so! In the previous legislation, legal aid meant only legal representation in Court and in certain cases which have been prescribed by the Act, Mr Deputy Speaker, Sir. So, the law did not provide for legal advice or legal assistance. This has been corrected in the present legislation. This is good, but yet, Mr Deputy Speaker, Sir, I think that there is still room for improvement and widening the scope, be it of legal aid, of legal assistance, and I will come to that in a few minutes.

Mr Deputy Speaker, Sir, what do I mean by what I am saying? The point I wish to make is that today, as far as criminal matters are concerned - the Attorney General just told us - the Act spells out in the Schedule what are the prescribed offences. These offences are being prescribed in the Legal Aid Act, and the Attorney General himself just said that no change has been brought to the prescribed offences. I think this should not have been the case. I think we should have revisited the offences, Mr Deputy Speaker, Sir. There are new offences now like the ICTA Act which has been created with the evolution of society, with new technologies and so on. I think, in

my humble opinion, that we should not have stuck to the prescribed offences in the 1973 Act. I think we should have relooked, revisited; we should have a fresh look at the criminal offences where legal aid should have been provided. I think we should have revisited the areas, come up with new specific offences where legal aid should have been made available. Therefore, nothing has changed as far as the offences are concerned, as far as the application of the Act is concerned, and I am very sorry for that. I think the Attorney General, the officers should have adopted a different course, and this is why I said we should have come with a new Act itself instead of amending by way of 17 clauses an Act of 15 or 14 clauses. We should have, therefore, come with a comprehensive piece of legislation, and more importantly reviewed the offences. We should not have kept the offences as they are since 1973.

I congratulate the Attorney General for now providing legal assistance to accused parties during enquiry and for bail applications. This is a positive step, Mr Deputy Speaker, Sir, but I think we should have gone further than that. I think we should have provided legal assistance to victims of Police violence. This morning, we were talking of victims of Police violence before the Police Complaints Bureau or the Police Complaints Board. I think we should have provided legal assistance to bereaved families when enquiries or requests are held following death of their close relatives in Police or prison custody. I think the widow or the children of the bereaved families should have been provided with legal assistance and legal aid.

As I said earlier on, Mr Deputy Speaker, Sir, the Act does not provide any procedure for appeal to the Privy Council, and I think this should have been remedied. We remember the case of Rassool and Mukhtar Ali, where a petition was, in fact, sent by Counsel to the Privy Council, and the Privy Council said that it is up to the Government of Mauritius to provide for legal aid. The applicants sought constitutional redress in that case, under section 17 of our Constitution, by arguing that the Legal Aid Act is contrary to our Constitution because the Constitution provides, as I said earlier, that a person is entitled to legal representative at public expense, but the Court held that this was no breach of the Constitution. So, the point I am making, Mr Deputy Speaker, Sir, is that, unfortunately, the Bill has not gone that long way enough to address the situation I just mentioned.

Mr Deputy Speaker, Sir, we must be proud that, in fact, in this country, since the 1850s, provisions were made for action *in forma pauperis*, as we call them. These provisions for legal aid have been spelt out since the mid-eighties, 1853, Mr Deputy Speaker, Sir; our Civil

Procedure Ordinance, our Criminal Procedure Ordinance, our Supreme Court Rules, our Industrial Court Rules, our Criminal Appeals Ordinance of 1946. All these, in a scattered manner, provided for legal aid. Then came the law of 1973, which consolidated the different scattered provisions in our different laws, and today we are amending this Act, Mr Deputy Speaker, Sir. I find it a matter of regret, in fact, that the Bill has not gone enough far to cater for these other situations which I have just mentioned.

As legal practitioners we know - and I would like the hon. Attorney General to confirm that - legal aid plays a very minimal part in our justice system. What is the percentage of criminal cases which are heard in our Court every day, where legal aid is provided, or civil matters for that matter? It would have been interesting to know the exact percentage of criminal cases or civil cases where legal aid is provided. As far as we know, the vast majority of cases concern family matters where legal aid is provided for divorce, custody, alimony or matrimonial cases. Therefore, legal aid is virtually inexistent, according to me, in criminal and civil cases, and this is why it is a good thing that the hon. Minister now is widening the scope, opening the opportunities, the possibilities for litigants to be legally aided for their Police enquiries, to assist them giving statements to the Police or for bail applications.

I looked at our estimates for last year and the year before, Mr Deputy Speaker, Sir. In fact, per year, Rs2.5 m. are provided in terms of legal assistance for *in forma pauperis* cases. I checked in our estimates of last year and the year before. It is true, as the Attorney General said, provisions have been made this year for Rs10 m. Let us hope that this Rs10 m. will be used judiciously, that there are no barriers, and that those who really need legal assistance, even in the restricted scope which, according to me, is still a restricted scope, will have so.

Having said this, Mr Deputy Speaker, Sir, we are conscious that the question of legal aid has a fiscal, financial and a monetary dimension. This is why perhaps, in the past, all governments have been very hesitant to invest money in legal aid schemes. In fact, as we all agree today, Mr Deputy Speaker, Sir, in a truly democratic State, *digne de ce nom*, equal justice for everybody is *la clé de voûte* for our democratic system. This is why, Mr Deputy Speaker, Sir, the question of finances should not be a barrier. I am glad the hon. Minister has said that Rs10 m. have been provided, and we hope that, in the coming years, more will be provided. A properly funded legal aid system is important because it does not only protect the most

vulnerable in a society, but also because it holds the most powerful to account. This is the value of a well-defined legal aid system.

This is why, Mr Deputy Speaker, Sir, a few weeks ago, we learned how the House of Lords in the UK overturned the austerity plans of government to cut legal aid. In fact, the Lords inflicted heavy defeats on the Ministers, and the plan was to save 350 million pound sterling. The Lords overturned a series of proposals to cut legal aid, which would have been at the expense of poor people who were allowed legal aid to make appeal against their benefits, social aid and so on. Government had intended to deprive them of legal aid on this issue, on this score, to enable them to appeal against the decision of authorities to deprive them of their social benefits. Government suffered massive defeat on that issue of trying to curtail legal aid to those poor people.

To conclude, Mr Deputy Speaker, Sir, I wanted just to say one thing on the choice of the Attorneys and Barristers. We know what is the relationship of a client with his Counsel or Attorney. Today, our legal system, unfortunately, does not allow the poor litigant who has been granted legal aid to choose his Attorney or his Barrister. This is done by the Authority, Mr Deputy Speaker, Sir. The point is: should the litigant have been given the choice to choose his own Attorney or Barrister from a panel of Attorneys and Barristers? This is for the sake of confidence, especially as we know, as I just said earlier on, that the remuneration of Barristers and Attorneys is a very sore problem. In fact, what they are paid is very, very minimal, and unfair. In the 1973 debates, when the law was introduced, this is what the then hon. d'Unienville said -

*« Je considère que les honoraires qui sont consentis aux avocats qui sont nommés dans ces affaires in forma pauperis sont absolument ridicules, pour ne pas dire insultants, parce que je considère que l'avocat qui se consacre à une affaire quelle qu'elle soit rend à la société un service au moins égal à celui du médecin qui travaille dans un hôpital. »*

I think these are the exact words which should have been used, Mr Deputy Speaker, Sir, and I make an appeal to the hon. Minister. I know that this cannot, of course, be addressed by this piece of legislation today but, I am sure, by administrative means or with the Chief Justice, this question of remuneration and fees should be looked into because we must give adequate incentives to the lawyer to prepare his case. This is why, I think, Mr D'Unienville had said what he had to say on this question of fees and remuneration.

Mr Deputy Speaker, Sir, unfortunately, no mention has been made by the hon. Minister on the question of civil appeals also. It would seem that the procedure for civil appeals is not provided in our law, and this was again stated in a Supreme Court case. In the case of Mukhtar Ali, this is what the Court had to say –

“While there is detailed provision regarding the procedure seeking legal aid and to appeal to the Supreme Court against a conviction or other order by a District Court or the Intermediate Court in criminal cases, the law does not lay down the procedure for a civil appeal to the Supreme Court.”

I would have thought, Mr Deputy Speaker, Sir, that this question also should have been addressed by this Bill but, unfortunately, this has not been the case.

Mr Deputy Speaker, Sir, I think I have finished, but I wish to reiterate what I have said just now. We have agreed upon this Bill but, unfortunately, it has not addressed all the problems that were raised even in the Green Paper. But it is definitely a step forward. This is why we subscribe to the provisions of this Bill, and what we are doing today, Mr Deputy Speaker, Sir, is for the poor people of this country.

I will quote what I said just now, Mr Deputy Speaker, Sir ‘a properly funded legal aid system is important not only because it protects the most vulnerable in society but because it holds the most powerful to account.’

Thank you, Mr Deputy Speaker, Sir.

(7.13 p.m.)

**The Minister of Agro-Industry and Food Security (Mr S. Faugoo):** Mr Deputy Speaker, Sir, let me, first of all, congratulate my colleague, the Attorney General, hon. Varma, for coming forward with the present Bill on legal aid. Let me also, in the same vein, congratulate my friend, hon. Ganoo, for the stand that he has taken on the present Bill, for subscribing to all the provisions of the Bill, and also for his positive remarks and reflections that he has made.

True it is, Mr Deputy Speaker, Sir, that whatever remarks and reflections that hon. Ganoo has proposed could have been taken on board, but then, as a Government, we have a choice to make. Where do we stop? I won’t go on the issues which is on the form, for example, whether we should have come up with a new Bill altogether. That is on the form, that is, neither here nor there. But on the other issues, for example, the fees paid to Counsels and Attorneys are not



adequate, which is a fact, I agree; whether applicant can choose a Barrister and Attorney of his own choice, whether from a panel or from the Bar or from the list of Solicitors, Attorneys; whether legal aid could have been extended to appeal to Privy Council, it's a very valid point; whether it could have been extended to civil appeal, which has not been included; whether we could have extended the Schedule which gives the offences for which one can apply for legal aid, it is totally correct. But then, the scheme for legal aid is a supply-driven scheme. We have a budget of Rs10 m., and we have to do with that budget. If we open up, then the sky is the limit. We will have to multiply the budget so many folds. So, we will have to find the money from somewhere. All these points are really valid, and this is why somewhere in the Bill, the Attorney General has the power to come up, for example, for fees for Counsel, in collaboration with the Chief Justice. There are so many things under this Bill which can be reviewed, and I am sure, as time goes, he will come up with other amendments, with developments which will definitely come, Mr Deputy Speaker, Sir.

This Bill is, indeed, very pertinent and goes to the very core of the deeper concept of welfare, Mr Deputy Speaker, Sir. The provisions of this Bill constitute a big and significant leap without taking all those elements, points and issues which have been raised. It is already a significant leap in the system of administration of justice, Mr Deputy Speaker, Sir. The Bill is opening access to justice, making it more accessible to our fellow brothers and sisters who are less privileged and poor. For this reason, albeit I am not moving for the second reading, I also join my colleague, the Attorney General, and commend the Bill to the House.

The introduction of this Bill testifies that Government acknowledges, first of all, the limits of the existing law, and we are also conscious of the points which have been raised by my friend, hon. Ganoo. As a caring Government, it is our firm intention to pull in all categories of people who may be denied access to justice and to a fair hearing due to their lack of means. This is exactly what the Bill is doing. This Government is fully committed to ensure that every citizen of this country obtains a fair trial, irrespective of the social and economic status.

Mr Deputy Speaker, Sir, the very first thing that strikes me is that the Legal Aid Act was passed in 1974 by a Labour Government and nearly 38 years after, it is once again a Labour led Government which is bringing major amendments in the provision of legal aid and legal assistance. Mr Deputy Speaker, Sir, this could have been done before; not only what we are

doing today. Maybe all the points which have been raised by hon. Ganoo could have been taken on board and changes brought 10 years or 20 years back, but this has not been done.

As was rightly pointed out by my colleague, the Attorney General, this is the 15<sup>th</sup> piece of legislation which is being brought to this House after that we got the report from Lord Mackay back in 2007, and all going to better the administration of justice, bringing justice more close to the people who require justice, Mr Deputy Speaker, Sir.

The second thing which is equally striking is though it is recognised that legal aid is an essential component in any society, however, the looming economic crisis, rates of globalisation and changes in Government outlook across the globe have exerted a range of pressures on all public spending, including the provisions of legal aid, Mr Deputy Speaker, Sir. The case of the United Kingdom, as rightly pointed out by hon. Ganoo, where they were trying to restructure the legal aid system; from a budget of two billion pounds sterling, they wanted to cut down by 400,000 pounds sterling. They had done so, maybe not so much, but in the austerity measures that they have taken, they have also decreased the budgetary provisions for legal aid. It is a fact and it is not only in the UK, but so many countries are decreasing. Maybe, Mauritius is the only country whereby the provisions that we are making in this present Bill are increasing the budgetary allocation for legal aid.

It could be the only country on the globe, Mr Deputy Speaker, Sir. Despite the looming, gloomy economic outlook, we are reforming and restructuring which, definitely by implication, will increase the budget if the demand is there, and if we are opening the door. We are opening maybe not at hundred percent as we all wish, but all the same, Mr Deputy Speaker, Sir, whatever we are doing will require more funds. This is maybe the only country today in the present economic context which is doing so.

Mr Deputy Speaker, Sir, access to justice and the right to a fair hearing are fundamental, cardinal and key, not only to the Rule of Law but to democracy itself. Our judicial system and the independence of our judiciary, which are highly remarkable, would be insignificant for those who are denied access to justice because of their social background and economic means. This is why legal aid and legal assistance in any form are regarded as central in providing access to justice by ensuring –

- protection of fundamental rights and freedom of the individual;
- equality before the law;

- right to Counsel, and
- right to a fair trial or a hearing.

Our Constitution, Mr Deputy Speaker, Sir, is the supreme law of the land.

If a section of the population is unable to exercise their fundamental rights, rights which are there, entrenched in the Constitution of our country, due to no fault of their own, but merely because of their social status, then the purpose of all the sacrosanct rights of the individual which are enshrined in our Constitution are defeated, Mr Deputy Speaker, Sir. I am here, of course, referring to Chapter 2, section 3 (a), section 5 and section 10 of the Constitution, which provides for protection of law for one and all, for all the citizens.

Mr Deputy Speaker, Sir, my friend, hon. Ganoo, has mentioned it. Section 10 (2)(d) of the Constitution provides that –

‘Every person who is charged with a criminal offence’ shall be permitted to defend himself in person or at his own expense, by a legal representative of his own choice or, where so prescribed, by a legal representative provided at public expense.’

We know. Our Constitution dates back to when? So many years after, we came up with a Bill and the Act subsequently, which is the Legal Aid Act. And this is so, Mr Deputy Speaker, Sir, because our criminal justice system is an acquisitorial system, and section 10(2) (a) provides that a person or an accused person is innocent until proven guilty or if he chooses to plead guilty.

Mr Deputy Speaker, Sir, I do not intend to dwell extensively on all elements and provisions of the Bill, as my colleague, the hon. Attorney General, has amply elaborated on all the proposed amendments in the Bill. Nonetheless, I will focus on only a few provisions which will make a big and significant difference to a big section, I must say, of the population.

Firstly, the existing section 14 of the Legal Aid Act provides for the Attorney General, on recommendation of the hon. Chief Justice, to make regulations to amend the Schedule on the amount specified in section 4(b). In this regard, Mr Deputy Speaker, Sir, upon the recommendation of the hon. Chief Justice, the Attorney General has already made regulations reviewing the amount applicable to be eligible for legal aid from Rs75,000 worth of assets and Rs5,000 monthly earnings to Rs500,000 worth of assets and Rs10,000 earnings respectively. This was done, in fact, by Government Notice No. 10 of 2012, and came into operation on 01 February 2012, Mr Deputy Speaker, Sir. Government has been proactive. We could have waited for this Bill to come through and then bring the changes. But we did not wait because

that was in the interest of those people who are in need of this scheme. This new threshold, Mr Deputy Speaker, Sir, will no doubt pull in a range of applicants who were formally ineligible under the old threshold.

There is also, Mr Deputy Speaker, Sir, a new section with a far-reaching impact in favour of applicants. This new section 7(3), which is provided for under clause 8 of the Bill, gives the authority, the power to grant legal aid or assistance even if the applicant does not fully satisfy the Means test, as per section 4. This provision, Mr Deputy Speaker, Sir, will further pull in those applicants who have been left out because they do not qualify as per the Means test, and yet they would have been unable to afford to be represented by Counsel and Attorney. There is a classic example which has been given by Lord Mackay himself in the report, Chapter 15, at page 130. The report says, and I quote –

“We also consider there may be injustice occasioned by the present absolute nature of the capital and revenue limit. For example, we have been told informally of a case in which a seriously disabled person’s only asset was a house, which had been inherited and which was let to a tenant who refused to pay rent. The rent was the only source of income for this person, and the house was worth considerably more than Rs50,000. The result was that because of his capital position, the disabled person was disqualified from obtaining legal aid. He had no hope of raising the money because his only source of security was the house occupied by the tenant refusing to pay any rent, and so a serious injustice arose.”

So, it is clear; we have come up with a new subsection which will cater for these categories of people. Even if a person is not qualified under the threshold which has already been prescribed, his case can always be considered by the Authority. This is a classic case. If somebody has inherited an asset, a house, a bungalow which is worth more than Rs500,000 and it has been rented, and the tenant is not paying the rent and that is his only revenue, what does he do? He will definitely fail the Means test. But, all the same, he would not be able to afford to pay the services of Counsel and Attorney, Mr Deputy Speaker, Sir. So, that particular section goes a long way, in fact, to help those people who are needy and those people who albeit they failed the Means test still need the intervention of the Government.

Mr Deputy Speaker, Sir, a last clause which I would like to dwell into is clause 10, which introduces a new subsection, section 7B. For the first time ever since the enactment of the Legal

Aid Act of 1974 and the relevant provisions in our Constitution in that regard, Government, through this Bill, is extending legal assistance at pre-trial stage. Detainees would henceforth be entitled to legal assistance during Police inquiry and also for bail applications for offences provided for under the First Schedule.

This, in my humble view, Mr Deputy Speaker, Sir, will provide for more transparency in Police inquiries and will also address the issue of Police brutalities, a question which was raised early this morning at Question Time, Police brutalities often linked to confessions made by detainees in absence of legal representation, by accused at trial stage, by accused in *voir dire* procedures, and also when they apply for bail, for example, they come up and say they were forced to give a statement. So, now, at least, by this measure, to some degree, this will address that problem.

Mr Deputy Speaker, Sir, it is noteworthy and also praiseworthy that legal assistance under the existing Act has been provided since 1974 to the unfortunate ones by dedicated legal practitioners in private practice. The souvenir of my friends who are lawyers on the other side of the House, at a very small, if not, insignificant fee, appeared *in forma pauperis*. I think it used to be in my time Rs200 for a case at Supreme Court; today I believe it is Rs600. For example, in a case of divorce, when a petitioner retains the services of Counsel and Attorney - I have been out of practice for some time - I think, it is, at least, Rs25,000 to Rs30,000. There are lawyers, Barristers and Attorneys who are doing it for Rs600, Mr Deputy Speaker, Sir. This is a clear indication of the dedication to the cause of the poor, and they indeed deserve all our appreciation for what we may consider as legal professional social responsibility. This should go on record, Mr Deputy Speaker, Sir.

I must, however, admonish that this low fee should not become a cause for delayed delivery of service and legal process. I have information that this happens sometimes in some cases. This would indeed go against the interest of the pauper, of the litigant, and the principles of ethics, Mr Deputy Speaker, Sir.

I take this opportunity to appeal to those in the legal practice to provide the necessary assistance to the unfortunate and lesser privileged, with an enhanced sense of esteem and responsibility to this category of vulnerable and underprivileged section of the population, Mr Deputy Speaker, Sir.

