



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

TUESDAY 24 APRIL 2018

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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 05 of 2018

Sitting of Tuesday 24 April 2018

The Assembly met in the Assembly House, Port Louis at 11.30 a.m.

The National Anthem was played

(Madam Speaker in the Chair)

PAPERS LAID

The Ag. Prime Minister (Mr I. Collendavelloo): Madam Speaker, the Papers have been laid on the Table.

A. **Prime Minister's Office**

Certificate of Urgency in respect of the Human Tissue (Removal, Preservation and Transplant) Bill (No. V of 2018). (In Original)

B. **Ministry of Industry, Commerce and Consumer Protection**

- (a) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 8) Regulations 2018. (Government Notice No. 40 of 2018)

- (b) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 9) Regulations 2018. (Government Notice No. 41 of 2018)

ORAL ANSWERS TO QUESTIONS**VACOAS POPULAR MULTI-PURPOSE CO-OPERATIVE SOCIETY – ALLEGED INTERFERENCE - INVESTIGATION**

The Leader of the Opposition (Mr X. L. Duval) (*by Private Notice*) asked the Minister of Business, Enterprise and Cooperatives whether, in regard to the Vacoas Popular Multi-purpose Co-operative Society, he will state if the serious allegations of interference into the affairs of the Society have been referred to the Independent Commission against Corruption for investigation and if not, why not.

The Minister of Business, Enterprise and Cooperatives (Mr S. Bholah): Madam Speaker, the Vacoas Popular Multi-purpose Co-operative Society Ltd is a body corporate managed by a Board in accordance with the Co-operatives Act. I am, therefore, under no obligation to provide information on the internal administration and operations of the society.

However, this PNQ gives me the opportunity to bring clarification to certain unfounded, baseless and mudslinging allegations levelled by some unscrupulous persons with the apparent objective of tarnishing my reputation as well as that of the Registrar of Cooperatives.

This society started its activities in 1977 and over the years, it has grown successfully to reach a membership of around 5,500. The society was previously managed by a Board of Directors elected at its Annual General Meeting.

I also wish to inform the House that the Financial Statements of the society were audited by External Licensed Auditors appointed by the General Assembly.

However, in 2013, an inquiry commissioned by the Registrar of Cooperative Societies revealed serious malpractices and shortcomings. The Inquiry Report revealed, *inter alia* -

- loans which were issued without providing sufficient collaterals as security in favour of the society;
- insolvency problems, and
- huge amounts of non-performing loans granted to members.

At that time, the society was already insolvent and the members who were kept in the dark did not take any corrective actions. The then elected Board continued to approve the loans.

Madam Speaker, it is with this background that in December 2014, the society was put under strict control, under section (73) of the Co-operatives Act 2005, to ensure that all transactions effected by the society are vetted by officers of the Co-operatives Division, in order to prevent loss or misuse of society's funds.

The Registrar of Cooperatives also decided, in accordance with the provisions of the Co-operatives Act, to appoint a "Caretaker" Board in January 2015 to manage the affairs of the society.

The "Caretaker" Board was entrusted with the responsibility to salvage the co-operative society, through appropriate remedial actions. The Board had to address issues pertaining to deposits by members, payment of interests, refund of share capital, loan recovery, cash flow and liquidity problems, toxic loans and land/property development, amongst others.

Madam Speaker, I wish to inform the House that the "Caretaker" Board, in early 2015, appointed Ernst & Young Accountancy Firm as Management Company at a monthly fee of Rs230,000, inclusive of VAT, to assist the Board.

However, with a view to curtailing expenses - and I repeat, however, with a view to curtailing expenses - the contract of Ernst & Young was terminated in July 2015. SB Proconsult, represented by Mr G. S. was in lieu appointed at a fee of Rs172,500, inclusive of VAT.

At the initial stage, we did not receive any adverse report on the operations of the society until August/September 2017 when some members of the society contacted me with regard to the performance and behaviour of the then Manager.

I was also made aware that as from that moment, the Board of Directors had quasi-unanimous negative views on the performance of SB Proconsult. In fact, at this specific stage, a large majority of Directors of the society did not share the opinion of the ex-Chairperson.