Let me conclude, Mr Deputy Speaker, Sir, by saying that the Labour Government has not only introduced the concept of Welfare State in this country, but has strived, whenever in power, to protect the less privileged and the weaker section of the society. This is yet another measure that would reinforce our mission to defend the poor by promoting justice on the basis of equal opportunity, based on the broader concept of welfare to people who are less fortunate and who are unable to afford access to the legal system.

Mr Deputy Speaker, Sir, by virtue of my experience at the Bar, at the State Law Office and also in the Judiciary, I have been highly impressed by a motto, which is most relevant to the Bill presented today in the House. The motto is carved on the stone wall, inside the Flacq District Court room - I am sure my colleague lawyers are aware of this - probably more than two centuries ago and reads as follows -

“Defend the poor and fatherless. See that such as are in need and necessity have right. Keep the simple folk by their right. Defend the children of the poor and punish the wrongdoer.”

This motto that has been inscribed some two centuries ago is as pertinent if not more so today. This Government is today translating into action once again the motto to help the downtrodden and the poor.

Thank you, Mr Deputy Speaker, Sir.

(7.34 p.m)

**The Minister of Business, Enterprise and Cooperatives (Mr J. Seetaram):** Mr Deputy Speaker, Sir, at the outset, I would congratulate my learned friend, the hon. Attorney General. This is a moment of history. Our colleagues who are lawyers would obviously agree that in practice we do encounter situations where sometimes we think when we will be given such necessary authority for legal assistance to take place. My colleagues would also agree with me that there have been circumstances where we find ourselves helpless. In a few words, you are before a Court of law, with your brief, where you see, for example, a statement in form of a confession and, while conducting an interview with your client, you see that at the time he was supposed to give his statement, he neither had the help of a Counsel, neither knew the ins and outs of the law and, at the end of the day, under some pressure or any other situation, he had to give a confession. Sometimes, we see a confession can be something which can mark a person for his whole life, where he can go to jail or pay a high fine.

Today, this piece of legislation has come not only to reduce such an unfortunate event. It has given an opportunity to amend implications concerning Police brutality situations, where someone does not want to stay overnight in jail or during weekends where, regrettably, he agrees to a confession. These are such situations which we currently face, and this amendment has given a new light.

By definition, legal aid is the provision of assistance to people otherwise unable to afford legal representation and access to the court system. Legal assistance is regarded as central in providing access to justice, by ensuring equality; everyone should be on equal footing before the law. Section 3 of our Constitution mentions the fundamental rights and freedom of the individual. Again, the right to Counsel which, I believe, is something enshrined in our Constitution and it is of paramount importance to the legal profession. Section 5, subsection (2) of our Constitution concerns protection of the right to personal liberty and also the right to a fair trial, which I shall dwell on it soon. These are the rights that should be upheld and should be protected.

Concerning legal aid, it is related to Welfare State. It is a welfare provision by the State to people who should get access to justice, and it is a procedure to help those who cannot afford to do that to get this opportunity to accede to justice. It also helps those who do not have the means to accede to legal advice, which has, for some cases, become paramount in some legal situations. All lawyers know legal aid as *forma pauperis*. If we go back in history, we see that in the 19<sup>th</sup> century, there was a movement for the right to a fair trial. It was a movement which mostly in the European countries went for the right of the poor man's law, as it was known.

During the 19<sup>th</sup> century, this movement put forward their contention which was to waive Court fees for the poor. They also asked for the appointment of duty Solicitors for those who could not afford a lawyer or a Solicitor, and initially they wanted it to be done on a *pro bono* basis, but unfortunately no country could implement that. There was no formal approach in European countries concerning such contention, but consequently most countries in Europe and other commonwealth jurisdiction established some laws like in Mauritius, in the 70's, for payment of a moderate fee for lawyers, and from thereon this battle for that fee to be paid became a success.

But I believe success is today, where we are giving an equal opportunity to all our citizens. Now, we do not have any income barriers. This piece of legislation has many benefits

and here, besides giving equal opportunity to everyone, at the same time this amendment is upholding our constitutional rights. The right of liberty of the individual is ensured, the right for a Counsel is ensured, and the right to a fair trial is also ensured as per section 10 of our Constitution, and this access to justice is available for anyone. I have to point out that this amendment starts not only in upholding the constitutional right to a person who is arrested, and at trial stage, but as pointed out by hon. Faugoo just before, at pre-trial stage and this amendment talks about legal assistance since upon arrest stage.

The assistance starts even at pre-trial stage, at interrogation stage, that is, after the arrest and a fair trial, as laid down in section 10 of our Constitution -

“A fair trial also means that the enquiry that should be carried out till trial should also be fair”.

And concerning the pre-trial procedure –

“A fair trial has to be carried out in reasonable time, it has to be a reasonable enquiry, it has to be impartial”.

As enshrined in section 10 of our constitution and the leading authority for that is *Darmalingum v/s The State* in year 2000, where it states that –

“The pre-trial procedure for a fair trial starts at the point where the accused party has been arrested”.

For such an assurance, to prevent any miscarriage of justice, to prevent any confession or any illegally obtained evidence, illegally obtained statement, this amendment, by providing a right to Counsel at pre-trial stage, is at - I should say - the right juncture and it would give the enquiry the impartial criteria. Also, when a statement has been recorded in presence of Counsel and well before the statement is recorded, the accused party has already been in a conference with the Counsel and he has been made aware in presence of Counsel of the charge before himself. Also, he has been made aware of the information which lies before himself, and during the recording of the statement, during interrogation, even before the statement is recorded, the Counsel is present, and in such situations where interrogation is being carried out, it automatically reduces the likely possibility of any miscarriage of justice or any miscarriage or any partiality in the enquiry and also secures, protects the rights of the accused. At the same time also, we ensure that being given that such a statement would be produced before a Court of law, again, as rightly pointed out by hon. Faugoo, in the event when the case comes to Court, there would be a motion



for the statement not to be admissible, and for this matter to be put for *voir dire*, it would, at the outset, reduce the time, unclog Court cases which always go for *voir dire* and, at the end of the day, where you see so many cases which could have been dealt otherwise. So, it reduces the likeliness of having *voir dire* in such cases and, at the same time, the case is taken in the least possible delay.

Concerning access to justice, we see that legal assistance is provided through an application to the Magistrate, and the procedure where Counsel has to give its opinion is not there. We have a particular procedure where Counsel has to give its opinion about whether this case should benefit from legal assistance or not, but in this particular amendment, legal assistance does not require the opinion of Counsel. So, it is a swifter and a prompter procedure. Also, besides legal assistance during an inquiry, we move on to legal assistance for bail application. Here again, legal assistance is at bail stage, and very often - our friend lawyers will agree with me - in bail matters, we see that, unfortunately, applicant or the applicant's family cannot afford to meet the fees of Counsel, and sometimes justice cannot be acceded to, whereas this amendment has come to repair the wrong caused all these years. At the same time, it avoids, it prevents the wrong, the illness of need for money; it prevents families of applicant for bail to go and look for money from *casseurs*, from loan sharks. On so many occasions, we have found that the family of the applicant cannot afford to pay. They have to go and seek help from *casseurs*, and we know the consequences they may face from loan sharks. This amendment is bringing a change, and it would curtail this social evil at the root.

Again, during bail application, we are aware that we have to do a bail affidavit and, very often, where there is no Counsel, where the Counsel is not present to give the proper advice to the applicant, you see professional sureties who come into action and, in the end, the applicant's family has to pay a more consequential price for such an action. So, at the root itself, it curtails on the wrong of professional sureties. It eases on hardship cases, and also it simplifies the procedures to obtain bail, that is, the bail affidavit is obviously done under the right advice. At the same time, the applicant is properly represented in a bail application. If the applicant is not rightly represented before a Court of law in a bail application, where relevant grounds and points could have been raised by Counsel at the time of bail hearing, due to the absence of Counsel, in so many cases where bail application could have been obtained, it did not happen. But, today, it will happen, and Counsel will be there to rightly represent bail applicants.

So, with these words, Mr Deputy Speaker, Sir, I commend this amendment to the House, and I believe this is a historical amendment.

Thank you, Mr Deputy Speaker, Sir.

(7.53 p.m.)

**Mrs F. Labelle (Third Member for Vacoas & Floreal):** Mr Deputy Speaker, Sir, it is my pleasure to take the floor to say a few words on the Legal Aid (Amendment) Bill which is before us. I would like, Mr Deputy Speaker, Sir, to thank the hon. Attorney General - *une fois n'est pas coutume* - for bringing this Bill to the House; not out of politeness only, but because I really believe that this piece of legislation responds to a real need, and will help many needy persons.

Moreover, Mr Deputy Speaker, Sir, during the past years, I have on several occasions in this very House requested that the criteria for legal aid be reviewed. The last time was only in November last during Committee of Supply because there was this need, and I kept on asking for the revision of the criteria. This is why I am pleased, and I am also pleased to note that the Attorney General lost no time in bringing the amendment to section 4 (b) of the Legal Aid Act. The Budget Speech was in November and, on 26 January, by way of regulation, the Attorney General amended the monthly income from Rs5,000 to Rs10,000, and the worth of the applicant from Rs75,000 to Rs500,000. This is indeed, Mr Deputy Speaker, Sir, a considerable step to enable needy persons to have access to justice. However, Mr Deputy Speaker, Sir, I will later on say a few words concerning this amount of Rs500,000.

Today, further amendments are being proposed - speakers before me have mentioned it - namely the provision of legal assistance, the Means and Merit tests in the determination of granting legal aid. Consequently, Mr Deputy Speaker, Sir, the title of the Legal Aid Act will now read the Legal Aid and Legal Assistance Act. These two words, 'legal assistance', will make a big difference for so many people. Mr Deputy Speaker, Sir, on the occasion of the 40<sup>th</sup> Anniversary of my Party, the MMM, in September 2009, the Women League was called upon to contribute to a document. The Women League, through my learned friend, Maître Mooteealoo, presented a paper. In this document, it was also question of legal assistance. Among the recommendations we made, Mr Deputy Speaker, Sir, allow me to quote -

« *Le Legal Aid Act* de 1974 doit être revisité et modernisé.

Les critères d'obtention doivent être revus afin que toutes les personnes... »

Nous, on parlait surtout au nom des femmes.

« ...et surtout les femmes dans le besoin, puissent avoir recours à la justice. La situation de famille (femme chef de famille ayant un seul toit ou locataire), l'âge et la nature de l'affaire intentée doivent être prises en compte.

Pour les affaires criminelles, l'assistance juridique doit être étendue à l'enquête initiale de la police. »

Et on donne les raisons -

« Très souvent, les personnes ne peuvent être assistées par un avocat pendant l'enquête initiale(...) »

L'assistance devrait aussi être accessible pour les conseils juridiques(...) »

Donc, M. le président, comment ne pas me réjouir devant l'implémentation de ces recommandations. C'est ce qu'on fait actuellement. Je ne dis pas que c'est à cause des recommandations, mais quand même ce sont des idées qui se rencontrent, et c'est un plaisir pour moi de voir que ces recommandations seront implémentées à travers les amendements qui sont proposés aujourd'hui.

Mr Deputy Speaker, Sir, these recommendations were based on our daily experiences, and I think a speaker before me mentioned the so many cases that most hon. Members of this House - maybe all hon. Members of this House - have encountered. We have often seen someone who has inherited from his parents. This person is unemployed or drawing a meagre salary. This person needed to enter a court case, but was unable to do so because this person has a house. We also know it can be only a house in what we call the *cité, petite maison de la cité*, or this person has inherited *quatre ou cinq perches* from his parents and has built a house.

These properties still are worth more than Rs500,000. This is why I am not that much comfortable with the figure of Rs500,000, but true it is, with the Means test, this person will now be eligible most probably to legal assistance.

Mr Deputy Speaker, Sir, I know we have talked about the document of Lord Mackay, but there is also the recommendation, the Green Paper prepared by Professor Torul. In his Green Paper entitled 'Equal Access to Justice Reform in Legal Aid in Mauritius', Professor Torul reminded us that the object of legal aid is, I quote -

“To make it impossible for anyone to be denied the equal protection over law simply on account of poverty.”

The proposed new section 7B of the Bill - Legal assistance, particularly through subsection (2), will certainly broaden access to justice for so many needy persons. And this, Mr Deputy Speaker, Sir, in line with several Conventions – which the hon. Attorney General himself mentioned – that we have signed.

It may be worth noting, Mr Deputy Speaker, Sir, the shift of the legal aid over the years. If at the very beginning legal aid was considered mostly as a charitable gesture on the part of lawyers and Attorneys to needy people, nowadays legal aid is considered as an obligation on the State, so as to ensure that poverty does not prevent needy people to have access to justice. I can even add: to adhere to Article 7 of the Universal Declaration of Human Rights ‘all are equal before the law and are entitled without any discrimination to equal protection of the law.’

There are other Conventions. My friend, hon. Ganoo, mentioned section 10(2) of our Constitution. There is also Article 14(3) of the International Covenant on Civil and Political Rights. There are so many Conventions, and these amendments will ensure that we abide by all these Conventions and also by our Constitution.

Mr Deputy Speaker, Sir, this piece of legislature is a good step in ensuring that our country goes along with International Conventions and respects the constitutional rights of its citizens. I am convinced that the proposed amendments will broaden this access to legal aid.

Hon. Ganoo put a question because, right now, most of the cases concern matrimonial cases. I have some figures in front of me, and I think it is interesting to know - I take this from the report of Professor Torul, years 2000 to 2005 - that for the year 2000, out of a total of 2,420 cases, 2,321 were matrimonial; civil 99; criminal zero, and the figures remained nearly the same. Up to 2004, there is a slight change, and out a total of 2,322 cases, 2,183 are matrimonial; civil 120; criminal only 9 - I am talking about legal aid applications granted at Supreme Court. For the year 2005, it was only 9. So, most of the cases referred to are matrimonial cases.

Mr Deputy Speaker, Sir, it was only some few words to say that I welcome this Bill, but I do have some concerns regarding this sum of Rs500,000. I am not going as far as the suggestion of Professor Torul to abolish all financial limits – maybe we are not ready for that – but I share the opinion that the question of ceiling must be faced sooner or at a later stage. We will have to face this question of ceiling.

I conclude, Mr Deputy Speaker, Sir, by saying that while recognising that a considerable step is being taken to ensure a broader access to justice, I cannot refrain myself from expressing

the wish that other recommendations made by Professor Torul be implemented. Of course, before Professor Torul, we had the report of Lord Mackay in 1997, I think. I take it as from the report dated July 2008, and if it has taken some four years to implement some of the recommendations relating to legal assistance and Merit test, I hope that we won't wait for another four years or more to see the implementation of other recommendations such as the setting up of a Legal Aid Board which, I think, will help in the implementation of what is actually being proposed. There is also an interesting recommendation regarding the University Legal Aid clinic where law students can participate in this legal aid support and so on.

Before resuming my seat, Mr Deputy Speaker, Sir, I would like to share a difficulty which I have encountered while working with this Bill. When I have tried to access this Bill, I received different versions depending on the source, and this has been a bit confusing, I must say. For example, when I had access to the State Law Office, I had a copy, and in that copy there was no section 6(b), and accessing to another source, section 4(b) is not amended, and I think I have received three versions. I just want to draw the attention of the hon. Attorney General because you cannot start preparing a Bill based on a version which is not correct, and this can be confusing. So, once again, I welcome this Bill, and hope that we will keep on increasing the help that we are providing to people so that access to justice becomes a reality in our country.

I thank you, Mr Deputy Speaker.

(8.09 p.m)

**The Minister of Information and Communication Technology (Mr T. Pillay Chedumbrum):** Mr Deputy Speaker, Sir, in the year 1973, the legislator recognised the importance of ensuring that Mauritian citizens, especially those who are financially less endowed, be able to get access to the courts of the land and, hence, Act 57 of 1973, the Legal Aid Act was passed.

Time has changed, so have the cost of legal services, which have increased considerably. It was, therefore, high time to adapt the Legal Aid Act to today's requirement. The main purpose of the new Bill is to extend legal assistance to persons who are in need of it and who do not have the means to retain the services of a lawyer at Police enquiry stage and for bail applications in respect of specified offences.

Mr Deputy Speaker, Sir, the regime created by the Legal Aid Act is as follows: legal aid is available for both civil and criminal proceedings. Legal aid is also available for appeals from subordinate Courts and in respect of minors charged with crime and misdemeanors. In 2012, a person is entitled to legal aid if two conditions are met. First, he is not worth Rs500,000 once his wearing apparel, his tools of trade and the subject matter of the proceedings are excluded. Secondly, his total monthly earning is less than Rs10,000 - section 4 of the Legal Aid Act.

In the new Bill, section 7(3) introduces an exception to the above. If the applicant does not satisfy the net worth and monthly earning condition required by the Act, the Authority can still grant legal aid where it is of opinion that, taking into account all the circumstances, it would not be reasonable and in the interest of justice to require the applicant to finance the litigation out of his income or his capital asset.

Under the 1973 Act, applications for legal aid should be made to the Authority in respect of proceedings before the Supreme Court and Court of Appeal. 'Authority' means the Chief Justice or a Judge designated by him. In respect of proceedings before any other Court, 'Authority' means the Magistrate of that Court.

Mr Deputy Speaker, Sir, the application for legal aid must be in writing. It must state the cause of action, ground of appeal or the nature of the extra judicial matter in relation to which the application is made. The applicant must also make a sworn statement about his net worth, and his monthly total earnings. The new Bill introduces a prescribed form to do so in a new Third Schedule.

The most substantive change brought by the new Bill, section 7B, is the introduction of legal assistance at pre-trial stage in respect of specified criminal offences. The new Bill, section 2, defines legal assistance in the following terms -

Legal assistance means legal assistance provided under section 7B and includes -

- (a) legal advice and counseling during the recording of a statement under warning from detainee or accused party, and
- (b) legal representation during a bail application.

Mr Deputy Speaker, Sir, the proposed amendment further provides to a detainee or an accused party suspected of having committed an offence with the right to be informed of his right to legal assistance by the officer in charge of that Police Station. The detainee or accused party should make a written application for legal assistance in the form set out in the new Second

Schedule. For him to be granted legal assistance, the net worth and monthly earning conditions similar to that provided under the Legal Aid Act should be, of course, satisfied.

A detainee or accused party who fills in an application for legal assistance should be brought before a Magistrate within 24 hours of his application. He will be asked to swear as to the correctness of the information submitted in his application form before the Magistrate. The new Bill, section 12A, criminalises the giving of false information. If the conditions are satisfied, the Magistrate may forthwith grant the application and may make such orders as he may think, or he may request further information before granting the application.

Mr Deputy Speaker, Sir, the changes brought by the Legal Aid Act will, in my humble opinion, extend access to legal representations by those who need it. In bringing those changes, Government, once again, shows that it is a caring Government, which is here to protect the interests of one and all.

Thank you, Mr Deputy Speaker, Sir.

*At this stage Mr Speaker took the Chair.*

(8.20 p.m.)

### **MATTER OF PRIVILEGE**

#### **‘L’EXPRESS’ NEWSPAPER – CRIMINAL CODE (AMENDMENT) BILL (NO. VIII OF 2012) – PUBLISHED ARTICLES**

**Mr Speaker:** Hon. Members, before we proceed further with the debate on the Bill, I wish to inform the House that I have received a joint privileged complaint from hon. Ameer Meea, hon. Barbier, hon. Mrs Labelle and hon. Lesjongard in relation to three articles in connection with the debate on the Criminal Code (Amendment) Bill (No. VIII of 2012), which appeared on -

- (a) 06.06.2012, on page 3 of the daily ‘l’Express’, under the caption “*Avortement - Débats marqués par l’intolérance et la religion*”;
- (b) 07.06.2012, on page 4 of the daily ‘l’Express’, a rejoinder signed by Ms Deepa Bookhun to two *mises au point* from hon. Ameer meea and hon. Jean Claude Barbier, and
- (c) 08.06.2012, on page 40 of the weekly ‘l’Express’, under the caption “Rajsoomer Lallah’s wisdom” respectively.