Madam Speaker, I am informed that initially there were two offers regarding the proposed sale of land at Flic-en-Flac. On 08 September 2017, and after having considered both offers, the Board of Directors under the Chairmanship of Mr Jhugroo Lutchmeeparsad, unanimously recommended that the offer of C Ltd be submitted to the General Assembly for approval.

In spite of the Board decision of 08 September 2017, the then Chairperson, Mr L. Jhugroo, on his own *ultra vires* and on the back of the Board, continued to negotiate with F Ltd, that is, the author - *auteur* - of the rejected offer.

Furthermore, I wish to highlight that in a letter of 07 November 2017, the ex-Chairperson, that is, Mr Jhugroo, requested me for the replacement of three existing Directors. This would have enabled him to have a better leverage on the decision making process of the society. I wish to inform that the appointment of a Caretaker Board is vested in the Registrar of Cooperative Societies as per section 47 sub section (10) of the Cooperatives Act.

Madam Speaker, at this point, I wish to inform the House that at a Board Meeting held on 06 December 2017, a decision was taken by a majority of seven Board Directors to terminate the contract of SB Proconsult Ltd, and the ex-Chairperson was asked to send a letter to the company accordingly. The letter was never issued and, more so, on 20 December 2017, SB Proconsult vacated office on its own.

I was also informed that the Board was renewed on 19 December 2017 with the same nine Directors and with Mr Jhugroo still as Chairperson.

On 21 December 2017, the Registrar convened all the Directors to hand over their letter of appointment. However, on that day, the ex-Chairperson, that is, Mr Jhugroo, did not mention that on the eve, he had sworn an affidavit in the Supreme Court where he had made a number of unfounded and self-contradictory allegations. We are only aware of this affidavit from leaks reported in the Press.

Madam Speaker, in the light of the above, the Registrar of Cooperative Societies reconstituted the Board.

Madam Speaker, after having taken cognizance of the chronology of events and within a time span of four months, starting with 08 September 2017 when the decision was taken in relation to the proposed sale of land at Flic-en-Flac up to end of 2017, the question of interference has never been raised. I leave it for the House to draw its conclusion.

On 12 January 2018 the Board of Directors published a notice in the Press regarding, *inter alia*, unfounded allegations made by the ex-Chairperson.

In the said notice, it was pointed out, amongst others, the following -

In line with section 47 of the Co-operatives Act, the Caretaker Board had resolved (as evidenced by several Minutes of Proceedings) to call for a General Meeting of Members within the next few weeks in order to -

- make a presentation of the various options available regarding the Flic-en-Flac land;
- present to members the contents of the draft agreements submitted by the prospective buyers (including the rejected offer) with details of their shareholders and directors,
- obtain the General Meetings' consent (or refusal) regarding the best option as approved by the Board.

It is, therefore, clear that the contrary to allegations, no party, not even a Minister, except the General Assembly, can claim to have the authority to dispose the assets of the society.

Madam Speaker, in relation to the Vacoas Popular Multi-Purpose Co-operative Society, there is no evidence nor valid suspicion of corruption nor attempted corruption in relation to any public official and, therefore, there are no grounds for referring any such matter to the ICAC.

Some of the allegations of interference circulated in public emanate from the former Chairman, Mr Sunil Jhugroo, in various Press conferences and social media videos, and none of them disclose any valid evidence of any act calling for further action from my Ministry. Indeed, the above-mentioned notice from the Caretaker Board dated 10 January 2018 stated that said allegations reported in the Press are 'unsupported, frivolous and devoid of legal basis' and had reserved the right to make monetary claims from the author or authors of the said allegations.

Indeed, the Co-operative society acting through the Board was successful in obtaining a Court Order against the authors of these allegations.

It stands to reason that if the authors of the allegations had demonstrable evidence of what they pretend, the onus was on them from the start to have reported it to relevant authorities.

Finally, Madam Speaker, I wish to remind the House that the so-called interference is a smokescreen, a diversionary tactic to draw attention away from the heart of the problem at

the Vacoas Co-operative. The proposed sale of land is merely a means, not an end. The true scandal lies elsewhere.

Need I remind this House that over Rs300 m. were embezzled by a former Board and management of the Vacoas Co-operative until 2014, that is, well before my tenure as Minister for Cooperatives. I inherited this disastrous situation that was allowed to fester until 2014.