I took time to consider. I am of the view that the contents of the article entitled “Rajsoomer Lallah’s wisdom” may constitute an offence under section 6, subsection 1, paragraph (n) of the National Assembly (Privileges, Immunities and Powers) Act.

In the light of the ruling, I would invite one hon. Member signatory of the complaint to make the appropriate motion under Standing Order 74, paragraph 4 of the Standing Orders and Rules of the National Assembly 1995.

**Mrs Labelle:** Mr Speaker, Sir, thank you for your ruling. In the light of your ruling, I move that the article under caption “Rajsoomer Lallah’s wisdom” published in the weekly ‘l’Express’ of 08 June 2012 be referred to the Director of Public Prosecutions for appropriate action. I am laying, Mr Speaker, Sir, a copy of the article on the Table of the National Assembly.

**Mr Lesjongard rose and seconded.**

*Question put and agreed to.*

## ANNOUNCEMENT

### HON. SEERUTTUN/HON. MOHAMED – ALLEGED INCIDENT

**Mr Speaker:** I have also received a complaint from hon. Seeruttun in regard to the alleged incident between hon. Mohamed and himself. Being given that hon. Seeruttun has already given a statement to the Police in connection therewith, I am still looking into the matter, and I will give a ruling at a later stage.

## PUBLIC BILL

### *Second Reading*

(8.22 p.m.)

**Mr P. Roopun (Third Member for Flacq & Bon Accueil):** Since there is quasi unanimity on this Bill, Mr Speaker, Sir, I won’t dwell into the details, but I would like, of course, to acknowledge that the Bill goes in the right direction. In fact, Mr Speaker, Sir, providing legal aid and legal assistance is not merely given out of compassion. It fulfils a very important function in the proper administration of justice and helps to establish fairness, and ensures equality of arms in legal matters. It ensures that no party to a case or suit enjoys an improper advantage over the other merely because the latter has got limited means.

The same philosophy, Mr Speaker, Sir, is further embedded within the principle that ‘everybody is equal before the law.’ It goes to the very foundation of the administration of



justice. In fact, by providing legal assistance, we are doing a rebalancing exercise designed to tilt the balance of justice in the right direction so that nobody is unfairly prejudiced. Even if complete parity is an ideal difficult to reach, some form of legal assistance ensures, at least, that nobody is victim of injustice merely because he does not have the means to defend himself or that financial constraints do not keep the doors of the Court closed to him.

I would skip some points of my speech, but I would like to make an important difference, Mr Speaker, Sir, between legal aid and legal assistance provided under this Bill, and also what is known as the *pro bono* legal services. *Pro bono* is a system whereby a lawyer of his own volition agrees to provide legal services, and he does it for free. He wishes to help somebody for some personal reason or because he wants to defend some cause. It is above all a personal decision which he takes at his discretion and on a case to case basis.

Here, Mr Speaker, Sir, we are not talking about *pro bono*. We are talking about legal aid given through the State, through an Act of Parliament, and it is a duty upon the State to help those in need. We have here a structured system whereby anybody who satisfies the criteria has, out of right, a duty to benefit. There are clear guidelines where, if respected, that person should be given legal aid.

I am going to develop my argument. We have got here a system of legal aid which, in fact, I would term a structured system of *pro bono*. Why? First of all, we have got a provision in the law whereby it is an obligation on any legal practitioner to provide this legal service. We know that, under the law, there is no exception. Anybody, be it a senior or junior member of the Bar or of the legal profession, whenever his services are resorted to, when he is asked to appear in a case, is bound to do so. He cannot refuse unless there are some compelling reasons. In practice, members of the legal profession who have less than ten years standing are normally appointed, but it is not in the law nor is it a practice which is resorted to in all cases. For example, where there are complex issues, the Chief Justice does request senior members to appear freely for somebody in need. I, myself, have known many cases where most senior members of the Bar and Attorneys have appeared and helped in this way.

What I wanted to emphasise, Mr Speaker, Sir, is that eventually under the Legal Aid Act, it is the State which has got this obligation to assist. I don't mean to say that the members of the legal profession should not. In fact, they do help enormously, but what I want to emphasise is that here, through this provision of the law, it is an obligation first. But also, on the other side,

what is the contribution of the State. My friend, hon. Ganoo, did mention about figures. Just for the sake of comparison, I want to make the point. In the last report published by the Supreme Court in 2010, we have got details about the number of legal aid granted and amount paid for last three years 2007 to 2010.

The amount of civil cases in 2007 is 1,772, out of which there were 1,661 matrimonial cases. It is the same for the following years, which means that, in most cases, there are matrimonial cases. For criminal cases, there is a substantial increase I must say. In 2007, it was only 5; in 2008, it came to 26; in 2009, it came to 15, and in 2010, it came to 22. Here, we see there is some progress.

As regards the amount paid, in 2007, Rs1.8 m.; in 2008, Rs2.4 m.; in 2009, Rs2.3, and in 2010 it was Rs1.6 m. This is just to give you an idea. Just for the sake of comparison, the revenue collected from Courts for the same period...

**Mr Speaker:** I am sorry. I have given the Member a lot of latitude. The Bill that is being discussed is not about the money that had been collected by the Court, that is, the Court fees. There are three issues which we are debating on this Bill; we have to stick to these three issues.

**Mr Roopun:** I abide to your ruling, Mr Speaker, Sir, but I wanted to make the point in that compared to the amount...

**Mr Speaker:** No, you cannot take the point. I have made my ruling.

**Mr Roopun:** The amount which is being spent on legal aid per year...

**Mr Speaker:** On this issue.

**Mr Roopun:** ...on this issue is less than what one single Minister earns in a year.

**Mr Speaker:** The debate is not on this. The debate is...

**Mr Roopun:** I wanted to...

**Mr Speaker:** Wait, wait! The Minister has said in his opening speech that he is increasing the budget from Rs2.5 m. to Rs10 m. The hon. Member has the right to argue whether the amount of Rs10 m. is sufficient or is not sufficient.

**Mr Roopun:** Mr Speaker, Sir, I took the pain of making the difference between *pro bono* legal services and legal aid provided for by the State. I emphasised that *pro bono* is something which is done voluntarily, and the Legal Aid Act is incumbent. In fact, the hon. Minister stated himself that it is provided under the umbrella of the State. I wanted just to give a comparison. I

take it that the amount has been raised to Rs10 m., and I fully subscribe to it. I stated in my first intervention that we are moving in the right direction. But, my friend, hon. Ganoo, wanted to have figures. I have those figures, and I wanted to enlighten hon. Members about the figures, just to keep it in the proper perspective of the amount which is being spent. My point is that the legal profession is doing its utmost best to help in this mechanism about legal aid. I won't come into polemics, but I just wanted to emphasise that, without the help of the legal profession, the system is bound to be a failure, because even under the law there is an obligation on every member of the legal profession to assist...

*(Interruptions)*

...yes, members of the legal profession. My question would be whether this is being adhered to, whether we have got a proper mechanism to ensure that all members of the profession are, in fact, participating; whether the service which is being given is adequately being monitored. I think that these questions are not only a question of quantity, but of quality also. In fact, my friend, hon. Mrs Labelle, did mention about it, and I join her in stating that I am of the view that the recommendations of Professor Torul to the effect that we should have a Board, which is going to monitor the service as a whole, is a good idea.

Today, we have got different District Magistrates providing the services at their level without having a holistic view of the situation. This Board could have helped to move forward, to see what the lacunae are, and how we can improve the system. I wanted to emphasise on the figures just to show that a lot can be done, and the amount spent by the State is a very small one in comparison to whatever is being spent by the Judiciary, the amount which the Judiciary is encashing through fines, and also when you take into consideration the budget of the Judiciary as a whole.

Since I won't delve further on that issue, of course, I take it that it is a good thing that the criteria for eligibility has been reviewed, the Means and Merits test is a very good thing, and also this flexibility. I think it is commendable that the law is being amended to that effect, but then we should find a proper mechanism to see whoever is eligible when it does come within the framework of the law, as regards the amount of income and the assets.

The question of trying to fight abuses of the system is also commendable. Here perhaps, the hon. Minister could enlighten us, as the system is today, whether there has been any case where action has been taken against those who have tried to abuse the system, whether nothing

has been done so far, whether there is a mechanism, and whether it has given some result. I leave it for the hon. Minister. But, of course, we know that the main purpose of this Bill is to enlarge the services provided in criminal cases. I think that most Members have talked about it. I should commend the Minister for that initiative because we know that, for quite some time, there has been criticism about the way criminal cases are dealt with at the level of the investigation. In fact, hon. Minister Faugoo did mention about the accusation of Police brutality and so on. But here, by extending the type of assistance prior to trial, I think that it is a very good thing because we know that when trial starts, even if an accused does not have the means, at least he has got some time to prepare himself for the trial. But when investigation starts, it starts almost unexpectedly, and we do have a problem. I think that this system would help enormously to cure those defects.

As I stated earlier on to the hon. Minister, I should commend him for that initiative, but the main thing is the implementation. We have not heard much about the way it is going to be implemented. I have got a small apprehension, however, regarding the question of criminal cases. I wanted the Minister to enlighten us as regards how the legal assistance is going to be offered to those persons at the level of investigation. At times, investigations are held, and the imperative of the enquiry requires celerity. We cannot wait even for the next day, or else it can hinder the whole exercise. I would like to know whether provision is going to be made to that effect. In cases where we have got Police enquiry which has started, which has to proceed and, in the meantime, one of the suspects asks for legal aid, there should not be a system where that person makes an abuse and hinders the whole exercise, so that everything is not frustrated so far as the Police enquiry is concerned.

With these few words, Mr Speaker, Sir, I again congratulate the hon. Minister, and wish him good luck for the implementation of this Bill.

Thank you.

(8.38 p.m.)

**The Minister of Labour, Industrial Relations and Employment (Mr S. Mohamed):** Mr Speaker, Sir, I would be very brief. Having listened to all the orators, a lot of them have covered all the areas that had to be covered. Allow me just to say a few words - when I mean brief, I really do mean brief - to pick up where the previous hon. Member left off.

In any event, as it stands today in our laws, if someone asks that he shall have a right to retain the services of Counsel, the Police cannot basically use an excuse as ‘we need to take your statement extremely fast, and we need to take it now’. They have to wait for the Counsel’s services to be retained.

**Mr Speaker:** The Constitution!

**Mr Mohamed:** Yes. I am sure the hon. Member is aware of that. The same thing would apply, therefore, in this situation where he requires legal aid. They would not be able to take legal assistance in the shape of legal aid, they would not be able to take a statement, they would have to wait obviously that he is legally represented.

*(Interruptions)*

As far as abuse of the system is concerned, what is paramount is the right that someone has to retain the services of Counsel; to be represented. Mr Speaker, Sir, obviously people - some or other - maybe will abuse or not abuse in the system, but that is, unfortunately, one of the prices we have to pay to be this democratic sovereign State, where this right has to be upheld; the right to legal Counsel.

When I look at all the rights provided for in the Constitution - Mr Speaker just referred to the Constitution - they mean nothing actually if you do not have access to justice and, in actual fact, you have, in the form of this Bill, for this Bill is being brought to this august Assembly.

The hon. Attorney General has just helped in advancing the cause of democracy. It reminds me here of the few words spoken by someone well-known to all of us, who was President of the ANC and President of South Africa, Nelson Mandela, who basically said on 01 July 2005 -

“Overcoming poverty is not a gesture of charity; it is an act of justice.”

These are very important words: “overcoming poverty is not a gesture of charity; it is an act of justice”. Here, I find that those words fall on all fours with what we are dealing here today.

What I would like to add in conclusion is that I agree, and I congratulate the hon. Attorney General for bringing this Bill forward. Yes, now we are going to have more access to justice. However, I am duty bound to add what I would like to see later on. What I would like to see, as a build-up, is an independent body that deals with issues of legal aid, that it not be left, on which we all agree upon, and there is consensus on this. Let this consensus that already exists on

both sides of the House be a message. This is what we would like and that the people would like also. It should not be necessarily attached to the Judiciary. Let it be an independent body.

I heard a hon. Member talking about the concept of *pro bono*, Mr Speaker, Sir. Before going on to *pro bono*, I know of no other profession - be that of Attorney at law and Barrister at law - where we have the system of legal aid - in other words, social work; in other words, helping out the poor - instilled in our way of our profession.

Maybe I am wrong when I say it is a profession because, in fact, it is only when you are not a lawyer that you will say *li pé blaguer*. I am sorry. When you are not a lawyer, you talk a lot, and you talk about things you don't know, I am sorry. I know for a fact; I know of no other profession where it is not statutorily provided for. You can, in other professions, say 'o.k., I shall not charge someone for a service.' A shopkeeper may give a discount. A medical doctor doesn't charge a lot of the time. I know! But with regard to that, it is instilled in the law that you have a bill for it; that you have a body like the Judiciary that is dealing with its administration, that it becomes part and parcel of our duty, as Counsel, for the first 10 years of our career, to do legal aid. It is a duty upon all lawyers. I know of no other profession that does that. I should not call it a profession, but a vocation.

I have also heard and been part of those who have said that legal fees should be increased. Yes! But then, again, there is another aspect, which I think we should be very careful. Why increase the legal fees? If it is really legal aid, if it is really for the poor that we are going to do it, we should not ask for an increase in the fees. We should be ready to work even for not a single penny because this is our duty to the people of this country. This is the profession I belong to, and it is an honour that we belong to this profession, Sir.

What I should also say as *pro bono* goes, is that law firms should extend it. And here, I invite the hon. Attorney General to bring it in the law that every single law firm has a budget for *pro bono*. Extend the reasoning; let's bring in CSR money into an independent fund to help fund people for cases they cannot really afford to go to Court. That we can do because we have to be able to do even more to give access to justice. This is what this Government has done.

Once again, in conclusion, let me congratulate the hon. Attorney General in having done a great deed, in having really furthered this country's status as far as a democratic State is concerned.

Thank you very much.

(8.45 p.m.)

**Mr S. Obeegadoo (Third Member for Curepipe & Midlands):** M. le président, si ce projet de loi a sa raison d'être, si la notion d'assistance juridique a une logique c'est parce que l'égalité devant la loi n'existe pas. L'égalité devant la loi est un mythe, n'a jamais existé et n'existe pas aujourd'hui.

Si nous débattons aujourd'hui de ce projet de loi, si nous parlons d'assistance juridique c'est parce que nous savons, face à un tribunal, devant la loi, il y a une inégalité fondamentale entre les gens qui sont instruits, qui ont une certaine éducation, qui comprennent comment fonctionne le judiciaire, qui comprennent ce que prescrivent les lois, et ceux qui n'ont pas ce privilège. L'égalité devant la loi n'existe pas, parce que plus un homme de loi a de connaissance et d'expérience, plus il coûte cher. Ceux qui ont les moyens peuvent se payer des avocats, des avoués les plus expérimentés, ceux qui ont le plus de connaissance ; les autres ne le peuvent pas. M. le président, si nous avons ce projet de loi c'est aussi parce que certains peuvent se choisir un homme de loi ; d'autres n'ont pas le choix.

J'ai écouté avec attention l'orateur qui m'a précédé. L'assistance juridique est fondée sur la conception d'un Etat interventionniste, qui intervient dans l'opération de la justice ...

*(Interruptions)*

**Mr Speaker:** *J'ai donné une grande latitude à l'honorable membre. Il doit commencer avec une introduction de ce projet de loi, but we have to restrict ourselves to the objective. This is an amendment Bill. We cannot have a general debate on the legal system or on the legal issues. We have to restrict ourselves on these three amendments, and the hon. Member will have an opportunity, at the appropriate time, to debate the whole issue.*

**Mr Obeegadoo:** *I merely, Mr Speaker, Sir, want, with your permission, to respond to a point made that this legal aid is about assistance to the poor. It is not !* Je dis que ce n'est pas le cas. C'est un débat sur la conception de l'Etat. Ou bien l'Etat fait de la charité pour les plus pauvres - c'était la conception du 19<sup>ème</sup> siècle - ou bien nous disons que les temps ont changé, et qu'aujourd'hui il n'est pas question de charité envers les pauvres mais qu'il y a des droits humains fondamentaux, et que l'Etat a le devoir et la responsabilité de faire respecter ces droits. C'est là une différence philosophique quant à la conception de l'Etat et le rôle de l'assistance juridique, M. le président. Aujourd'hui, l'assistance juridique c'est une forme de service social comme la santé gratuite, comme le logement social. Ce que les économistes, en anglais,

appellent le *social wage*. C'est un supplément au salaire, M. le président. Donc, je voulais tout simplement insister dessus. Que l'on ne se fasse pas d'illusions ; nous n'allons pas aujourd'hui corriger les inégalités qui sont à la base de notre système légal, qui vont continuer à perdurer, mais c'est un pas dans la bonne direction.

Donc, comme ont dit d'autres avant moi - et je ne compte pas me répéter - c'est un projet de loi qui s'inspire d'abord du rapport Mackay, *long overdue*, mais c'est très bien, on avance enfin, et qui s'inspire aussi du rapport Torul. Donc, il faudrait donner leur dû à ceux qui ont rédigé ces deux rapports et qui nous a amené nombres de suggestions positives, certaines étant reprises dans ce projet de loi.

Une mise en garde. Je voudrais reprendre ce que disait avant moi, l'honorable Madame Labelle. Je pense que les officiers du Parquet qui ont assisté le ministre à préparer ce projet de loi auront noté que la version en ligne n'est pas une version complète. Il y a des amendements qui m'ont obligé à retourner à la version publiée, et elle est différente de la version en ligne. Donc, un appel déjà au ministre. Ce serait de demander humblement à la Cour suprême de s'assurer, qu'une fois ces amendements votés, nous ayons une seule version, que ce soit en ligne ou dans le texte de loi.

Sir, let me very quickly go to the Bill. There are several very good things that are done and which we all agree on; so I will not repeat. The fact that minors are now covered is very good. The fact that the Schedule has provided for specific forms is again very good because before there were no prescribed forms; there were no regulations that had been made for those forms. So, that is again very good.

The idea of the Means and Merits test – in fact there is no Means and Merits test. I think that is misnomer in the Memorandum to the Bill. What we have inserted into the law is 'discretionary power'. For those who can decide to decide, this is section 6 (b), and it follows in a sense a recommendation of the Green Paper of Professor Torul. However, there are two problems there. First, that the absolute limits as regards capital and revenue subsists in the law. Should it have been removed or not, I do not know. But certainly, as it is, there are problems. These problems were raised by Sir Guy Ollivry when the Bill was first introduced in 1993. He, for instance, suggested that, when considering capital and revenue, we should have an amendment which should say 'excluding the subject matter of the proceedings', so that if my house is the subject matter of proceedings, then this argument cannot be used to disqualify me



from legal aid. The point was again made by Sir Anerood Jugnauth and Kader Bhayat, then in the MMM Opposition in 1979, when the Bill was amended. It is a point made again by Lord Mackay and by Professor Torul that, quite apart from the discretionary power, the fact that you have an absolute limit prescribed in terms of capital and revenue raises problems in practice. I will not go into the details that were quoted by hon. Faugoo and hon. Ganoo on this issue.

Sir, what I am worried about in this question of discretionary power is how it is going to be implemented because we know that in criminal cases, the few cases before the Intermediate Court or the Supreme Court where legal aid can be granted - that is very clear - it would be the Magistrate, the Judge. But what about the civil cases? We are talking of matrimonial cases where, as we all agree, 95% of legal aid cases are matrimonial cases. Who will decide? How will this be implemented? Who will exercise that discretion when we know that, in fact, - I will come back to this - there are only two ladies who administer this whole system in the Legal Aid Unit of the Supreme Court? They are those who inquire, they are those who decide, they are those who recommend. And, the more so, as contrary to the recommendation of Professor Torul's Green Paper, there is no appeal procedure that is provided for. Once your application, Sir, to avail yourself of legal aid is rejected by these two well meaning ladies administering the system, where do you go to? So, how is this going to be implemented remains a very critical question in my mind.

Similarly, legal assistance provided pre-trial proceedings in criminal matters. Here again the point was raised by hon. Roopun, brushed aside by hon. Minister Mohamed, but I have deep concerns. What the amendment to the law says is that any detainee shall, upon arrest, be informed by the Police Officer in charge of the Police Station that he may make an application for legal assistance during Police inquiry and for bail application. In practice, how does this work out? You are arrested, Sir, and you are taken to the ADSU or the CID office. Your concern as a detainee, as a suspect, is to get out as soon as possible. The concern of the Police is to extract a confession as soon as possible. We all know that, in law, the detainee, the suspect is supposed to have the right to use the telephone to call his relatives or a legal adviser. In practice that is not done. The Attorney General seems to suggest they do not even have that right. But, we know in actual fact, parents run after lawyers, asking them to find their detained relative because they do not have a clue where he is, and the Police authorities will not allow this person to inform his relatives or get a lawyer. Do we seriously believe that the officer in charge of the

Police Headquarters or Police Station will go to the CID office or the ADSU office and say to this person “Please, Sir, you have a right to a lawyer under the Legal Aid Scheme and you may elect to do so.”? Because this detainee is worried about his being freed, the Police will say to him “Sure, you have a right but, according to the law made by the Attorney General, if you want to have a lawyer to assist you in giving your statement, you must make a written request to the Magistrate. We shall within 24 hours take you to the Magistrate, and there you will make your written request. Who will write your request, I do not know. But, you will have to make a written request, and then the Magistrate may grant the application, or may request such additional information as may be required.”

This poor detainee, Mr Speaker, Sir, being told that he has those rights but that will perforce imply that he will stay in Police custody, in Police detention for several days before he gets a lawyer under legal aid, will obviously choose to do what many do to accept whatever the Police say so that they can be entitled to bail. So, in terms of the practical implementation of this new section 7B, unless and until the hon. Attorney General provides us with specific information as to how it will be implemented, I have grave doubts in terms of the actual practical working of this section.

Somebody or several orators before me raised the issue of choice of legal adviser. This also comes in. It is not provided for by the Act. How will the Counsel be designated, presumably the Magistrate? This again would raise serious issues. But that has been raised by previous orators before me, and I will not repeat. These are two concerns.

There are a number of drawbacks in the present Bill. Several orators have talked about the ambit of the Bill in terms of criminal offences, and I will not return to that, except that it struck me while re-reading the Green Paper of Professor Torul to note the statistics. The last year he quoted was 2005: ‘Legal aid granted for matrimonial cases, 2,340; civil cases 241, and criminal cases 9’. 9, which represents 1% or 2% of the global figure. This, as hon. Ganoo said, would have been the occasion to revisit the ambit of application in criminal law of legal aid. Unfortunately, it has not been done. Fair, enough!

Others have spoken about civil appeals; others have spoken about the appeals to the Privy Council. I would like to raise another point as regards the ambit Industrial Court execution of judgments. In the old days, as you know, Mr Speaker, Sir, the Labour Office would enter a case, at trial stage Counsel could step in and work with the Labour officer - the Ministry of Labour

prosecutor for the trial. Now that is no longer possible. You need to have both Attorney and Counsel, and the Ministry of Labour moves out if you prosecute. But whatever the system, even when you get a judgment in your favour, you have to execute that judgment, and there the Ministry of Labour withdraws. Will there be legal aid in such cases? If that is the case, so be it. But this is one of the points which I think should have been addressed.

Another issue which was in the law but which has not been addressed is legal aid for appeals. As regards criminal appeal, for instance, I understand that to give notice of appeal, one has 10 days' Notice of Appeal, but yet to apply for legal aid it has to be done on the day of the judgment.

*(Interruptions)*

Exactly, on the same day! Those who would presumably want legal aid are the poorest, the most uneducated who may hopefully be aware of the right of appeal, but if they are not informed of their right to legal aid, they do not apply on the same day, that's it. This was the opportunity to correct this.

Fees for Attorney and Counsel, Mr Speaker, Sir. I am a practising Barrister, and many of us in this House either are or have been practising Barristers or Attorneys. We all know that there is a serious issue of standards *in forma pauperis* cases. According to the Mackay Report - if ever we needed Lord Mackay to tell us that - it could well be that this issue somehow could be related to the level of remuneration that lawyers obtain for the *in forma pauperis* cases. Right now, these lawyers worked for a mere pittance. I heard hon. Mohamed; his reasoning is very valid. If all lawyers were rich lawyers working in legal firms, where you make a lot of money and you could put aside 5%, instead of Maserati, you would buy a Mercedes Benz and put the 5% away to do charitable work. But, in actual fact, most lawyers are not millionaires, and they work very hard for a living. Those lawyers, it is not very encouraging for them, be it the Attorneys working for Rs400; I don't even know - hon. Faugoo said Rs600 for a case. Nobody is motivated, and I will come back to this.

Today, Mr Speaker, Sir, there are only 20 Attorneys in this country, working, offering their services for legal aid. I will come back to that. So, we have a real problem in terms of fees paid to Counsels and Attorneys. Unless and until that problem is addressed, this legal aid will remain very good in theory, but, in practice, we will not be able to offer quality service to the poorest of the poorest in this land.

Another point made is the Advice Bureau. This was a recommendation of Mackay, a recommendation of Professor Torul's report that, prior to seeking legal aid, just as in the health sector, we have local health centres where you are supposed to address a number of issues and people do not have to go to hospitals, in the same way, the Citizens Advice Bureaux or Legal Advice Bureaux could have done part of the work, reducing the stress. With regard to the beneficiaries, hon. Ganoo mentioned the bereaved families - I won't repeat - and I have mentioned appeals against decisions.

Let me go to the implementation. The real challenge - if we agree that this Bill is a step forward - will be in implementation. Let me tell you, Mr Speaker, Sir, because I am sure that you have not been around the Supreme Court lately to see how this works. In a little corner of the Supreme Court ground is the Legal Aid Unit. I don't know whether the hon. Attorney General has had the opportunity of going there. You have a few benches; the people come, and who help them? There is an attendant; one single attendant with no special training, but with a lot of experience and goodwill. So, he is the first level legal advisor. He tells the people what to do and what not to do. If that attendant is absent, he is replaced on an *ad hoc* basis by other attendants who are sent by the Supreme Court. Sometimes, they come for a while and then they go away, and so the people do not know what to do. There is no system with cards, numbers and so on. So, we depend on an attendant.

Everyday, according to the information I have received, there are some 40 to 50 persons who turn up. The Government needs to be commended; the limit in terms of capital and revenue has recently been raised as a result. Everyday, you have 40 to 50 new applicants who turn up in addition to some 20 who come on appointments. 70 people! Who handles the 70 people? Two ladies! When one of them is absent, there is no replacement; there is only one lady. These two ladies have only one office, Mr Speaker, Sir, with two desks. These are people coming to share their innermost problems, divorce matters, custody issues, and they are next to another applicant, another party, speaking to two ladies. That is how legal aid in all these civil cases – let's forget the criminal - is handled in Court, and is managed today in this land.

So, once they come, the 50 or so new applicants are sent away and are given an appointment. Do you know how long it takes for that appointment, Mr Speaker, Sir? Five months! Today, appointments are being given in November. Five months. Why? Because of two reasons. One, there are only two ladies and, secondly, there are only 20 Attorneys. So, they

give only 20 appointments everyday, so that at most they send one client, one applicant to one Attorney because there are only 20 Attorneys and, amongst those 20 Attorneys, there are only two seniors according to my information. All the others have asked to be dispensed from doing legal aid work because it is very discouraging.

**Mr Speaker:** Can I just intervene? An Attorney is a Court officer. It is not for him to decide whether he wants to relinquish or accept a case. It is for the Court; if the Court sends a file to the Attorney, the Attorney is bound to take the case.

**Mr Obeegadoo:** This is perfectly right in theory, Mr Speaker, Sir, but in actual practice today, if you go to the Legal Aid Unit tomorrow morning, they will confirm what I am saying. 20 Attorneys only!

**Mr Speaker:** Then the administration of justice has to do it.

**Mr Obeegadoo:** Five months to get an appointment. The persons are sent away, they are told 'come back, bring with you identity card, marriage certificate, birth certificate of children, last pay slip or salary letter, pension card, copy of original title deed' if we are talking of land matter. If after five months they return having forgotten one of these documents or they have a wrong document, they get sent off again and come back in another five months. If they have the documents, there are two possibilities. This is how the decision is made. Those two dedicated ladies - and I pay homage to them - decide and interview the applicant. On an average of 80% of cases, they decide that the applicant is a deserving one, that he satisfies the criteria. In 20% of the cases, they write off to the Police to ask for an inquiry. The Police apparently do their job, social inquiry, or Police in certain cases do their job and return the report within a month. I am told that invariably the report is positive, which again raises serious issues as to whether the time factor allows the services of Police, social services to do the job. But, invariably, all the reports are positive. Then, and only then, do they get sent to an Attorney or a lawyer. It takes about one week for the Attorney or the Barrister to certify; it comes back to the Legal Aid Office, then they swear the affidavit, which is a form prescribed by the Legal Aid Office. It is very good. I was commending the hon. Attorney General that there will be prescribed forms. Then, one moves on in the hands of the lawyers, Attorneys and Counsels who get appointed for them to handle as they think best.

In urgent cases, there is a crisis situation, custody cases, immediate care and control because the Legal Aid Office must find an Attorney on that very day and, with 20 Attorneys, you can imagine what the real difficulties are.

Mr Speaker, Sir, we have a system that is working, but working because of the dedication of the two ladies under one office, in their cramped quarters in the Supreme Court; working, thanks to the 20 or so Attorneys and the Barristers; they are a bit more numerous because all the young ones have to accept such work; it is working. But it is, in my humble opinion, in a terrible mess, and unless and until those real problems are addressed, implementation of this amendment, however positive, will not be a success story. So, my appeal to the Attorney General is that, beyond the theory with which we all agree that this Bill is a step forward, to look at the practical implication in terms of assistance to suspects of criminal offences, pre-trials, statements, bail and these existing cases, matrimonial cases, a few land issues where the actual set-up is in an alarming, a pathetic state that raises very serious issues.

Mr Speaker, Sir, I would like to make one suggestion, which is decentralisation. The very first step when an applicant comes to knock at the door of the Legal Aid Unit to say “I don’t have money to retain services of lawyers, what should I do, am I entitled?” could be done at the level of District Courts; the initial interview. Presupposing that our District Courts are adequately staffed, that could be done there, and then they ring up the Legal Aid Unit in Port Louis to make an appointment and give the list of documents to that person to take to the Legal Aid Unit for the appointment. That would avoid people from Cité Villebague, Le Morne Brabant, Goodlands, whatever distant area to have to come all the way to Port Louis for the very first preliminary interview.

Mr Speaker, Sir, I will not be any longer. If I can summarise, as is my role, the arguments of the Opposition, we welcome this Bill. We think that any step to broaden the ambit of legal aid, to provide legal aid to more beneficiaries is a very important step in the right direction; we agree. We will have to work together, whatever be the Government of the day, to provide more legal aid, so as to try to correct the basic injustice within society and which is reflected when facing the law.

However, right now, the challenge is in implementation, and what I see missing is the quality dimension. Again, Professor Torul’s report raised this issue very pertinently and he made a suggestion, he spoke of four criteria. He spoke of the promotional and maintenance of a high

standard; the effective economical and efficient use of resources; the provisional of services in an impartial, fair and equitable manner, and fourthly, responding to people's needs within a minimum delay. To that end, he had suggested a Legal Aid Board. I can understand that maybe because of the cost involved, as hon. Faugoo pointed out, this might not be possible for Government at this stage. Fair enough! But this principle of quality needs to be at the heart of what we are trying to do and that should raise in our minds the very critical question of implementation, and there are host of possibilities. I have made a suggestion concerning decentralised services, immediate care and control. Should it, as Professor Torul suggested in his Green Paper, be more cost-effective to have a salaried lawyer, at least, one salaried Attorney, attached to this Legal Aid Unit to be able to expedite these urgent cases? There are very pertinent points I think the Government should address its mind to.

Let me congratulate the Attorney General while telling him that he has a formidable challenge in terms of implementation, and we hope that before long he will come back to the House and report to us as to how he proposes to tackle those issues.

Thank you, Sir.

(9.15 p.m.)

**Mr Varma:** Mr Speaker, Sir, let me, at the outset, thank and congratulate all hon. Members who have intervened on the Bill. In fact, I am thankful and grateful to all hon. Members for their support in this project. Actually, I will respond to a few points which have been raised by hon. Members.

The first one, Mr Speaker, Sir, is with regard to the fees being paid to law practitioners. The issue has been raised by the hon. First Member for Savanne and Rivière Noire, the hon. Third Member for Flacq and Bon Accueil and the hon. Third Member for Curepipe and Midlands. The matter was raised also by hon. Minister Faugoo as well.

It is a fact that the fee being paid to law practitioners is low and, taking that into account, I sent a letter to the hon. Chief Justice on 17 January of this year. As the House may be aware, these regulations have to be made by the hon. Chief Justice. I wrote him a letter, as I have rightly pointed out, and the hon. Chief Justice replied to me on 24 January 2012. I can state what he said. The hon. Chief Justice said that he is considering the fees payable to Barristers and Attorneys in legally aided cases. In fact, I made suggestions about the increase in the fees, and he agreed that the fees will have to be reviewed.

Mr Speaker, Sir, the second point which was raised by hon. Members from the Opposition mainly is that they welcome the Bill, but they want the Bill to go the extra mile; that we have not done enough. Mr Speaker, Sir, it is after 38 years that we are bringing fundamental changes to the Legal Aid Act. We are for the first time, as rightly pointed out by all hon. Members, introducing the Merits tests. We are extending legal assistance to pre-trial stage. We are coming a long way, Mr Speaker, Sir. We have increased the ceiling. We have done a lot. Of course, there are things that need to be done in the future, but the suggestions are taken on board, and as and when the opportunity arises we will consider the suggestions which have been made.

The hon. Third Member for Vacoas and Floreal raised the issue about legal aid clinic with students of the University of Mauritius. As the House may be aware, Mr Speaker, Sir, starting from this year, we are celebrating the law day on 04 March and, on that specific day, we organised at different CAB Offices, namely the ones in Triolet, Bel Air, Plaine Magnien, Bambous, Port Louis and Vacoas, law clinics with the participation of Barristers, Attorneys, Notaries and students from the University of Mauritius. We are introducing that concept of *pro bono* work, the concept of law clinics with the participation of all the stakeholders, and also to make better use of CAB Offices because it is recommended in the Mackay Report that the CAB Offices should be used to dispense legal advice as well.

Mr Speaker, Sir, there was another point raised by the hon. Third Member for Flacq and Bon Accueil as regards whether the legal profession is willing to participate in the whole process. In my speech, I did point out, Mr Speaker, Sir, that the legal profession has been consulted. In fact, the Green Paper which Professor Torul has prepared was for public consultation, and we had meetings with the Bar Council, the Law Society, the Chamber of Notaries. The notaries will not be really concerned, but still they were consulted. The Barristers, the Bar Council, the Law Society have extended their full support to the reforms being undertaken.

As regards the implementation of legal assistance, which was raised by the hon. Third Member for Flacq and Bon Accueil, again this matter is dealt with extensively in the Bill. It is clause 10 which will introduce the new section 7(b). The whole procedure is set out. The hon. Third Member for Curepipe and Midlands, Mr Speaker, Sir, raised a couple of issues about how the system is currently being administered.



Mr Speaker, Sir, let us not blur the merits of the Bill today by referring to the current situation. As the House is aware, we are now extending legal aid to a new dimension; we have increased the ceiling. Well, there is shortage of staff. There are certain logistic supports that need to be improved but, as the House is aware, the scheme is administered by the Judiciary. Of course, the representations made by hon. Members will be transmitted to the Judiciary, and they will have to take adequate measures. I have to inform the House as well that the hon. Chief Justice, when he was consulted in relation to the Bill, was agreeable that, with the increase in the number of applications, there will undoubtedly be an increase in staff. So, I hope this will be catered for in the near future.

As regards the ambit of cases, Mr Speaker, Sir, it was said that we needed to increase it. The economic situation does not allow us to do it now, though we would have wished to do it. Appeals to the Privy Council will cost a lot of money, as we are all aware. We have made a significant progress, Mr Speaker, Sir. The budget for legal aid has increased by four times, that is, it was Rs2.5 m., and now it's Rs10 m.

Mr Speaker, Sir, another point was raised by the hon. Third Member for Curepipe and Midlands as regards industrial cases. My hon. colleague, the Minister for Labour, Industrial Relations and Employment, informed me a few minutes back that five Barristers and one Attorney are attached, in fact, to his Ministry to look into these cases.

In fact, Mr Speaker, Sir, again, I have responded to most of the points which have been raised. I would like to thank all hon. Members for their support on this Bill.

Thank you.

*Question put and agreed to.*

*Bill read a second time and committed.*

## **COMMITTEE STAGE**

*(Mr Speaker in the Chair)*

### **THE LEGAL AID (AMENDMENT) BILL**

**(No. VII of 2012)**

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

*New Clause 2A (Long title to principal Act amended)*

**Mr Varma:** I move that a new clause 2A be added as follows -

“by inserting, after clause 2, the following new clause -

## **2A. Long title to principal Act amended**

The long title to the principal Act is amended by inserting, after the word “**AID**”, the words “**AND LEGAL ASSISTANCE**”.”

**The Chairperson:** The question is that new clause 2A be read a first time.

*Question put and agreed to.*

*New clause 2A ordered to stand part of the Bill.*

*Clauses 3 to 5 ordered to stand part of the Bill.*

*Clause 6 (Section 4 of principal Act amended)*

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

**Mr Varma:** Sir, I move for the following amendment -

“in clause 6(a), by deleting the word “Second” and replacing it by the word “Third”;

*Amendment agreed to.*

*Clause 6, as amended, ordered to stand part of the Bill.*

*Clauses 7 to 17 ordered to stand part of the Bill.*

## **SCHEDULE**

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

**Mr Varma:** Sir, I move for the following amendment -

- “(i) in the proposed Second Schedule, by deleting the words “[Section 4(a)]” and replacing them by the words “[Section 7B]”;
- (ii) in the proposed Third Schedule, by deleting the words “[Section 4(b)]” and replacing them by the words “[Section 4]”.”

*Amendment agreed to.*

*The Schedules, as amended, ordered to stand part of the Bill.*

*The title and enacting clauses 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 Legal Aid (Amendment) Bill (No. VII of 2012) was read the third time and passed.*

### **THE LAND ACQUISITION (AMENDMENT) BILL**

**(No. XIV of 2012)**

*The hon. Minister of Housing and Lands (Dr. A. Kasenally) gave notice of his intention not to move the second reading and the other stages of The Land Acquisition (Amendment) Bill (No. XIV of 2012) today.*

### **ADJOURNMENT**

**The Deputy Prime Minister:** Mr Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 03 July 2012 at 11.30 a.m.

**Dr. A. Boolell rose and seconded.**

**Mr Speaker:** The House stands adjourned.  
(9.27 p.m.)

### **MATTER RAISED**

#### **BOOK LOAN SCHEME**

**Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West):** M. le président, merci de me permettre de soulever aujourd'hui la question ayant trait au *Book Loan Scheme* destiné aux étudiants dont les parents doivent répondre à certains critères très spécifiques.

En réponse à la question parlementaire B/296, adressée à la ministre de la Sécurité sociale la semaine dernière, la ministre avait répondu que son ministère reçoit les demandes à partir de septembre. M. le président, je ne mets nullement en doute la réponse de la ministre. C'est la réponse qu'elle a obtenue de ses officiers, mais je lui fais suffisamment confiance pour qu'elle tire ses propres conclusions.