Mr X. L. Duval: Madam Speaker, in December 2017, in response to an article on “Sunday Times”, the hon. Minister said this about the affidavit: “*C'est totalement faux. Tout ce qu'il a dit dans son affidavit est faux* ». So, I take it that the Minister was aware of what was in the affidavit, that he has done nothing legally against it.

Therefore, to help him, Madam Speaker, I will, with your permission, table a copy of the full affidavit - I don't know how many pages there are - with the attachments, so that he can officially take note of the affidavit; it is signed and everything.

Madam Speaker, as the hon. Minister mentioned, this Co-operative Society has 5,500 - one of the biggest Co-operative Society in Mauritius. It also has assets of about Rs1.5 billion. Madam Speaker, my concern is undue interference, possibly illegal interference in the affairs of the Co-operative Society.

Madam Speaker: Hon. Leader of the Opposition, ask your question!

Mr X. L. Duval: My first question is: why did the hon. Minister ask the Registrar of Co-operatives to appoint his own adviser, one Mr Rajiv Koonjbeeharry, also a well-known MSM political agent, on the ‘Caretaker’ Board of the society? Why did he ask the Registrar to do this?

Mr Bholah: Madam Speaker, the said Mr Rajiv Koonjbeeharry is an adviser on co-operative matters and there is no problem appointing an adviser as Board member.

Regarding the affidavit, I have a copy of the affidavit which was leaked in the Press, and this is unsigned and undated, and I maintain that whatever he has said are false and I will prove it in the House.

Mr X. L. Duval: I hope that the hon. Minister will prove it by going to the authorities, to the Police, not in this House!

Madam Speaker, I am going to ask the hon. Minister whether the appointment of his own political agent, election agent, Koonjbeeharry, as adviser to the Board, was not for him

entering into the Board through a backdoor so that he could influence the decisions of the Board, for which he had no legal right to?

Mr Bholah: Madam Speaker, this Board is constituted of nine members, and I said earlier, Mr Koonjbeeharry is an advisor on co-operative matters, and since the start, when the first Board was constituted, he is a member, and whether he entered through the backdoor or front-door, this does not stand, it does not hold water.

Mr X. L. Duval: Madam Speaker, the hon. Minister is not denying that it is at his request that the Registrar has appointed his own political agent onto that Board!

Madam Speaker, regarding the revocation of SB Proconsult, it seems from his answer that the hon. Minister is totally absent from the decisions of the Co-operative Society, whereas I believe this to be totally false.

In fact, in a mail - which I will table - on 01 December, his adviser, Rajiv Koonjbeeharry said that the Minister issued a clear directive to the President to bring a motion to the Board at the soonest for the termination of the contract of the manager.

If there were, Madam Speaker, so many people on the Board that were against Mr Sookun, why did he need to interfere and give a directive to the Board to revoke the contract?

(Interruptions)

Madam Speaker: Hon. Rutnah, please don't interrupt!

Mr Bholah: Madam Speaker, the issue of SB Proconsult was a subject matter of discussion between some members who were not happy with the performance of the Manager of SB Proconsult, where he has been asking repeatedly for an increase in his fees.

Let me, for the benefit of the House, Madam Speaker, enumerate the various problems that the members were encountering with regard to the performance of SB Proconsult. It comes from the Minutes of 06 December 2017 -

- The Board deliberated and unanimously approved the termination of the management contract by applying the notice of three months as contained in the contract.
- The Board's decision was based, *inter alia*, on serious allegations raised at the level of the Ministry, such as sale of car seized by the society to a close relative of one of the directors of SB Proconsult and negative perception in the

public created by the employment of the sister of one of the directors of SB Proconsult.

This was the subject matter when members came to see me and there are many others. Madam Speaker, let me list all the allegations and complaints that Board members made were talking to me -

- Absence of progress under the salvage plan proposed by the managing firm, as agreed under the contract of employment.
- Repeated claims ...

(Interruptions)

Madam Speaker: The hon. Minister has the right to reply.

(Interruptions)

Hon. Leader of the Opposition!

Mr Bholah:

- Repeated claims of additional payments despite the poor financial position of the society and despite frequent requests from the Board to keep these claims in abeyance.

Earlier in my main answer, I said as to why Ernst & Young was made to leave so as to get someone with a cheaper fee.

(Interruptions)

Wait a second!

- Vacating office on two occasions, one of which on the eve of an SGM without notice.
- Non-submission of financial statements on time, impacting on important AGM, SGM.
- Non-submission of yearly management account despite regular requests.
- Frequent interference with Board Business during deliberations.
- Posting of only one permanent staff instead of five at the Society.

These are complaints that were being communicated to me.

(Interruptions)

When the hon. Leader of the Opposition said that my adviser sent a mail, I called the Chairperson; he agreed that, okay, don't go to the Board.

(Interruptions)

Well, I will tell the hon. Leader of the Opposition!

(Interruptions)

I will tell him!

(Interruptions)

Madam Speaker: Order!

Mr Bholah: Madam Speaker, let me read an extract of a letter dated 07 November, signed by the Chairperson.

“I am also very grateful of the various meetings we have had with you (...).”

He is addressing to me - the Chairperson, Mr Jhugroo - and he signed.

“I am also very grateful for the various meetings we have had with you whereby you have guided us to help revive the society”.

Mr X. L. Duval: Madam Speaker, the facts are that, in fact, Ernst & Young recommended the liquidation of the company, whereas this company recommended a salvage plan and that was the reason why the assembly retained this company and the hon. Minister knows that full well.

Madam Speaker, all was well with SB Proconsult until the issue of the land came up.

Madam Speaker: Is the hon. Leader of the Opposition going to ask his question?

Mr X. L. Duval: So, I am going to ask the hon. Minister whether he called, on 29 November, the president of the society, Mr Jhugroo, to ask him to sign forthwith, and I have proof of this, the deed of sale, the *Promesse de Vente* to one company called Claridges which happened to be by far the lowest bidder by some Rs144 m. for a piece of land in Flic-en-Flac? Did he or did not he convene the meeting which he chaired at the Office of the Registrar of Companies?

Mr Bholah: Well, each time that the Chairperson came to see me, it was in the presence of the Permanent Secretary, the Registrar and so on, but, I am not aware of this specific one.

(Interruptions)

Many times, exactly! But from a Board Minutes dated 28 September 2017, this is what is said –

“The Board unanimously approved the draft *Compromis de Vente*, requested Mr Dwarka - who is the sworn notary and legal advisor - to finalise the document and C Ltd approval.

The Board resolved that the final document would then be sent to the PS of the Ministry and the Registrar for vetting purposes. A meeting with the Ministry would then be sought to finalise everything and to decide on the calendar of execution.

Mr Dwarka informed that he would meet C Ltd. on the next day. He mentioned that the *CDV* could be signed after obtaining clearance from the Registrar and before moving for the approval of the General Assembly, as the approval of the Assembly was an explicit condition for the execution of the *CDV*.”

So, in any case, the final decision was in the hands of the General Assembly of members.

Mr X. L. Duval: Madam Speaker, my question is: did he call the President in the presence of his Permanent Secretary and the Registrar and instructed him to sign the deed of sale, the *Compromis de Vente*, to Claridges? Did he do so? That is my question!

Mr Bholah: But this is in the Minutes! This is in the Minutes!

Mr X. L. Duval: Madam Speaker, as a qualified Accountant, he must have known that Claridges were buying this property largely on credit. Did he, as an Accountant, seek to inform the President that he should get a report on the creditworthiness of Claridges before interfering and asking him to sign?

Mr Bholah: I never go into that detail. It is the Board's and the legal adviser's work and duties to go into the detail. What the hon. Leader of the Opposition is suggesting is that now he wants me to interfere that deep and that wide?

(Interruptions)

Mr X. L. Duval: Madam Speaker, I am blaming him for interference. Now, I am talking about the Registrar. Is he aware that the Registrar, a few days later, sent an official letter - I have the copy also and I will table it - to the president of the Co-operative Society

asking them to proceed with the sale to Claridges and the Registrar did so without asking for any due diligence or creditworthiness on Claridges? As the hon. Minister is answering for the Registrar as well, is he aware that his Registrar did this?