Comment les parents peuvent-ils entamer des démarches dès le mois de septembre, alors que tout le monde sait que logiquement les parents attendent d'obtenir les résultats de fin d'année, pour ce qui est des étudiants de la Forme I à la Forme V, et février ou mars pour les étudiants ayant pris part aux examens du SC et HSC.

Quelle est la procédure, M. le président, pour l'obtention de ces livres, de ces manuels scolaires? Ayant obtenu les résultats des examens et la liste des manuels scolaires, les parents font une demande auprès de la Sécurité sociale. Là, selon mes informations, il y a au moins trois

types d'enquêtes qui se font. Les enquêtes terminées, un formulaire est remis à la personne éligible, lequel formulaire est ensuite remis à l'institution que fréquente l'étudiant. Le formulaire n'est jamais remis le même jour, comme mentionné dans la réponse de la ministre à ma question de la semaine dernière. Le formulaire de la Sécurité sociale est donc remis à l'institution scolaire, et c'est à l'institution d'acheter les manuels scolaires qui sont remboursables par la PSSA.

Quels sont les problèmes, M. le président ? Le premier problème est du côté de la Sécurité sociale. La Sécurité sociale prend beaucoup de temps, soit parce que les enquêtes ne sont pas complétées en un jour ou alors ceux qui font une demande pour le *Book Loan Scheme* ne soumettent pas tous les documents appropriés. Si bien que les bénéficiaires, ayant passé à travers les enquêtes de la Sécurité sociale et l'établissement scolaire, se retrouvent sans manuels scolaires quand ils arrivent finalement chez le libraire, le stock de livres ayant été épuisé.

M. le président, nous sommes aujourd'hui vers la fin du deuxième trimestre, et des étudiants de la Form I n'ont jusqu'ici pas reçu tous leurs manuels scolaires. Certains manuels de science ne sont plus disponibles chez les libraires. Plus sérieusement, des étudiants de la Form V n'ont pas encore obtenu leurs manuels d'anglais et de français; deux *core subjects*. Même s'il n'y avait qu'un seul étudiant qui n'ait pas obtenu ces manuels, c'est un exclu de trop que la société est en train de produire.

Qu'est-ce que je propose, M. le président ? Je propose donc qu'un *fast track* soit institué à la PSSA, que les critères d'éligibilité et la liste de documents nécessaires pour décider de l'éligibilité d'un étudiant au BLS soient remis à tous les parents au moment de l'enregistrement de l'enfant à être admis en Form I, et également à tous les parents au moment où ils viennent prendre connaissance des résultats d'examens de fin d'année de leurs enfants. Troisièmement, que les mêmes manuels scolaires soient utilisés par tous les étudiants. Personnellement, je trouve que c'est important, M. le président, vu que les étudiants prennent part aux mêmes examens, SC et HSC, et bientôt les étudiants de la Form III seront examinés au même niveau au plan national. Il est donc normal que tous les étudiants aient les mêmes manuels, ce qui permettrait au ministère de passer une commande de manuels bien à l'avance, avec moins de risques qu'il y ait rupture de stock.

M. le président, lorsqu'un étudiant n'a pas son manuel scolaire, contrairement à ses autres camarades, il fait face à une humiliation. Il se sent diminué vis-à-vis de ses autres camarades. Ces derniers savent qu'ils n'ont pas de livres parce que *Sécurité sociale penkor*

*donner*. Vous réalisez toute l'humiliation que cela comporte, M. le président. Je dois dire que certaines personnes qui se disent 'prof' ne sont pas pour arranger les choses. Certains profs humilient ces enfants davantage en leur intimant de rester à la maison tant qu'ils n'ont pas eu leurs livres. Ces enfants sont évidemment les plus vulnérables de la société et nous, les Mauriciens, en général, de par nos origines, croyons fermement que le seul moyen de mobilité social reste et demeure l'éducation. Exclure ces enfants du système scolaire ou les stigmatiser est la pire des choses. L'idéal serait que tous les étudiants obtiennent leurs livres à la rentrée des classes, soit au début de l'année scolaire. Je lance, donc, un appel pressant au ministre concerné, au gouvernement en général, pour qu'une solution soit trouvée au plus vite pour ne pas pénaliser nos enfants.

Merci, j'en ai terminé.

(9.34 p.m)

**The Minister of Education and Human Resources (Dr. V. Bunwaree):** M. le président, je voudrais d'abord remercier l'honorable membre pour avoir soulevé ce problème et montré son intérêt à la cause des enfants. Mais, en l'écoutant, on pourrait avoir l'impression que c'est un problème dramatique. Je vais sûrement prendre contact auprès d'elle pour essayer de repérer un peu ces cas qu'elle mentionne.

Mon collègue, l'honorable ministre de la Sécurité sociale, a déjà donné des explications il y a quelque temps à l'Assemblée. D'après les chiffres qu'on m'a transmis, à l'heure où l'on parle, il n'y a que six étudiants sur l'ensemble. Maintenant, est-ce que les chiffres sont corrects ou non, je vais m'enquérir. Mais, en écoutant l'honorable membre, on a l'impression qu'il y a un drame quelque part. Je ne suis pas convaincu, parce que nous avons changé le système à partir de cette année.

Le *Book Loan Scheme* existe depuis 25 ans. Nous avons changé le système cette année. Nous avons donné la responsabilité - *for the needy students* - aux associations des parents d'élèves de racheter les bouquins pour chaque école, à l'école même, et puis de nous envoyer la fiche pour le remboursement.

On a aussi opéré un deuxième changement majeur, c'est que l'école a le droit de choisir ses bouquins pour les enfants. Bien sûr, il y a des *guidelines* qui sont donnés par le ministère. On ne peut pas prendre n'importe quel livre. Mais il n'y a pas un livre prescrit pour tous les enfants sur l'ensemble du territoire.

Ceci étant dit, il se peut qu'il y ait des problèmes, parce qu'effectivement *I am informed that a total of six students have still not obtained the totality of their books* - ils ont certains livres, mais pas la totalité - *owing to unavailability of books on the market*. Mais ces enfants ont fait leur requête en retard. Alors, cela a posé des problèmes, car au moment où la requête est arrivée, où cela a été traitée par la Sécurité sociale, il n'y avait pas de livres sur le marché. *Despite that, I must tell the House that, in order not to penalise these students, a few remedial measures are taken. The schools are photocopying the relevant chapters of the missing books as a temporary measure. Books available in libraries of the schools are lent to the students. Books in good condition are borrowed from older students in the previous year.* De cette façon, on arrive quand même à faire que les enfants continuent les classes d'une façon plus ou moins acceptable, en attendant de leur donner des livres.

Les livres étaient, avant l'année dernière, prêtés aux enfants pour être récupérés à la fin de l'année. En début d'année, des livres de seconde main, ayant été récupérés l'année d'avant, étaient distribués. On a complètement changé ce système. Les livres restent pour les enfants. On donne les livres en début d'année, et ces livres ne sont pas repris. L'enfant garde ces livres jusqu'à la fin de sa carrière à l'école. Donc, c'est quand même des choses extrêmement valables qu'on a faites. Bien sûr, s'il y a un ou deux cas, on est là pour voir. Comme je l'ai expliqué, ces quelques cas ne sont pas de la responsabilité du système, mais d'ailleurs. Même si cela vient d'ailleurs, je suis tout à fait disposé à voir comment on peut faire pour que cela n'existe pas du tout.

Je vous remercie.

*At 9.41 p.m. the Assembly was, on its rising, adjourned to Tuesday 03 July 2012 at 11.30 a.m.*

## WRITTEN ANSWERS TO QUESTIONS

### DEMOCRATISATION COMMISSION – MEMBERS – FEES

**(No. B/352) Mr S. Soodhun (Second Member for La Caverne & Phoenix)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the Democratisation Commission, he will state the

- (a) fees and other fringe benefits paid to the members thereof, since its setting up to date;
- (b) date on which the last report thereof was submitted, if any, and

(c) measures taken as at to date, if any, for the achievement of the objectives thereof.

**Reply:** The Commission for the Democratisation of the Economy is composed of a Chairperson and a vice-Chairperson. The Chairperson is being paid an allowance of Rs30,000 monthly plus a driver's allowance of Rs7,000 monthly. She is eligible for an official car, but she is no longer availing herself of this privilege. She is also eligible for a cellular phone with free calls up to a ceiling of Rs2,000 monthly.

The position of vice-Chairperson is presently vacant.

In regard to part (b) of the question, as the House is aware, the Government's economic democratisation project aims at reforming the national economic structure so as to improve its efficiency, promote social justice and ensure an equitable distribution of wealth. Its strategic objectives are –

- (i) to open up opportunities of access to mainstream economic resources to a larger section of the population;
- (ii) to undertake a comprehensive land reform;
- (iii) to promote meritocracy and equality of employment and career development in the public and private sector;
- (iv) to improve our institutional framework with a view to creating an investor – friendly environment, and
- (v) to promote and facilitate the emergence of a nation of creative and innovative entrepreneurs.

The House will appreciate that the Commission for the Democratisation of the Economy is a non-executive unit of the Prime Minister's Office and its role is to make recommendations to the Government on policies, programmes and action plans to fulfill the government's mandate on the democratisation of the economy.

Since its inception to date, the Commission has provided inputs for policy decisions in numerous sectors, such as –

- Sugar cane Industry
- Agriculture, other than sugar cane
- Food Security issues
- Agricultural Diversification
- Energy

- Competition issues in general
- Competition issues in the retail trade distribution sector
- SMEs Empowerment
- The emergence of a democratised tourism industry
- Fisheries and the Empowerment of small fishermen
- The emergence of new-subsectors to support vulnerable groups in Mauritius
- The National Initiative for Civic Education (NICE)
- Agro-ecology project for small-scale farmers in the context of food security.

The implementation of the recommendations of the Commission in regard to the National Initiative for Civic Education and Food Security are being monitored by the Budget Implementation Team of the Ministry of Finance and Economic Development.

#### **METAL/IRON EQUIPMENT – THEFT**

**(No. B/353) Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the theft of metal/iron equipment and objects, he will –

- (a) for the benefit of the House, obtain from the Commissioner of Police, information as to the measures taken to prevent the commission thereof, and
- (b) state if Government proposes to introduce legislation to provide that the companies buying same have an obligation to ascertain the source thereof from the sellers and to report any suspicious transactions thereof to the Police.

**Reply:** In November 2006, a Committee was set up under the chairmanship of my office to propose measures to curb reported cases of metal theft. The Committee proposed a range of measures to be taken by the law enforcement agencies, namely the Police and the Customs and the promulgation of the relevant regulations to control the business of scrap metals.

In August 2007, the Consumer Protection (Scrap Metal) Regulations were promulgated with a view to regulating the business of scrap metal. These regulations provide for the activities of the sector to be dealt with only by duly licensed operators, namely scrap metal exporters/dealers, scrap metal carriers and collectors.

In February 2008, I entrusted the responsibility to look further into all the aspects of this matter to a Ministerial Committee under the chairmanship of the then Vice-Prime Minister and



Minister of Tourism, Leisure and External Communications. The Committee decided that the Mauritius Revenue Authority should profile persons and companies susceptible of indulging in illegal exportation of scrap metal and should scan containers. The Police should continue to exercise strict control on all scrap yards and to reinforce stop and search exercises.

The Consumer Protection (Scrap Metal) Regulations were further amended in 2007, 2008, 2009 and 2011 to provide for better control mechanisms over scrap metal activities.

In the fight against metal thefts, the Police has taken the following preventive measures –

- (i) regular checks are being carried out at scrap metal yards, dealers and scrap metal collectors;
- (ii) patrols are maintained by the ERS, CID and regular Police in larceny prone-areas, thus providing Police presence on ground;
- (iii) divisional Field Intelligence Officers have been entrusted to gather intelligence on suspected dealers;
- (iv) vehicle check points are carried out for systematic search of vehicles used for the transportation of metal scrap;
- (v) joint night patrols are carried out with the Mauritius Telecom personnel in vulnerable regions;
- (vi) sensitisation campaigns are carried out with the members of the community through community policing fora;
- (vii) crime prevention measures are jointly being taken with the Waste Water Management Authority, the Central Water Authority, the Central Electricity Board and the Mauritius Telecom, and
- (viii) a daily monitoring meeting chaired by the Deputy Commissioner of Police (Operations) assisted by an Assistant Commissioner of Police is held at the Police Headquarters to analyse the situation for the preceding 24 hours and suggest actions to Divisional Commanders and Branch Officers.

On its part, the Mauritius Revenue Authority has stepped up its control measures through increasing supervision of the stuffing of scrap metal at exporters' premises and increasing the number of containers to be scanned. Since January this year, 154 containers of scrap metal meant for exportation have been scanned. Random checks have also been carried out at the

premises of exporters of scrap metal so as to ascertain that no stolen metal/iron equipment and objects are being exported.

In regard to part (b) of the question, Regulation 18 of the Consumer Protection (Scrap Metal) Regulations 2007 already provides for scrap metal exporter or scrap metal dealer to keep a record of all scrap metal received, including the full name and address of the person from whom the scrap metal is received.

Although the Police and the Customs have stepped up vigilance over the export of scrap metals. In order to reinforce the existing legislative measures, the Ministry of Industry, Commerce and Consumer Protection will, shortly, introduce new measures to better monitor the scrap metal activities, including amendments to enabling laws to provide for harsher penalties for thefts of metal and iron equipment and reinforce inspection on sites.

#### **MOBILE PHONES, SMS & INTERNET – MISUSE - MEASURES**

**(No. B/354) Dr. S. Boolell (Second Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the misuse of mobile phones, Short Message Services and the internet platforms, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof, in each case, since 2006 to date, indicating the preventive measures taken in relation thereto.

**Reply:** I am informed by the Commissioner of Police that from 2006 up to 21 June 2012, the following cases have been reported to the Police –

- (i) 5,583 cases of misuse of mobile phones;
- (ii) 2,752 cases of misuse of short message service, and
- (iii) 325 cases of misuse of internet platform.

Police have enquired into these cases and the outcome is as follows –

- (i) 164 cases are pending in court;
- (ii) 108 cases have been referred to the Office of the Director of Public Prosecutions for advice;
- (iii) in 266 cases, the accused have been fined;
- (iv) 1,505 cases are pending enquiry, and
- (v) 6,617 cases have been filed.

In regard to the last part of the question, I wish to refer the hon. Member to the reply I gave to Parliamentary Question No. B/621 on 05 July 2011 wherein I spelt out measures taken by the Information and Communication Technologies Authority to curb the misuse of mobile phones, Short Message Services and internet platforms.

Whilst it is a fact that the use of the mobile phone as well as internet platforms provides new opportunities for communication, we have to ensure that there is no misuse of such technologies. In regard to the legal framework, the Information and Communication Technologies Act already provides for severe penalties varying from a fine not exceeding one million rupees to imprisonment for a term not exceeding five years for an offence committed under the Act.

Emphasis is also laid on sensitisation of the public at large regarding the importance of making judicious use of mobile phones and internet platforms. In this regard, I am informed that for the period 2006 up to 21 June 2012, 1,677 sensitisation sessions have been carried out by the Crime Prevention Unit of the Police Department on the misuse of mobile phones and internet platforms, targeting about 309,224 participants.

In order to reinforce sensitisation on the issue, the Police, together with the Information and Communication Technologies Authority, will carry out a study with a view to identifying the age group which is more prone to be involved in cases of misuse of mobile phone and internet platforms. The overall objective would be to carry out targeted campaigns for specific age groups.

#### **MELROSE PRISON – CONSTRUCTION – CONTRACT**

**(No. B/355) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the construction of the Melrose Prison, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to the –

- (a) name of the successful bidder therefor;
- (b) initial contract value thereof;
- (c) costs of variation works, if any, and
- (d) total amount of money paid as at to date.

**Reply:** As I have stated on several occasions in the House, the decision to construct a new prison was taken in 2001. A plot of land at Rose Belle was initially identified for the project. Subsequently, in September 2004, the Rose Belle site was found to be inappropriate for a prison.

It was only in July 2005, that an appropriate site of some 37 *arpents* was identified at Melrose for the construction of the new prison. Action was immediately taken by the Ministry of Public Infrastructure, Land Transport and Shipping to prepare the designs. It also requested the then Central Tender Board to appoint relevant consultants for structural designs and prepare the tender documents. Consequently, an exercise for the pre-qualification of contractors for the construction of the prison was launched in June 2009.

In regard to parts (a) and (b) of the question, I am informed by the Commissioner of Prisons that the project value of the new Melrose Prison is Rs1,730,600,000.

Following a tender exercise, the contract for the construction of the Melrose Prison was awarded on 09 August 2010 to Messrs Beijing Zhuzong/Hyvec Partners Joint Venture for the sum of Rs1,491,686,781.53. The contract agreement was signed on 20 September 2010, on which date works also started.

In regard to part (c) of the question, I am informed that the contract documents for this project provides for payment in respect of variation works for a total sum of Rs109,363,000, including Rs60,000,000 as contingencies. From this sum, provision was made for eventual payment for a pre-determined list of 32 items of work estimated at Rs49,363,000 which could not have been entirely designed or detailed at the pre-tender stage. Construction drawings for those items are prepared during the construction period and issued to the contractor for execution of works. Payments are eventually effected in accordance with progress of such works.

On 23 September 2010, the former Commissioner of Prisons who was acting as the Security Consultant for the Melrose Prison Project since its inception tendered his resignation from the Service.

Being given that a Security Consultant was crucial for the execution of this project and there was no known Security Consultant for prisons available locally, I made a request to the Singaporean authorities for the provision of security consultancy services during my official visit to Singapore in September 2010. Subsequently, a Singaporean team comprising representatives from the Singapore Prison Service and Singapore Cooperation Enterprise visited Mauritius in

December 2010. The Singapore Cooperation Enterprise agreed to provide security consultancy for the project.

The Singaporean Security Consultants reviewed the proposed security concepts for the new Melrose Prison Project and recommended major enhancement of security of the site and buildings. These include –

- (i) the creation of secure pedestrian pathways for detainees within the site;
- (ii) the replacement of 4.5 metres high chainlink fencing around the football ground by 5.2 metres high anti-climb fencing;
- (iii) the replacement of rigid fencing by anti-scale fencing along the perimeter wall with fibre optics;
- (iv) the introduction of the keyless mode of operation for the Geriatric Ward, and
- (v) the incorporation of additional security measures in the Geriatric Ward, Administrative and Residential Blocks.

New requests have also been made by the Prison Service during the construction period which include the provision for waiting and children's area, parking facilities to staff and visitor's shelter.

A cost estimate amounting to Rs178,506,834.23 for these works was prepared by Consulting Quantity Surveyor and approved by the Ministry of Finance and Economic Development in November 2011.

In regard to part (d) of the question, I am informed that as at 21 June 2012, a total amount of Rs670,890,418.12 has been paid to the contractor and other consultants involved in the project.

#### **NATIONAL AIDS COMMITTEE – COMPOSITION**

**(No. B/356) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the National Aids Committee, he will, for the benefit of the House, obtain from the Committee, information as to the –

- (a) composition thereof;
- (b) objectives thereof, and
- (c) date on which the last meeting thereof was held.

**Reply:** The National AIDS Committee, was set up to provide leadership at the national level to ensure that the implementation of multi-sectoral strategies to fight HIV and AIDS. The Committee is composed of various stakeholders, including Government officials and representatives of NGO's, and meets as and when the need is felt.

As the House is aware, the National AIDS Secretariat was set up in May 2007 under the aegis of my office as a permanent structure which acts as an executive arm of the National AIDS Committee. It coordinates all HIV and AIDS programmes and activities relating to prevention, treatment, care and support. In this connection, a National AIDS Coordinator was appointed on 30 May 2007.