Mr Bholah: I am aware. This is the procedure and the process because it is said and I will read it again for the attention of the House –

“Mr Dwarka informed that he would meet promoters. He mentioned that PDV could be signed after obtaining clearance from the Registrar”.

And what he said in this letter is that the Registrar has no objection that the matter be brought before the General Assembly.

Mr X. L. Duval: Madam Speaker, the reason for taking over this Board was for good governance. Is it good governance to put pressure on a Board to sell land for credit without checking on the creditworthiness of the person who is going to buy? Secondly, Madam Speaker, the hon. Minister also knows the laws against anti-money laundering. The Registrar should also know the laws against anti-money laundering. At what point in time did the hon. Minister or the Registrar ask this Board to check where was the source of funds coming from? We are talking about Rs600 m.? Did he, as an Accountant, or the Registrar ask at any time to check the source of funds and whether any money laundering was involved, especially since Claridges is a new company registered only a few months before the purported sale?

Mr Bholah: Again, Madam Speaker, I am the Minister of Cooperatives and I am not an Accountant of the Society and it is not my duty and my work to go and find for sources of funds. Now, I am being informed that C Ltd shareholders already approved by BOI on other projects as well.

Mr X. L. Duval: Madam Speaker, I am asking the hon. Minister whether under his interference, this Board went from bad governance to even worse governance because he interfered, and it can be shown, on many occasions, through the revocation of people who were against him like *SB Proconsult Ltd*, so that this sale of land could go ahead *illico presto to Claridges, a new company*.

Mr Bholah: But never without the approval of the General Assembly, Madam Speaker.

Mr X. L. Duval: Madam Speaker, this Minister, when we are talking about putting pressure, last week he told us that he never put pressure on the Board. This is what he said in the Hansard. When the two members who voted against his directives, less than a month later, they were revoked from the Board.

(Interruptions)

Yes, we are talking about *Limbajee* and Jhugroo. They were revoked from the Board because they voted against his directive. Is that not putting pressure on the Board?

Mr Bholah: No, Madam Speaker. At this moment, let me quote some sections in the unsigned affidavit that I have got. At paragraph 30, in his affidavit, the Chairperson says –

“I believe that the *compromis de vente* of F, as tabled in the Board Meeting of 08 September 2017, was not a final document and numerous errors were reported and it was not clear as to whether the version tabled was indeed the final one or provisional draft.”

Here, you have a Chairperson of a Co-operative Society of that magnitude with 5,500 members, who has chaired a Board where important decisions were taken, wide and deep discussions were held and a decision was taken as to whom to sell, now, at the end of December, saying that –

“I believe that was not a final provision.”

But, again, let me quote two more paragraphs. Paragraph 27 where he said –

“I state that the Society has received two offers for the sale of the said property of 37 *arpents* of land belonging to the Society at Flic en Flac and this will definitely save the Society from insolvency and will allow all members to recover their full deposits and savings.”

At paragraph 45 in the same affidavit, the same Chairperson now what he says –

“(…) the Minister added that it is two years now that the land has not been sold and final decision needs to be taken. I replied to the Minister that in view of the fact that 45% of deposits have been paid to all members, there is no need to sell the land now.”

In the same affidavit, in one paragraph, he says that the sale will definitely save the Society and later on in the same affidavit he says there is no need to sell it. Is this a Chairperson who can manage such a Society and chair such a Board? It is for this reason that

the Registrar of Co-operatives removed him and not because he had opposed, because the decision to rescind the contract of SB Proconsult Ltd, there were 7 against 2, the decision was already taken.

Mr X. L. Duval: Madam Speaker, the contract of SB Proconsult Ltd was approved by the SGM not by the Board and everybody knows that if it is the SGM that has appointed SB Proconsult Ltd, it should be for SGM, Special General Meeting, to remove, and the Board had no power to do so.

Madam Speaker, coming back to the land issue, did the Registrar or the Minister, given that there were two opposing views as to which one was the best contract, one was Rs144 m. more than the other one - the Minister is claiming that the lower one is better, it is clear from the Registrar's letters - ever ask the Board to get a professional evaluation because last time he seemed to be himself an expert in land in this House...

Madam Speaker: Hon. Leader of the Opposition, we are running out of time.

Mr X. L. Duval: Yes.

Madam Speaker: Be short and accurate!

Mr X. L. Duval: Yes, did he ask for a professional evaluation at any time? Did the hon. Minister ask the Board for that?

Mr Bholah: Well, they have enlisted the services of a Sworn Notary as legal adviser and let me correct one thing, Madam Speaker. At the meeting of 08 September 2017 where the decision was taken as to whom to sell, pending the approval of the AGM, the figures quoted by the hon. Leader of the Opposition are wrong, one is Rs670.4 m. and the other one is Rs650 m. This is what is in the Minutes.

Mr X. L. Duval: I have completely different figures, Madam Speaker.

Madam Speaker: Hon. Leader of the Opposition, you have two minutes to go.

Mr X. L. Duval: Yes, I will ask the other question. Madam Speaker, as a matter of good governance, I will make a request firstly, that this affidavit be sent to the ICAC for the ICAC to do whatever is necessary to find out...

Madam Speaker: That is your last question!

Mr X. L. Duval: I am going to ask a last question. Madam Speaker, I am going to ask the hon. Minister to see to it - because that is what he has been doing with the Registrar - that,

firstly, there is a professional evaluator and not a Notary who will look at the two contracts; secondly, that there is due diligence on the creditworthiness of both the offerers and also for anti-money laundering provisions, see to it also, Madam Speaker, that there is an independent legal opinion and, having had all this, it is at that time that the General Assembly should be asked to consider on the sale of this land. Will he agree to all these steps before the sale of the land?

Mr Bholah: Well, I take note of whatever and it is up to the Board and the AGM to decide. The AGM will decide at the end of the day with all the details that have been presented to them and the Board, and the legal adviser of the Co-operative Society is there to furnish all the details.

(Interruptions)

Madam Speaker: No. Time is over! I told the Leader of the Opposition it is last question.

(Interruptions)

So, hon. Members, the Table has been advised that Parliamentary Question No. B/248 in regard to the National Environment Commission will be replied by the Minister of Social Security, National Solidarity, and Environment and Sustainable Development. Parliamentary Question No. B/252 in regard to Drug-related Offences will be replied by the Attorney General, Minister of Justice, Human Rights and Institutional Reforms. PQ No. B/293 in regard to remotely piloted aircrafts will be replied by the hon. Ag. Prime Minister, time permitting.

Hon. Ameer Meea!

Mr Bhagwan: I have a point of order, Madam Speaker.

Madam Speaker: Yes!

Mr Bhagwan: Can I ask for your guidance? Very often, we send Parliamentary Questions and the questions are vetted by your Office when we direct it to certain Ministers. My question is about the Environment Commission, which is chaired by the hon. Prime Minister himself. This is why, according to the relevant legislation, I have addressed this question to ask the hon. Prime Minister when he is going to chair this Commission. Now that the question will be replied by another Minister, we all know that we will not have the reply. It will come at the end, time will lapse. So, *c'est peine perdue, Madame la présidente !* It is a

question which, according to legislation, the hon. Prime Minister is responsible for presiding this Environment Commission.

Madam Speaker: I take note of the hon. Member's point. However, he knows that, according to Standing Order 22(4) -

“Decisions on the transfer of questions rest with Ministers.”

So, I have no control whatsoever on the transfer of questions.

UNEMPLOYMENT RATE, PUBLIC SECTOR DEBT & FOREIGN DIRECT INVESTMENTS – 2016-2017

(No. B/245) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to each of the years 2016 and 2017 and for the period January 2018 to date, he will state the -

- (a) unemployment rate;
- (b) public sector debt, and
- (c) amount of foreign direct investments.

The Ag. Prime Minister: Madam Speaker, with regard to part (a) of the question, for the year 2016, the unemployment rate was 7.3%. For the year 2017, it was 7.1%. This is the lowest unemployment rate experienced during the past 16 years.

It may be noted that unemployment rate has gone down for both male and female. And, in fact, female unemployment rate, which has been traditionally high, tends to decrease more rapidly than male unemployment rate. This is gradually closing the gender unemployment gap. The female unemployment rate is at its lowest since 2002. For the period January 2018 to date, Statistics Mauritius has not yet published data on unemployment.