The National AIDS Secretariat has, since its setting up, ensured the effective implementation of the National Multi-sectoral HIV and AIDS Strategic Framework 2007-2011 which was formulated by Government as a national response to address the issue of HIV and AIDS. The responsibilities of the National AIDS Secretariat also include the mobilisation of resources to support Government's initiatives under the National Strategic Framework. An amount of Rs255 m. has already been obtained from donor agencies, that is, Rs205 m. from the Global Fund and Rs50 m. from the Investment Development Fund of the World Bank, the UNDP, the World Health Organisation, UNAIDS and the Indian Ocean Commission. These funds are being utilised for the procurement of antiretroviral drugs, training of medical and paramedical staff, purchase of equipment and production of communication materials for sensitisation purposes.

In my reply to Parliamentary Question No. B/275 at the sitting of the National Assembly of Tuesday 10 May 2011, I dwelt lengthily on measures taken by Government, ranging from legislative, institutional, sensitisation and awareness, as well as capacity building, with a view to reaching the goals set out in the National Strategic Framework 2007-2011.

A new National Strategic Framework for 2012-2016 is now being finalised by the Ministry of Health and Quality of Life, in consultation with all stakeholders. In this context, a Multi-Sectoral Stakeholders' Committee has been set up under the chairmanship of the hon. Minister of Health and Quality of Life and comprising representatives of all Ministries and Departments involved in some way or another with the issue of HIV and AIDS, representatives of NGO's, the private sector as well as the civil society, to revisit policies and programmes adopted to deal with issues related to HIV and AIDS.

The fight against HIV and AIDS remains high on my Government's agenda. We remain committed to containing and reversing HIV prevalence in the population. In the Government Programme 2012-2015, the following measures have been announced –

- (i) an aggressive campaign to address the stigmatisation and discrimination regarding HIV;
- (ii) the population will be encouraged to undertake HIV testing after appropriate Counseling;
- (iii) Drop-in Centres will be set up in each Health Region to offer a wider range of services;
- (iv) Harm reduction strategies namely the Methadone Substitution and the Needle Exchange Programme, will be scaled up, and
- (v) Government will ensure that antiretroviral drugs are made available to all those who need it.

#### **NATIONAL AIDS COMMITTEE – TERMS OF REFERENCE**

**(No. B/357) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the National Aids Committee, he will, for the benefit of the House, obtain from the Committee, information as to the –

- (a) composition thereof;
- (b) terms of reference thereof, and
- (c) number of meetings held, since its setting up to date, indicating the date on which the last meeting thereof was held.

*(Vide reply to PQ No. B/356)*

#### **EXCLUSIVE ECONOMIC ZONE – SURVEILLANCE**

**(No. B/358) Mr N. Bodha (First Member for Vacoas & Floreal)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to our Exclusive Economic Zone, he will state the measures taken for the surveillance thereof to avert against acts of pollution, piracy and illegal fishing.

**Reply:** I am informed by the Commissioner of Police that numerous preventive measures are taken to Police our EEZ against acts of pollution, maritime piracy and illegal fishing and that increased surveillance operations are being carried out by the National Coast Guard (NCG).

Surveillance is carried out by the Dornier aircraft and during each *sortie*, surveillance patrols are coordinated with NCG ships. The Dornier aircraft has increased its anti-piracy surveillance in the northern sectors of our EEZ up to its maximum limits of endurance. The NCG has been keeping a constant vigil over the area by carrying out four to five surveillance sorties every week by the NCG ships and aircrafts. Since 2009, NCG ships have sailed for a cumulative 4,992 hours for surveillance, patrolling and boarding.

Joint EEZ surveillance and anti-piracy operations are also carried out with the assistance of friendly countries covering areas which are beyond the capability of National Coast Guard ships and aircrafts. Cumulatively, since end-2009, the Indian Navy has completed about 220 days of patrol against illegal fishing and maritime piracy in Mauritian waters to render the seas safe for the maritime community. The NCG also tasks the Indian Navy ships whilst they undertake EEZ surveillance in our waters for apprehending the illegal fishing. In this regard, the officers from the NCG and Ministry of Fisheries embark the Indian Navy ships for the duration of their surveillance in the Mauritian EEZ. In fact, in July 2011 INS Shardul apprehended a case of illegal fishing in Nazareth bank, which resulted in payment of a fine of 1 million MUR.

The NCG has repeatedly engaged with friendly navies of India, US and France towards building up its capabilities and expertise in tackling piracy through joint operations and exercises. NCG has also exercised anti-piracy drills with the French Navy and the US Navy, covering joint training in harbour and operations at sea. Boarding drills including Visit, Board, Search and Seizure (VBSS) procedures, Search and Rescue drills, casualty evacuation by helicopter, manoeuvres were some of the exercises conducted at sea. In 2010, ten NCG Commandos have been trained in anti-piracy by French instructors from Reunion and the CGS Guardian also participated in anti-piracy joint exercise with the French Navy in Reunion. During each of the interactions, the foreign navies have rated the NCG as a thoroughly professional maritime force which is different from other developing navies/coast guards of the region.

Furthermore, the Coastal Radar Surveillance System which is integrated with an Automated Identification System (AIS) has been installed at eight sites in Mauritius, Agalega, St. Brandon and Rodrigues. In addition to the AIS in the port, five AIS have been installed on mountain peaks, and the US Authorities have installed four additional AIS at different locations. These systems have enhanced the capability of the NCG in identification and localisation of



maritime entities operating in the EEZ of Mauritius and monitoring of vessels and verification of their intention towards ensuring the safety of our waters. An AIS has equally been fitted onboard the Dornier aircraft with a view to increasing the effectiveness of the NCG in anti-piracy and illegal fishing patrols.

The acquisition of the twin-engine Advanced Light Helicopter Dhruv has also improved the capability of the NCG commandos for sniper firing and vertical insertion into pirated ships for anti-piracy operations.

Mauritius is also collaborating fully in the setting up of the IOC Anti-Piracy Cell to be based in Seychelles and which will address issues relating to maritime intelligence, piracy related money laundering and illicit financial flows and economic impacts of maritime piracy and collaboration with other intelligence-gathering agencies. A Superintendent of Police from the Mauritius Police Force has been designated to serve in the Anti-Piracy Cell for a period of one year.

Since 2007, joint fisheries surveillance missions have been carried out under the *Plan Régional de Surveillance des Pêches dans le Sud Ouest de l'Océan Indien* in the waters of the IOC Member States. In that context, 30 surveillance missions were conducted during the course of which 330 fishing vessels were inspected; 27 contraventions were established and 7 fishing vessels were arrested.

On its part, since 2009 the Mauritius Oceanography Institute (MOI) has been implementing the “African Monitoring of Environment for Sustainable Development” project which has as main objective to make accessible Earth Observation Satellite data and imagery to the African community. Under the project, the MOI is implementing an operational satellite imagery service to the Ministry of Fisheries and the Ministry of Environment pertaining to potential location of fisheries resources within our EEZ and the state of the ocean. The electronic charts will be used to target surveillance on illegal fishing.

Additional initiatives have been taken by the Police with a view to enhancing our naval capability to fight the above threats and further reinforce surveillance capability of our EEZ. An Offshore Patrol Vessel (OPV) is being acquired and is expected to be delivered in August 2014. The OPV will be a potent platform to effectively Police our vast EEZ with the capability to

remain at sea for 14 days at a stretch. The Police are also considering to acquire additional state-of-the-art assets.

### **FLACQ POLICE STATION – MISS S. H. – STATEMENT**

**(No. B/359) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to late Miss S. H., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if, in January 2012, she called at the Flacq Police Station to make a statement against Mr J. S., indicating if the Police refused to register her statement and, if so, indicate if an inquiry has been carried out thereinto and the outcome thereof.

**Reply:** As the House is aware, the death in tragic circumstances of late Miss S.H. has upset the whole country. In fact, I am concerned that a statement alleged to have been made by her, has not been recorded.

I am informed by the Commissioner of Police that one Mrs L.P made two statements in June 2012 to the effect that late Miss S.H had gone to Flacq Police Station to make a statement, but Police did not take her declaration and asked her to bring her responsible party. However, there are no records at Flacq Police Station indicating that late Miss S.H called there.

According to established Police procedure, whenever a child/minor calls at any Police Station, irrespective of the fact that the child is accompanied or not, by his/her parents, guardian or any other adult, the Police officer should insert an entry in the Diary Book.

I am further informed by the Commissioner of Police that Police has already initiated an enquiry into the matter with a view to identifying any Police Officer who has failed to discharge his/her duties. The House may rest assured that necessary action will be taken against any Police officer who may have failed to carry out his/her duties in accordance with the established procedures.

### **GRAND'BAIE & POUDRE D'OR – LARCENY CASES**

**(No. B/360) Mr A. Gungah (First Member for Grand'Baie & Poudre d'Or)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to larceny, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof in the region of

Petit Raffray and Fond du Sac, in Constituency No.6, Grand' Baie and Poudre d'Or, over the past three months, indicating –

- (a) if inquiries have been carried out thereinto and, if so the outcome thereof in each case, and
- (b) the additional measures that will be taken to reinforce security thereat.

**Reply:** I am informed by the Commissioner of Police that during the period April to 21 June 2012, there have been 8 cases of larceny in Petit Raffray and 16 in Fond du Sac which are both located in Constituency No. 6 – Grand' Baie and Poudre d'Or.

In regard to part (a) of the question, Police has initiated inquiries in all the cases and these are underway.

In regard to part (b) of the question, Police has adopted a three pronged approach to reinforce security in these regions.

#### **MUNICIPAL ELECTIONS – CONSULTATIONS**

**(No. B/361) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the municipal elections, he will –

- (a) for the benefit of the House, obtain from the Electoral Commissioner, information as to the outcome of the consultations he has held with the head of the political parties in connection therewith, and
- (b) state when same will be held.

**Reply:** In reply to Parliamentary Question No. B/52, the House was informed on 15 May 2012 that, in view of the changes brought about by the Local Government Act of 2011, new “*Municipal City and Town Council Elections Regulations 2012*” are being prepared by the Electoral Commissioner’s Office, the Electoral Supervisory Commission and the Attorney General’s Office, under section 44 of the Representation of the People Act, to replace the former Municipal Council Elections Regulations of 1958.

In regard to part (a) of the question, I am informed by the Electoral Commissioner that, as is the practice throughout established democracies, the Electoral Commissioner’s Office has deemed it desirable to obtain the views of political parties on the changes being contemplated to the regulations, in line with the requirements of the new Local Government Act, and the

necessity to update, in the light of experience gathered over past elections, various provisions of the regulations which date as far back as 1958 and which have not been revised since.

I am further informed by the Electoral Commissioner that, it is considered desirable that, political parties being key stakeholders in the election process, should be involved in consultations with both the Electoral Supervisory Commission and the Electoral Commissioner in regard to those issues as such matters entail a constant process of communication. In the circumstances, various meetings were arranged with parties represented in the National Assembly in the first round of consultations. These consultations are still ongoing and some parties have made representations which are under consideration at the level of the Electoral Commissioner's Office.

In regard to part (b) of the question, as I have already indicated in reply to Parliamentary Question No. B/52 on 15 May 2012, the date of the elections will be decided once these regulations are finalised.

#### **DRUGS “MAGIC” & “BEN LADEN” – SEIZURE**

**(No. B/362) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister for Rodrigues whether, in regard to the two new types of drugs, commonly known as “*Magic*” and “*Ben Laden*”, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the quantity thereof seized by the Anti Drug and Smuggling Unit, as at to date, indicating the –

- (a) value thereof in each case, and
- (b) measures taken to fight the proliferation thereof.

*(Withdrawn)*

#### **CENTRAL PROCUREMENT BOARD – COMPOSITION**

**(No. B/363) Mrs S. B. Hanoomanjee (Second Member for Savanne & Black River)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Central Procurement Board, he will, for the benefit of the House, obtain from the Board, information as to the (a) date on which it was constituted (b) composition thereof and (c) terms and conditions of appointment of the Chairperson and of the Members thereof.

**Reply (The Prime Minister):** The Central Procurement Board consists of a Chairperson, two vice-Chairpersons and three Members. It was first constituted on 05 November 2007 in accordance section 8 of the Public Procurement Act.

The Board was reconstituted on 27 October, 2011 with the appointment of Mr Premcoomar Beeharry and Mr Dharma Rajan Kundasamy as Chairperson and vice-Chairperson respectively.

In regard to part (b) of the question, the present composition of the Board is as follows –

- Chairperson - Mr Premcoomar Beeharry
- Vice-Chairpersons - Mr Michel Wan Bok Nale and Mr Dharma Rajan Kundasamy
- Members - Mr Harold Lucien Rozemond and Mrs Lalita Suteeram

One Member, namely late Mr Devarajoo Rajah Gopal had resigned from the Board for personal reason.

In regard to part (c) of the question, the Chairperson and the Vice Chairpersons are being paid a monthly salary of Rs110,000 and Rs92,500 respectively, while the members are each being paid a monthly salary of Rs60,000. The other terms and conditions of the Chairperson and members of the Board are as per the recommendations of the 2008 PRB Report.

#### **STC - PETROLEUM PRODUCTS - LOSS INCURRED**

**(No. B/385) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central)** asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to petroleum products, he will, for the benefit of the House, obtain from the State Trading Corporation, information as to the amount of loss incurred due to discrepancies in the quantities thereof found on the vessel, prior to discharge and after delivery to the tanks, since 2005 to date.

**Reply:** I wish to inform the House that I have been apprised by the State Trading Corporation that the volatility of petroleum products is a natural process. Furthermore, discrepancies attributable to volatility occur in volume when petroleum products are transported over distances, transferred from tanker to on-shore fuel tanks via pipelines. Moreover, discrepancies in volume also occur due to changes in temperature.

In fact according to international norms, it is the practice to allow for a variation of 0.5% due to evaporation, leakage, spillage, ocean loss or temperature.

Petroleum products can either be purchased either CIF or FOB basis. In case purchase of petroleum products is effected on CIF basis and discrepancy in volume is above the allowed 0.5%, payment is made on the quantity that is actually being discharged. However, if the discrepancy is less than 0.5% between the quantities found at loading and discharge ports, payment is effected on BL quantity.

In case purchase of the petroleum products is effected on an FOB basis, the terms of payment are on the BL quantity, irrespective of the quantity at unloading port.

International accredited surveyors mutually acceptable by both the buyer and the seller are engaged to carry out surveys at the loading port, on vessels and at the discharge port. The survey reports issued by the surveyors are deemed final, conclusive and binding on all parties.

I am informed by the State Trading Corporation that from 2005 to July 2007, the Corporation was purchasing petroleum products on CIF basis where insurance was provided by the supplier. However, as from August 2007 to date, the Corporation has been purchasing petroleum products on an FOB basis. As such, the State Trading Corporation contracts its own insurance. The coverage begins at the moment of exit of the check valve of the storage tanks at the loading port (that is, Mangalore) until entry to the check valve of the tanks at final destination (that is, Port-Louis). The insurance covers all risks, including contamination, shortage/leakage in excess of 0.5% between quantities found at loading and discharge ports.

I am informed by the State Trading Corporation that -

- (a) In 2005, the Corporation received 45 vessels with 1,036,701 MT of petroleum products on board prior to discharge. Quantities delivered into shore tanks were 1,035,075 MT. Discrepancy was 1,626 MT, representing 0.157 % of total volume.
- (b) In 2006, it received 35 vessels with 947,404 MT of petroleum products on board prior to discharge. Quantities delivered after into shore tanks were 945,456 MT. Discrepancy was 1,948 MT, representing 0.206% of total volume.

- (c) In 2007, 33 vessels were received with 1,005,735 MT of petroleum products on board prior to discharge. Quantities delivered into shore tanks were 1,005,139 MT. Discrepancy was 596 MT, representing 0.059% of total volume.
- (d) In 2008, the Corporation received 30 vessels with 998,577 MT of petroleum products on board prior to discharge. Quantities delivered into shore tanks were 997,165 MT. Discrepancy was 1,412 MT, representing 0.141% of total volume.
- (e) In 2009, it received 30 vessels with 1,028,327 MT of petroleum products on board prior to discharge. Quantities delivered into shore tanks were 1,026,594 MT. Discrepancy was 1,733 MT, representing 0.169% of total volume.
- (f) In 2010, STC has received 30 vessels with 1,047,921 MT of petroleum products on board prior to discharge. Quantities delivered into shore tanks were 1,045,280 MT. Discrepancy was 2,641 MT, representing 0.252% of total volume, and
- (g) In 2011, STC has received 26 vessels (MT Red Eagle entered into operations as from May 2011 carrying both white and black oils) with 1,148,865 MT of petroleum products on board prior to discharge. Quantities delivered into shore tanks were 1,147,492 MT. Discrepancy was 1,373 MT, representing 0.120% of total volume.

As regards 2012 up to end May, I am further informed that the State Trading Corporation received 9 vessels with 484,557 MT of petroleum products on board prior to discharge. Quantities delivered into shore tanks were 485,433 MT. Discrepancy was 876 MT, representing 0.181% of total volume.

#### **AGALEGA - AIRSTRIP - UPGRADING**

**(No. B/386) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Local Government and Outer Islands whether, in regard to the proposed upgrading of the airstrip at Agalega, he will state where matters stand, indicating the -

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

*(Withdrawn)*

### **AAPRAVASI GHAT WORLD HERITAGE SITE - BUFFER ZONE**

**(No. B/387) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Housing and Lands whether, in regard to the buffer zone of the Aapravasi Ghat World Heritage Site, he will state if the claims made by the shop owners in the vicinity thereof have been paid and, if so, give a list thereof, indicating the -

- (a) names of the occupiers;
- (b) locations, and
- (c) value thereof.

**Reply:** Following the inscription of the Aapravasi Ghat World Heritage site on the World Heritage list in July 2006, 49 claims from shop owners and others in the vicinity thereof have been made within the prescribed time limit. In respect of certain properties, my Ministry is in the presence of more than one claim. The claims are being examined at the level of my Ministry. So far, no payment has been effected.

A list of the claims is being placed in the Library of the National Assembly.

### **CANE DEMOCRATISATION FUND - SETTING UP**

**(No. B/388) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the proposed setting up of a Cane Democratisation Fund, he will state where matters stand.

**Reply:** The 2007 Agreement between the Government and the Mauritius Sugar Producers' Association provides for a 35% stake in the cane industry to planters, labourers and artisans, particularly in the Milling, Refining and Distillery entities as well as all activities engaging the conversion and marketing of cane into its final products.

It has been decided to create an investment vehicle, namely the Cane Democratisation Fund to hold the 35% stake. The Fund will be owned by some 40,000 planters and workers through an issue of shares in the Fund.



The House may wish to note that SIT already holds a 20 per cent stake in sugar milling companies. Not all planters and sugar industry workers are shareholders of SIT. In addition some 36% of the shares of SIT are held by corporate and institutional investors.

Prior to operationalising the CDF, it is essential that the following issues be addressed so that the Fund acts as an effective investment vehicle on behalf of both the planters and workers.

- (i) Firstly, the modalities to carry out the joint valuation by MSPA and SIT on milling activities, as stipulated in the 2007 Agreement, have to be endorsed and completed to enable the Fund to decide on the purchase or otherwise of the remaining 15 percent shares.
- (ii) Secondly, SIT will have to examine the option of buying back the shares held by the institutional and corporate investors who are not planters or sugar industry workers;
- (iii) Thirdly, the planters and workers who are not presently shareholders of SIT should be given the opportunity to become shareholders of CDF;
- (iv) Lastly, the impact of the on-going reform and re-structuring of the sugar industry on the CDF activities.

In view of the above issues, a Technical Committee led by my Ministry and comprising of representatives from the Ministry of Agro Industry, SIT, SIC, and Registrar of Companies has been set up to look into all the implications into in a holistic manner and to come up with firm recommendations on the actions required to launch the Fund.

I wish to inform the House that notwithstanding the above issues, Government has already injected the 35 % equity on behalf of the planters and workers in new investment where prospects are good. Thus, investment in the FUEL refinery has already been made by Government on behalf of planters and workers to the tune of Rs176 m. This has been done through State Investment Finance Corporation (SIFCOR) acting as warehouser of the funds.