As regards part (b) of the question, total public sector debt stood at Rs280 billion as at 31 December 2016 and Rs291.4 billion as at 31 December 2017. The public sector debt, as a ratio to GDP, declined from 64.4% of GDP as at end December 2016 to 63.4% as at end December 2017.

I am informed that as at 31 March 2018, public sector debt stood at Rs293.4 billion. However, as a percentage of GDP, it has further gone down to 62.9%.

Concerning part (c) of the question, gross foreign direct investment inflows amounted to Rs13.6 billion in 2016 and Rs14.2 billion in 2017 respectively. FDI data for the period January 2018 to date have not yet been published by the Bank of Mauritius.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, in relation to FDI, can I ask the hon. Ag. Prime Minister whether the figures he gave us for 2017 include any grant that was received from India for several projects that are ongoing like the Metro Express Project?

The Ag. Prime Minister: Whether it was included? I am unable to answer this question right now. I do not have it.

No, the answer is no.

Mr Ameer Meea: Yes, again on the FDI, can I ask the hon. Ag. Prime Minister what percentage of the FDI represents manufacturing sector? Because we know that a great chunk of the FDI comes from real estate. I mean most of it comes from real estate. So, can I ask the hon. Ag. Prime Minister what percentage comes from manufacturing and other sectors?

The Ag. Prime Minister: I will probably get it in a few minutes. Let me, in the meantime, just confirm that the bulk of these investments are indeed directed to the real estate sector and I will give the figures: Rs8,120 m. in 2015, Rs9,931 m. in 2016, and Rs8,793 m. in 2017 largely under the Real Estate Scheme. Now, as for manufacturing, 0.8% for manufacturing.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Madam Speaker, the figures given by the Ag. Prime Minister are not reliable figures. In fact, he has not taken on-board off-budget investment...

Madam Speaker: Hon. Dr. Boolell, you cannot say that the information is... It is inaccurate, you mean.

Dr. Boolell: It is inaccurate. That is what I have said, Madam Speaker.

Madam Speaker: You said that it is not reliable!

Dr. Boolell: Of course! These are inaccurate figures being supplied by Government deliberately to mislead Parliament and to mislead the public at large.

(Interruptions)

Madam Speaker: Hon. Member, you cannot say that the hon. Ag. Prime Minister is misleading Parliament. If you think that he is misleading Parliament, you come with a motion against him.

Dr. Boolell: The Ag. Prime Minister has not taken on-board extra budgetary investment, expenditures. He has not taken these on-board. He is deliberately trying to mislead! I will insist on that!

Madam Speaker: Yes, so, ask your question! Do not make a statement!

Dr. Boolell: I will come with the question. With the huge external goods and services deficit, and the inability of this Government to finance the balance of payments, knowing that the Government policy has failed, does he not agree that what he is doing...

(Interruptions)

Madam Speaker: Ask your question!

(Interruptions)

Dr. Boolell: This is a moral and financial outrage to the public!

Madam Speaker: Ask your question!

(Interruptions)

The Ag. Prime Minister: I believe that the hon. Member has, in three years' time, already forgotten the Parliamentary practices and procedures. I think he should go and ...

(Interruptions)

Perhaps the hon. Member...

(Interruptions)

Madam Speaker: No provocative remarks from a sitting position! No provocative remarks!

Mr X. L. Duval: Can I ask the hon. Ag. Prime Minister how many people at the moment are under so-called employment at the Youth Employment Programme and the Skills Development Programme and, therefore, have been taken out, I presume, of the unemployment figures?

The Ag. Prime Minister: First of all, as a general remark, *in limine*, persons recruited under the YEP, Youth Employment Programme, are not accounted as unemployed. So, we have got to make it very clear. Now, according to the figures that I have, 27,232 young people are registered under the Youth Employment Programme. They have been registered since the introduction in January 2013, who have already been placed in the private sector. There are presently 2,787 youths who are placed in companies under YEP. Out of the first figure that I gave, 27,000 since January 2013, some 74% are now employed.

Mr X. L. Duval: Was it under Skills Development Programme?

The Ag. Prime Minister: Yes. Since 16 November 2016, 3,426 trainees started training under the Programme. 1,846 youths have completed training, out of whom 1,043 secured a job after training. These are figures obtained from the Human Resource Development Council.