### **CEB - ACTING CHIEF FINANCE OFFICER - INQUIRY**

**(No. B/389) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to Mr B. P. K., Acting Chief Finance Officer of the Central Electricity Board, he will, for

the benefit of the House, obtain from the Board, information as to if an inquiry has been carried against him and if so, indicate the -

- (a) terms of reference thereof;
- (b) outcome thereof;
- (b) number of legal advice sought and obtained, indicating the names of the legal advisers therefor, and
- (c) actions, if any, taken against him and if not, why not.

*(Withdrawn)*

### **CEB - FORT VICTORIA POWER STATION - TENDERS**

**(No. B/390) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the construction of the Phase II of the Fort Victoria Power Station, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to if tenders have been launched seeking technical assistance therefor, indicating -

- (a) the value of the contract, and
- (b) if one Mr M. M. D. was invited by one Mr F. H. by way of an e-mail to submit a proposal therefor and if it is the same Mr M. M. D. who prepared tender documents whenever contracts were awarded to the Burmeister & Wain Scandinavian Contractor.

*(Withdrawn)*

### **SUGAR PROTOCOL – ACCOMPANYING MEASURES**

**(No. B/392) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Second Phase of the Accompanying Measures for the Sugar Protocol for 2011-2013, he will state the -

- (a) total amount of money;
  - (i) disbursed in 2011
  - (ii) to be disbursed in 2012, indicating the amount thereof disbursed as at to date and
  - (iii) specific requirements for disbursements and when same will be met, and
- (b) projects implemented.

**Reply:** With regard to part (a) (i) and (ii) of the question, I wish to inform the House that for year 2011 the total money budgeted and amounting to Euro 54.352 million (i.e approximately Rs2 Bn) has already been disbursed. For year 2012, the total amount budgeted and expected to be disbursed is Euro 69.811 million (i.e approximately Rs2.5 Bn). We expect the amount for 2012 to be received around the last quarter of 2012 after the assessment of the status of implementation of the agreed indicators by the EU.

As far as part (a) (iii) of the question is concerned, I am tabling full details on the information asked for. I wish to inform the House that implementation is on track and we expect to meet all disbursement conditions at the time of assessment by the EU which is expected to be made in October 2012.

Regarding part (b) of the question, in accordance with the Second Phase of the Accompanying Measures for the Sugar Protocol funds will be disbursed as non-targeted general budget support and covers the whole area of Government action and no specific project.

#### **BANK OF MAURITIUS – OPERATION RESERVES RECONSTITUTION**

**(No. B/393) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Operation Reserves Reconstitution, he will, for the benefit of the House, obtain from the Bank of Mauritius, information as to the -

- (a) amount of foreign currencies purchased by the Bank in the domestic foreign exchange market, respectively in 2011, and since January 2012 to date, indicating the impact thereof on the bank's reserves;
- (b) amount of foreign reserves needed to achieve the target level of 6 months' import, and
- (c) implication of the Bank for sterilized intervention on the public debt market and the fiscal costs thereof.

*(Withdrawn)*

#### **REUNION GOVERNMENT SCHOOL – TRAFFIC CONGESTION**

**(No. B/394) Mr N. Bodha (First Member for Vacoas & Floreal)** asked the Vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and

Shipping whether he will state if he has been informed of traffic congestion and insecurity prevailing in the vicinity of the Reunion Government School, at Vacoas, and if so, indicate -

- (a) the remedial measures taken, if any and
- (b) if he will consider meeting all those concerned therewith to address same.

**Reply:** I have been informed of the traffic congestion problems in the vicinity of the Reunion Government School in Vacoas and I would like to report that the following remedial measures have already been implemented to address the problems and ensure road safety -

- (i) the fixing of two regulatory traffic signs to prohibit vehicular entry along Cantin Road at its junction with Cantin Lane during school resumption and dismissal hours;
- (ii) the prohibition of entry for sugar-cane lorries along Cantin Road from its junction with John Kennedy Road;
- (iii) the provision of double yellow lines along one side of Cantin Road from its junction with John Kennedy Road to the entrance gate of the Reunion Government School to prohibit inconsiderate on-street parking;
- (iv) the construction of a speed reducing device to control vehicular speed along Cantin Road near the primary school, and
- (v) the provision of a pelican crossing at the junction of Cantin Road with John Kennedy Avenue to ensure safety of the crossing pedestrians, especially school children.

Moreover, following a request from the Ministry of Education and Human Resources, the Traffic Management and Road Safety Unit has recommended the construction of raised footpath along Cantin Road fronting the primary school to further improve road safety along this minor road. The construction of the footpath will be implemented by that Ministry.

As regards part (b), I am always at the disposal of the general public and attentive to advice regarding safety and security of our people.

#### **PEDESTRIAN CROSSINGS – BELISHA FLASHING LAMPS**

**(No. B/395) Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the pedestrian crossings, he will state where matters stand in relation to the proposed -

- (a) installation of Belisha flashing lamps, and
- (b) revisiting of the locations thereof.

*(Withdrawn)*

### **ROCHE BOIS – ESTUARY - DEAD FISH**

**(No. B/396) Mr J. C. Barbier (Second Member for GRNW & Port Louis West)** asked the Minister of Fisheries whether, in regard to the recent case of a large quantity of dead fish found at the estuary of Roche Bois, he will state if the inquiry carried out to ascertain the causes thereof is now complete and if so, indicate the -

- (a) outcome thereof, and
- (b) measures taken to avoid the recurrence of similar cases in the future.

**Reply:** I am informed that some 1000 small fish of size 6 - 30 cm were found dead along the shore near the estuary of Roche Bois on 11 June 2012.

Samples of dead fish as well as water samples were collected for analysis by the Albion Fisheries Research Centre of my Ministry, the Food Technology Laboratory of the Ministry of Agro-Industry and Food Security and the National Environment Laboratory of the Ministry of Environment and Sustainable Development.

Preliminary results from the Albion Fisheries Research Centre showed that the physico-chemical parameters of the waters collected in the estuary and in the lagoon were within the Coastal Quality Guideline Limits with the exception of phosphate. The phosphate levels were high in the estuary and near the fish landing station which were due to the input of fresh water from the river. Bacteriological tests revealed high level of total and faecal coliforms. These results have once more been confirmed from a subsequent analysis.

Analysis of fresh water samples carried out by the National Environmental Laboratory showed that there were low level of Dissolved Oxygen and high levels of total reactive phosphorus, Chemical Oxygen Demand, ammonia, total organic carbon and E.coli.

I am informed that test carried out by the Food Technology Laboratory on dead fish samples did not reveal any detectable level of pesticide residues.

Furthermore, preliminary surveys carried out by the Ministry of Environment & Sustainable Development revealed that the industries in the region were all connected to the Waste Water Sewerage network system and there was no indication of any incident such as overflow and accidental spillage.

So far, the exact cause of mortality of fish has not yet been established. Further investigations are being carried out at the Albion Fisheries Research Centre, Food Technology Laboratory and National Environment Laboratory to determine the exact cause of the fish mortality.

With regard to part (b) of the question, fish mortality occurs through natural causes or through effects of anthropogenic activities. Natural causes are beyond our control. However, anthropogenic activities are regulated through Legislations and Enforcement. Since the occurrence of this particular case, my Ministry has redoubled its monitoring efforts. The Fisheries Protection Service monitors the site on a daily basis. The Albion Fisheries Research Centre over and above its regular monitoring programme for water quality in that particular area, has now put in place a weekly sampling exercise. I am informed that a meeting was held on 13<sup>th</sup> June 2012 at the Ministry of Environment and Sustainable Development with representatives of concerned Ministries and Departments and it was decided amongst others that -

- (i) the activities of the Police de L'Environnement would be reinforced to track down any occurrence of illegal discharge;
- (ii) factories of the region would be reminded that they should take all the necessary measures so as not to allow any discharge of effluents in any water bodies, and
- (iii) the Ministry of Health and Quality of Life would inform the public not to collect and consume any dead fish.

I wish to inform the House that a *Press Communiqué* was issued jointly by my Ministry and the Ministry of Health and Quality of Life, to advise the public not to consume the dead fish from the Terre Rouge estuary until further notice.

My Ministry would provide all support to the – Umbrella Ministry, i.e the Ministry of Environment and Sustainable Development to monitor the situation with a view to determining the causes of fish mortality in that region.

#### **FISH AUCTION MARKET - OPERATION**

**(No. B/397) Mr J. C. Barbier (Second Member for GRNW & Port Louis West)** asked the Minister of Fisheries whether, in regard to the Fish Auction Market, he will state if it is in operation and, if not, why not.

**Reply:** The Fish Auction Market is not in operation yet. An Expression of Interest for the operationalisation of the Fish Auction Market had, in fact, been launched locally as well as

internationally on 18 November 2011. Unfortunately, by the closing date, no response had been received. The exercise has been re-launched on 18 May 2012 and the closing date is 02 July 2012.

### **REGIS CHAPERON SSS – RENOVATION WORKS**

**(No. B/398) Mr K. Ramano (Second Member for Belle Rose & Quatre Bornes)** asked the Minister of Education and Human Resources whether, in regard to the Regis Chaperon State Secondary School, he will state if -

- (a) a tender has been launched for major renovation works to be carried out thereat, and
- (b) he has received representations from the Parents Teachers Association thereof, in relation to the overall state of the infrastructure thereof and if so, if consideration will be given for the taking of urgent remedial measures in relation thereto.

**Reply:** In regard to part (a) of the question, major extension and rehabilitation works at the Dr Regis Chaperon SSS are being carried out in two phases.

Phase I of the project consists in the construction of -

- a) a new two-storey toilet block;
- b) a new three-storey specialist room block that will accommodate one laboratory each for Biology, Chemistry, Physics and 2 computer rooms;
- c) a boundary wall, and
- d) covering of the canal crossing the school compound.

The contract has been awarded on 05 June 2012 and works are expected to start by end of June 2012 for a contractual duration of fourteen (14) months.

Renovation works to existing building and gymnasium will be undertaken in Phase II of the project and comprises -

- (a) waterproofing works;
- (b) review of the whole electrical system;
- (c) conversion of the existing laboratories into classrooms;
- (d) replacement of damaged naco frames, and
- (e) remedial works to any spalled concrete and cracks.

Preliminary drawings are being finalized and, as per tentative implementation schedule, it is expected to launch tenders by September 2012. Works are expected to start early January 2013.

Regarding part (b) of the question, I am in presence of representations from the members of the Parents Teachers Association of the school regarding the defective state of the toilet and cracks and spalling in the existing school buildings due to their old state. I had a meeting with the PTA on Monday 18 June 2012 and members were apprised of the latest development concerning both Phase I and Phase II of the projects at Dr Regis Chaperon SSS.

Furthermore, the advisability of shifting students to ex-Marcel Cabon SSS on a temporary basis has also been raised. The matter is being discussed at the PTA level after which a decision would be taken in consultation with the PTA and the students.

In any case the upgrading of the present college has been decided upon and will, in no circumstances, be allowed to undergo any delay.

Furthermore, with a view to mitigating the emanation of foul smell in the toilets -

- (a) all clogged pipes in the toilet blocks have already been cleared to ensure that the flushing tanks are in good running conditions, and
- (b) the toilets are being cleaned regularly with high water pressure.

Further, arrangements have been made for the provision of a cleaner on a full-time basis to ensure overall cleanliness of the school premises.

#### **CAP MALHEUREUX - MARSHY LANDS - CONSTRUCTION**

**(No. B/399) Mr A. Gungah (First Member for Grand' Baie & Poudre d'Or)** asked the Minister of Local Government and Outer Islands whether, in regard to the construction of a commercial complex on the marshy lands opposite the Cap Malheureux cemetery, he will, for the benefit of the House, obtain from the Pamplémousses/Rivière du Rempart District Council, information as to -

- (a) the date the promoter thereof applied for a building and land use permit therefor, indicating the basis on which approval was granted;
- (b) if all the necessary clearances have been sought and obtained, and
- (c) if an Environmental Impact Assessment licence was required therefor.

**Reply:** With regard to parts (a & b) of the question, I am informed that the promoter KIRAV Co. Ltd applied for a Building and Land Use Permit on 08 April 2011 at the



Pamplemousses-Rivière du Rempart District Council for the proposed construction of a Commercial building to be used as Supermarket and General Retailer's Shop on a plot of State land at Cap Malheureux.

The Building and Land Use Permit was granted by the Council on 15 April 2011. While processing the application the Council has taken note that the promoter had a State land lease signed on 14 February 2011 for a period of 60 years with the Ministry of Housing and Lands as well as a planning clearance issued on 25 January 2011 by that Ministry.

As regards part (c) of the question, I am informed that an Environment Impact Assessment (EIA) licence is not required as the development is not a scheduled undertaking in terms of schedules I and II of the Environment Protection Act. In fact, the land upon which development is taking place is 65 metres away from the wet land and the exercise of the wet and the commercial complex will not have any impact one upon the other.

Following complaints received, a site visit was carried out on 21 June 2012 by representatives of the District Council, Ministry of Housing and Lands, Ramsar Committee and my Ministry, during which the above information was confirmed.

#### **SALT - IMPORTATION - LIBERALISATION**

**(No. B/ 400) Mr A. Ganoo (First Member for Savanne & Black River)** asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to salt, he will state

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- (a) if any decision has been taken for the liberalization of the importation thereof and, if so, indicate;
  - (i) when, and
  - (ii) if any study has been carried out to assess the social consequences thereof, and
- (b) the number of employees who are presently employed in the local salt pans and refineries.

*(Withdrawn)*

#### **NATIONAL RESILIENCE FUND - ENTERPRISES - ASSISTANCE**

**(No. B/401) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the vice-Prime Minister, Minister of Finance and Economic Development

whether, in regard to the transitional support granted to the companies and to the export sector, he will state if consideration will be given for Government intervention, besides the line of credit of the Bank of Mauritius, to help the long standing enterprises which are currently facing problems due to the crisis in the euro zone.

**Reply:** In my reply on 8 May 2012 to PQ B/37, I informed the House that the National Resilience Fund was created in the 2012 Budget in order to stimulate growth and resilience in the economy and to provide support to enterprises requiring liquidity in the event of an expected resurgence of the world economic crisis. The NRF has at its disposal an amount of Rs7.3 billion to finance a total of 22 schemes. Details of the individual schemes have been tabled as part of the reply to that PQ.

This Rs7.3 billion is over and above the financial support of Rs3 billion that are being provided by commercial banks to SMEs. As at end of May 2012, commercial banks have approved 575 applications for a total amount of nearly Rs600 m.

I also wish to inform the House that the existing schemes under the National Resilience Fund provide a whole range of support that would enable an enterprise to face problems arising from the crisis in the euro zone. Thus, access to and availability of finance at concessionary rates is addressed. Access to equipment and technology is also catered for as well as support to access international markets and access to decent industrial space at affordable costs. The schemes are operational and enterprises are availing themselves of such facilities. I wish to reassure the House that this support will continue.

For those enterprises which are viable and which are facing difficulties as a result of the euro zone crisis, there is a mechanism put in place through a joint public-private working group – the Restructuring Working Group – to come to the rescue of such enterprises. On the basis of a due diligence exercise conducted by an Independent Financial Analyst paid by the NRF, support is extended to an enterprise on a risk and burden sharing basis among the NRF, commercial banks and the enterprise in the ratio of 40:40:20. The Working Group meets once a week to review the situation of enterprises that have made a request for support.

### **RODRIGUES - SPORTS ACTIVITIES**

**(No. B/402) Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to sports activities in Rodrigues, he will state

if his Ministry has any action plan for the promotion and development thereof, thereat and, if not, why not.

*(Withdrawn)*

## **SECONDARY SCHOOLS (PRIVATE) - STUDENT TRAVELLING PASS**

**(No. B/404) Mrs A. Navarre-Marie (First Member for GRNW & Port Louis West)** asked the Minister of Education and Human Resources whether, in regard to the private secondary schools, he will, for the benefit of the House, obtain from the Private Secondary Schools Authority, information as to the number of students thereof who have not yet been issued with a student travelling pass, since January 2012 to date, indicating the reasons therefor.

**Reply:** Student Identity Cards (commonly known as Student Travelling Passes) are issued to students by the National Transport Authority on a yearly basis and are valid from the month of May of the current year to April of the following year.

I am informed that the majority of our students (that is, 65,473 students) from the Private Secondary Schools have been issued with their Students Identity Cards.

Students who have not been issued their Identity Cards are presumably due to -

- (a) non-compliance by schools of the set criteria by the NTA (absence of photo, non payment of fee or late submission); or
- (b) due to students either living in the vicinity of the Schools or those using their own means of transport (e.g. contract bus or school van), or
- (c) late admissions.

I have requested the PSSA to look into the matter and take appropriate action, to ensure that the students are provided with their ID Cards within the least possible delay.

## **SHELTERS – CHILDREN - LOCATION**

**(No. A/176) Mrs L. Ribot (Third Member for Stanley & Rose Hill)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the shelters, she will state the number thereof available for the

- (a) boys;
- (b) girls, and
- (c) babies, indicating in each case the -
  - (i) location thereof;

- (ii) number of residents therein, indicating the age group thereof, and
- (iii) number thereof housed in rented buildings, indicating the monthly rental thereof in each case.

**Reply:** Presently, there are two shelters under the aegis of my Ministry situated at Pointe aux Sables and Cap Malheureux. As at 22 June 2012, 108 children from 0 to 18 years comprising 16 babies, 61 girls and 31 boys are residing at shelter La Colombe, Pte aux Sables while there are 30 boys aged 9 to 17 years at the shelter L'Oiseau du Paradis, Cap Malheureux.

Both shelters are government-owned buildings, therefore, monthly rental does not arise.

Furthermore, I would like to point out that there are 341 children (157 boys, 158 girls and 26 babies) who are placed by my Ministry in Residential Care Institutions which are owned and managed by Non-Governmental Organisations.

#### **BUSINESS PARKS OF MAURITIUS LTD – CHAIRPERSON – SALARY**

**(No. A/177) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Information and Communication Technology whether, in regard to the Executive Chairperson of the Business Parks of Mauritius Ltd., he will, for the benefit of the House, obtain therefrom, information as to the name of the incumbent, indicating -

- (a) the salary and allowances drawn, and
- (b) his work experience.

**Reply:** The information sought is as follows -

Name of Executive Chairperson: Mr Dharumraj Naugah, G.O.S.K

Basic Salary: Rs 120,000

Allowances: Petrol Allowance Rs 15,675/monthly

#### Work Experience:

Economist, Ministry of Economic Planning and Development

Senior Budget Officer, Ministry of Finance

Investment Manager, State Investment Corporation Limited

#### **FISHERMEN - SCHEMES**

**(No. A/178) Mrs J. Radegonde (Fourth Member for Savanne & Black River)** asked the Minister of Fisheries whether, in regard to the fishermen, he will give a list of the proposed schemes purporting to empower them and to reduce their dependency on the existing welfare assistance programme, indicating the measures taken in relation thereto.

**Reply:** Various loan schemes available at the DBM for the artisanal/lagoon fishery, semi-industrial chilled fish fishery, banks fishery, fish processing including setting up of cold rooms and aquaculture development. A list of available loan schemes is attached.

Government has earmarked a sum of Rs10 m. in the 2012 Budget for marine ranching and the replenishment of the lagoons for the benefit of the fishers at large, with focus on the local indigenous species, namely seabream, mullets, berri rouge and cordonnier. Request for proposals for consultancy services for marine ranching project in Mauritius was launched on 06 June 2012.

A pilot cage culture project at sea for the fishermen community has been set up at Trou d'Eau Douce for fishers grouped under the Trou d'Eau Douce Fishermen Cooperative Society. Fishermen have been provided with cage materials, fish fingerlings and feed to start the project. Two additional cages will be handed over to Fishermen Cooperative Societies in the coming weeks. The project will be closely monitored by officers of the Albion Fisheries Research Centre.

The Ministry is implementing a project on coral farming at three sites in Mauritius. This would contribute to the rehabilitation of the coral reef and eventually to an increase in fish production.

Fish Aggregating Devices are deployed jointly with fishermen in the outer lagoon to encourage fishermen to shift to the FADs fishery. FADs would be deployed beyond 20 nm from the mainland for other users thereby avoiding conflicts with fishermen. Foreign fishing vessels are not licensed to fish around FADs set for the fishermen.

Fishermen are provided with free training courses at FITEC.

Besides on-going training programmes, fishermen will be trained in the use of the newly designed collapsible traps for operating in the banks fishery. Such traps will be an alternative mode of fishing on the banks compared to the one presently being practised. Eight collapsible traps have been handed over to fishermen on a trial basis.

The removal of the 10% customs duty on refrigerated vehicles aims at encouraging fishmongers and fish traders to transport their fish and fish products from various sale points throughout the island under hygienic condition.

Fishermen benefit from VAT refund on fishing gears, outboard and inboard motors of up to 25 HP, life jackets as well as VHF radios. Fishers are thus assisted in adopting necessary equipment to move from the heavily exploited lagoon to offshore resources.

The Ministry has over the years distributed freely life jackets to fishers. Since 2004, all new fishers joining the fishing activity have followed an intensive course at FITEC and upon completion of which they are offered free of charge a life jacket.

The removal of VAT on semi-industrial vessel aims at encouraging fishermen to group themselves to take advantage of the measure for embarking in the offshore demersal fishery.

### **BEL OMBRE GOVERNMENT SCHOOL - MEASURES AND SANCTIONS**

(No. A/179) Mrs J. Radegonde (Fourth Member for Savanne & Black River) asked the Minister of Education and Human Resources whether, in regard to the Bel Ombre Government School, he will state if he has been informed of the outcome of the meeting that has taken place between the parents of the pupils thereof, the group *Mouvement de l'Ouest*, the school master thereof and the Director of the Zone 3, and, if so, indicate the measures and sanctions that are being/will be taken to address the issues raised during the meeting.

**Reply:** I am informed that a Meeting was held, on 11 June 2012, between a group of parents of pupils of Bel Ombre Government School, the group “Movement de L'Ouest”, the Head Master of the school and the officers of the Directorate of Zone 3 following a request made for a meeting to address grievances related to the school.

The following issues were discussed, among others, at the meeting -

- Management of the school;
- Attendance of pupils;
- Performance of the school; and
- Monitoring of the teaching and learning process.

Following that meeting, a number of measures have already been taken to address the above concerns -

- A new Headmaster was thus posted to Bel Ombre Government School as from 18 June 2012 and he has been requested to closely monitor the attendance of staff, conduct regular class visits, assist teachers on pedagogical issues, hold regular meetings with the members of the PTA and work in close collaboration with all stakeholders.

- It has been agreed that the Primary School Inspector will be visiting the school more regularly to monitor the situation.
- The assistance of Social Workers will also be enlisted to visit those pupils with high rates of absenteeism.

With regard to the fencing issue, the damaged chain link fencing has been repaired pending the construction of the block wall for which tenders are expected to be awarded soon.

#### **STC - ROAD DEVELOPMENT AUTHORITY - CONTRIBUTION**

(No. A/180) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the proceeds of sale of mogas and gas oil, he will, for the benefit of the House, obtain from the State Trading Corporation, information as to the total amount thereof contributed to the Road Development Authority, as at to date.

**Reply:** According to records available at the State Trading Corporation, the contribution to the Road Development Authority as regards the proceeds of sale of mogas and gas oil as at May 2012 stood at Rs4,780,882,904.46 which includes contribution to the Road Development Authority per se (Rs1, 155,947,542.80) and the Bus Companies Recovery Account (Rs 3,624,935,361.66).

The table below shows the contribution made to the Road Development Authority as from September 1990 to date and also to the Bus Companies Recovery Account as from October 2004 to date.

<b>PERIOD – FINANCIAL YEAR</b>	<b>ROAD/RDA (Rs)</b>	<b>BCRA(Rs)</b>	<b>TOTAL</b>
Sept 90 to June 91	16,569,220.30	-	16,569,220.30
July 91 to June 92	19,942,334.50	-	19,942,334.50
July 92 to June 93	23,225,857.00	-	23,225,857.00
July 93 to June 94	23,866,665.10	-	23,866,665.10
July 94 to June 95	26,292,806.60	-	26,292,806.60
July 95 to June 96	28,578,078.90	-	28,578,078.90
July 96 to June 97	30,375,968.20	-	30,375,968.20
July 97 to June 98	28,439,056.10	-	28,439,056.10

July 98 to June 99	36,179,123.40	-	36,179,123.40
July 99 to June 00	68,272,007.75	-	68,272,007.75
July 00 to June 01	67,350,777.10	-	67,350,777.10
July 01 to June 02	67,122,766.60	-	67,122,766.60
July 02 to June 03	70,494,052.10	-	70,494,052.10
July 03 to June 04	75,988,425.05	-	75,988,425.05
July 04 to June 05	74,442,674.25	28,937,346.00	103,380,020.25
July 05 to June 06	70,740,902.95	199,309,537.50	270,050,440.45
July 06 to June 07	67,410,076.40	477,308,803.40	544,718,879.80
July 07 to June 08	71,233,329.30	499,608,211.70	570,841,541.00
July 08 to June 09	69,394,691.63	579,417,169.38	648,811,861.01
July 09 to June 10	70,898,278.52	586,823,937.30	657,722,215.82
July 10 to June 11	73,076,934.52	615,820,488.70	688,897,423.22
July 11 to May 12	76,053,516.53	637,709,867.68	713,763,384.21
<b>TOTAL</b>	<b>1,155,947,542.80</b>	<b>3,624,935,361.66</b>	<b>4,780,882,904.46</b>

#### **SALE BY LEVY - NATIONAL SOLIDARITY FUND – AMOUNT PAID**

(No. A/181) Mr R. Uteem (Second Member for Port Louis South & Port Louis Central) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the payment made by the National Solidarity Fund to the victims of sale by levy, she will, for the benefit of the House, obtain from the Fund, since 2005 to date, information as to the -

- (a) amount of money paid to the victims of sale by levy;
- (b) eligibility criteria to benefit therefrom, and
- (c) legal basis therefor.

**Reply:** The National Solidarity Fund provided financial assistance in favour of the victims of sale by levy following two measures announced in Budget Speech 2007/2008 and 2008/2009.

This 2007/2008 measure relates to provision of financial assistance in favour of deserving families who have lost their only residence through sale by levy to acquire a house.



Whereas the 2008/2009 measure relates to cases of families with household income less than Rs7,500 per month who were facing difficulties to service their mortgage following death or serious incapacity of a wage earner.

With regard to part (a) of the question, financial assistance amounting to Rs13,964,440.27 and Rs1,094,764.96 have been paid as at 02 June 2012 in favour of victims of Sale by Levy in respect of budgetary measures 2007/2008 and 2008/2009, respectively.

With regard to part (b) of the question, the list of criteria for both measures is as follows -  
Budgetary Measures 2007/2008

- (i) loss of only residence through Sale by Levy;
- (ii) unexpected change in circumstances leading to nonpayment of loan taken – viz. sickness, loss of employment, demise of income earner etc;
- (iii) the purpose of loan taken;
- (iv) victims should not have been owner of bare residential land of more than 60-70 toises or agricultural land (under cultivation) of more than 1A, and
- (v) property seized as at 31 December 2006.

Budgetary Measures 2008/2009

- (i) the household income per month inclusive of National Pension and Social Aid should not exceed Rs7,500;
- (ii) the loan taken should be either a housing loan or a loan taken for setting up of own business where only residence has been given as guarantee;
- (iii) loan taken from recognized lending institutions only;
- (iv) financial assistance would be provided to service mortgage to prevent seizure or sale of only residence;
- (v) death or serious incapacity occurred on or after 01 July 2007;
- (vi) death or serious incapacity as spelt out in the Social Aid Act and the National Pension Act, and
- (vii) in case of death of both spouses, children were eligible for assistance depending on their meeting relevant criteria mentioned above.

With regard to part (c) of the question, the legal basis relates to the two budgetary measures announced in 2007/08 and 2008/09 and directives issued to my Ministry by the High Level Committee set up under the Ministry of Finance and Economic Development.

**ADDITIONAL STIMULUS PACKAGE SCHEME & ECONOMIC RESTRUCTURING  
AND COMPETITIVENESS PROGRAMME – BENEFICIARIES**

(No. A/183) **Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the financial assistance granted by Government and by other institutions under the Additional Stimulus Package Scheme and under the Economic Restructuring and Competitiveness Programme respectively, he will state –

- (a) the total amount of money provided for the purchase of properties and of securities in real estate companies;
- (b) the names of the beneficiaries and the corresponding amounts of money provided therefor, and
- (c) where matters stand regarding the properties acquired.

**Reply:** Following the 2008 global economic crisis, the Government introduced, amongst other measures, the Sale and Leaseback of properties to assist asset-rich but cash-poor companies. In this respect, the National Real Estate Ltd (NREL), a subsidiary of SIC Ltd, was created to purchase under sale and leaseback, immovable properties of companies facing liquidity problems.

Thus after completion of all legal and due diligence formalities, NREL acquired properties owned by those companies eligible for sale and leaseback and rented back the building to the companies in order to enable them to continue their operations. Funds accruing from the sale and leaseback were injected into the company to ease their cash flow problems.

With regard to part (a) of the question, six companies have benefitted from the Sale and Leaseback scheme and the total sum disbursed by NREL for the sale and leaseback transactions

amounted to Rs556 m., which includes a sum of Rs340 m. for the acquisition of property owned by River Heights Ltd, owner of Infinity Tower. The Infinity tower is now the property of NREL.

A total additional provision of Rs300 m. over three years 2012 to 2014 is made in the National Resilience Fund for Sale and Leaseback in the event such scheme is required to rescue viable enterprises in difficulty because of the euro zone crisis.

Regarding parts (b) and (c) of the question, I am informed that apart from Infinity Tower, the annual rent chargeable to the other five companies is fixed at about 5 % of the sales value, which works out to around Rs820,000 as monthly rental receivable by NREL.

As regards Infinity Tower, 60 % of the office space has already been booked with an estimated rental of Rs3 m. per month. NREL is actively marketing the rest of the space available.

The companies which have benefitted from Sale and lease back of properties are -

No.	Company	Labour Force	Date Acquired	Amount Disbursed (Rs M)		Buy Back Date	Remarks
				Large	SME		
1	RS Fashions Ltd/SKY Jeans	170	22 April 2010		47	April 2015	Rental is due
2	Beachwear Exports Co Ltd	160	24 July 2009		50	July 2014	Rental due
3	Atelier Creatif de l'Ocean Indien	200	02 September 2010		20	September 2015	Rental due
4	Real Garments Ltd	500	19 August 2010	95		August 2015	Payment of rental

							in order
5	River Heights Ltd	500	31 May 2010	340		Property owned by government. 60% of the space is rented out. Expression of interest has been made for the available space. Awaiting confirmation	
6	AB Embroideries	50	27 November 2009		4	27 November 2014	Payment of rental in order
<b>TOTAL AMOUNT INVESTED</b>				<b>RS 556 M</b>			

#### **MINISTRY OF LOCAL GOVERNMENT AND OUTER ISLANDS - ADVISERS**

(No. A/184) **Mr D. Nagalingum (Second Member for Stanley & Rose Hill)** asked the Minister of Local Government and Outer Islands whether, in regard to the Advisers employed by his Ministry on a contractual basis, since January 2010 to date, he will give a list thereof, indicating in each case –

- (a) their qualifications;
- (b) their salaries and terms and conditions of employment, and
- (c) the duties assigned thereto.

**Reply:** The information requested by the hon. Member is being placed in the Library of the National Assembly.

#### **GOODLANDS SSS – PHASE II CONSTRUCTION**

(No. A/185) **Mr A. Gungah (First Member for Grand' Baie & Poudre d'Or)** ask the Minister of Education and Human Resources whether, in regard to the construction of the Phase II of the Goodlands State Secondary School, he will state the-

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

**Reply:** In regard to part (a) of the question, the scope of works in respect of Phase II at Goodlands SSS consisted of the construction of additional classrooms, a science block, a toilet Block and a playfield for a contractual amount of Rs 101.3 million.

In regard to part (b), works started in February 2009 and were completed in January 2011 except for the playfield. The delay in completing the playfield was to a large extent due to the long period of drought. The playfield has been completed in June 2012 and taking over exercise has been scheduled by end of this week.

### **ROADS – SPEED CAMERAS – PURCHASE**

**(No. A/186) Mr A. Gungah (First Member for Grand' Baie & Poudre d'Or)** asked the vice-Prime Minister, Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the proposed purchase of speed cameras, he will state the number thereof which will be purchased, indicating the expected date of delivery thereof.

**Reply:** The bids for the supply, installation commissioning and operation of the speed cameras are presently being evaluated at the Central procurement Board. Fifty Fixed Speed Cameras and Six Mobile ones will be procured.

The delivery will be done in three phases, viz –

In the first phase, twenty-six speed cameras will be delivered within four months as from the date of the letter of award.

In each of the second and third phases, fifteen speed cameras will be delivered within three months as the date notification.

The installation and commissioning on site will be three months for each phase as from the date of handing over of site after delivery of the fixed speed cameras.

The whole of the project is expected to be completed within 18 months as from the date of the letter of award.

### **CENTRAL PROCUREMENT BOARD - EVALUATION COMMITTEES**

**(No. A/187) Dr R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the Evaluation Committees set up by the Central Procurement Board, he will table the number of

sittings per each procurement exercise, indicating the amount of fees paid to each member thereof, since 2005 to date.

**Reply:** I am informed that the Central Procurement Board started its operation on 17 January 2008. For the period 2005 to 16 January 2008, bid evaluations were not carried out at the then Central Tender Board.

The information pertaining to period January 2008 to December 2012 is being compiled and will be tabled in due course.

### **DR. REGIS CHAPERON STATE SECONDARY SCHOOL - REHABILITATION & EXTENSION WORKS**

**(No. A/188) Mr M. Seeruttun**(Second Member for Vieux Grand Port & Rose Belle) asked the Minister of Education and Human Resources whether, in regard to the Dr. Regis Chaperon State Secondary School, he will state –

- (a) where matters stand in relation to the major rehabilitation and extension works to be carried out thereat, indicating if consideration will be given for the renovation of the gymnasium thereof and, if so, when and, if not, why not, and
- (b) if the Wastewater Management Authority has been apprised of the foul smells emanating thereat and if so, indicate the outcome thereof.

**Reply:** In regard to part (a) of the question, major extension and rehabilitation works at the Dr Regis Chaperon SSS are being carried out in two phases. Phase I of the project consists in the construction of -

- (a) a new two-storey toilet block;
- (b) a new three-storey specialist room block that will accommodate one laboratory each for Biology, Chemistry, Physics and 2 computer rooms;
- (c) a boundary wall, and
- (d) covering of the canal crossing the school compound.

The contract has been awarded on 05 June 2012. Works are expected to start by end of June 2012 and will be of contractual duration of fourteen (14) months.

Phase II of the project which concerns the existing buildings and the gymnasium will comprise -

- (a) waterproofing works;
- (b) review of the whole electrical system;
- (c) conversion of the existing laboratories into classrooms;
- (d) replacement of damaged naco frames, and
- (e) renovation works and remedial works to spalled concrete and cracks in all buildings including the gymnasium.

Preliminary drawings are being finalized and, all efforts are being undertaken for tenders to be launched by September 2012. Works are expected to start early 2013 and would be of 15 months' duration.

In regard to part (b) of the question, I am informed that my ministry has approached the Wastewater Management Authority (WMA) on 15 February 2012 regarding the emanation of foul smell and reflux of sewer water within the school premises after heavy rainfall. The WMA has submitted a report on 18 June 2012 to the effect that the sewer line was in good condition and that problem of foul smell is expected to be resolved with the construction of new toilet block in Phase I.

#### **STATE SECONDARY SCHOOLS - RENOVATION WORKS**

**(No. A/189) Mr M. Seeruttun (Second Member for Vieux Grand Port & RoseBelle)** asked the Minister of Education and Human Resources whether, in regard to the State Secondary Schools which are thirty years old and above, he will give a list thereof, indicating the ones which have been earmarked for major renovation works, indicating in each case, the –

- (a) scope of the works;
- (b) estimated cost, and
- (c) expected start and completion dates thereof.

**Reply:** I am tabling the information requested by the hon. Member in the Library of the National Assembly.

#### **LANDS - COMPULSORY ACQUISITION**

**(No. A/190) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Housing and Lands whether, in regard to lands compulsorily

acquired over the past two years for the implementation of Government projects, he will give a list thereof, indicating in each case, the –

- (a) location thereof;
- (b) project earmarked therefor;
- (c) name of the owner thereof, and
- (d) total amount of money paid therefor.

**Reply:** The information is being compiled and will be placed in the Library of the National Assembly.

#### **ROHAN STREET, CITÉ MARTIAL - ELECTRIC POLE**

**(No. A/191) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the electric pole located on the residential property of one Mr E. U., at L31, Rohan Street, Cité Martial, Port Louis, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to if they are aware that it causes inconveniences to Mr E. U. and, if so, indicate if consideration will be given for the displacement thereof and, if so, when and, if not, why not.

**Reply:** I am informed by the Central Electricity Board that no complaint has been registered under the name of Mr E.U regarding inconveniences caused by an electric pole located on the premises at L31, Rohan Street, Cité Martial, Port-Louis.

#### **SILWF - GENERAL MANAGER - SALARY**

**(No. A/192) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the post of General Manager of the Sugar Industry Labour Welfare Fund, she will, for the benefit of the House, obtain from the Fund, information as to –

- (a) the name of the person in post, indicating
  - (i) since when he is acting as General Manager
  - (ii) his qualifications, and
  - (iii) his salaries and terms and conditions of employment, and
- (b) when same will be filled in a substantive capacity, indicating the mode of recruitment therefor.

**Reply:** Regarding part (a) (i) of the question, I am informed that Mr RamBhunjee, the



Deputy General Manager at the Sugar Industry Labour Welfare Fund has been acting as General Manager since 31 October 2003.

With regard to part (a) (ii), Mr Bhungee holds the following qualifications –

- a) Cambridge School Certificate (November/December 1970);
- b) General Certificate of Education Examination from the University of London (June 1974) with pass in 2 subjects;
- c) Degree of Bachelor of Arts (Economics, Sociology and English) from the University of Punjab, India (1980), and
- d) Diploma in Journalism and Professional Writing from the Trans-World Tutorial College, Jersey, Britain (1981).

He is drawing a monthly salary of Rs 80,420 including basic salary as Deputy General Manager, salary compensation and acting allowance.

He is eligible to the following terms and conditions of employment -

- (a) purchase of a car up to 1500 c.c capacity with 100% duty remission;
- (b) a monthly travelling allowance of Rs 8,480, and
- (c) an end of year bonus (of Rs 80,420) as per recommendation of the PRB Report 2008.

Regarding part (b) of the question, it is not proposed to fill in the post of General Manager for the time being as provision has not been made for financial year 2012.

#### **MINISTRY OF SOCIAL SECURITY, NATIONAL SOLIDARITY AND REFORM INSTITUTIONS - ADVISERS/PRESS ATTACHÉS - APPOINTMENT**

(No. A/193) Mr P. Jhugroo (First Member for Mahebourg & Plaine Magnien) asked the Minister of Social Security, National Solidarity and Reform Institutions whether, in regard to the Advisers/Press Attachés and/or persons employed/appointed on a contractual basis by her Ministry, since July 2005 to date, she will give a list thereof, indicating in each case –

- (a) their qualifications
- (b) their salaries and terms and conditions of employment/appointment and (c) the duties assigned thereto.

**Reply:** The information requested is being placed in the Library.