Madam Speaker: Hon. Ameer Meea, I will allow you a last question!

Mr Ameer Meea: Yes, thank you. In relation to public sector debt, in June 2015 the figure was Rs222 billion, that is, 56% of GDP and now the figures that the Ag. Prime Minister just gave us is not reassuring at all because, in 2016, it increased to Rs280 billion and, in 2017, to Rs291 billion, that is, 63% of GDP. Can I ask the Ag. Prime Minister, since our public debt year after year is increasing dangerously, what is being done by Government to try to stop this increase?

The Ag. Prime Minister: The Government policy is drawn up by the Ministry of Finance. There is, contrary to what the hon. Member said, a decline in the gross public sector debt. I do not want to enter into the complications following the law of 2008 and the amendment of the Finance Act, suffice it to say that now we have the gross debt, which is taken as base for the computation of the national debt. As I have stated, the policy of the national debt is being looked into by the Prime Minister and there would be a statement in the next Budget.

Madam Speaker: Next question, hon. Henry!

MAHEBOURG & PLAINE MAGNIEN - NDU PROJECTS

(No. B/246) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to

Constituency No. 12, Mahebourg and Plaine Magnien, he will give a list of projects implemented by the National Development Unit thereat, since December 2016 to date and table copy thereof.

The Ag. Prime Minister: Madam Speaker, I intend to reply to PQ B/246 and PQ B/250 together as they are related.

The information sought has been compiled and I have just received them. I am tabling them now.

Madam Speaker: Hon. Henry!

Mr Henry: Merci, Madame la présidente. Je voudrais savoir du *Ag. Prime Minister*, la liste des projets qu'il est en train de déposer, est-ce que c'est la liste approuvée en 2015?

The Ag. Prime Minister: You mean, when you were PPS? Implemented by the NDU since December 2016! I am sure you must have had a hand in this. It would be surprising that you did not do anything.

Mr Henry: Etant donné qu'on est en temps cyclonique, sur cette liste il y avait trois endroits qui avaient été répertoriés comme endroits à risque pour l'inondation. Vous avez Trois Boutiques, Cité Paul Langlois à Plaine Magnien et la Ville Noire. Je voudrais savoir du *Ag. Prime Minister* s'ils ont donné priorité à ces trois projets?

The Ag. Prime Minister: Je suis sûr que la *NDU* sait comment établir sa liste de priorité. La réponse est oui.

Mr Henry: Merci. Est-ce que je peux savoir si les travaux ont débuté et quels sont les résultats?

The Ag. Prime Minister: I think it is better that after the hon. Member examines the projects, he asks the questions for each particular project, and I am sure that an answer will be provided to him as soon as possible.

Madam Speaker: Next question, hon. Ganoo!

MAUBANK - PROSPECTIVE SALE

(No. B/247) **Mr A. Ganoo (First Member for Savanne & Black River)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the

prospective sale of MauBank, he will state the strategy envisaged by his Ministry to handle the non-performing and impaired assets thereof, indicating the proposed measures for the facilitation of the transfer of ownership thereof to the prospective buyer.

The Ag. Prime Minister: Madam Speaker, I am informed that interest has been expressed by the Hinduja Group in a possible acquisition of MauBank. It would, therefore, not be proper at this stage to make any public disclosure of the strategy envisaged in connection with a prospective sale of MauBank.

Mr Ganoo: Can I ask the Ag. Prime Minister whether negotiations are still on with the Hinduja Group or there are rumours that these negotiations have been frozen for the time being?

The Ag. Prime Minister: What I understand is that after they had expressed their interest, they are now making their normal diligence process, legal and financial, before they come to make an offer.

Mr X. L. Duval: Madam Speaker, I read from the latest balance sheet December 2017 published by MauBank, that it has lost two-thirds of its share capital, Rs6 billion reduced to Rs2 billion. Does that mean, Madam Speaker, that the Government will be selling this bank and that the taxpayers will be losing around Rs4 billion in the sale? This is what the figures tend to show.

The Ag. Prime Minister: I can only in that connection refer to what the Prime Minister had to say in answer to a PQ in April, that he would make sure that the ...

(Interruptions)

Well, I am not sure of anything either!

(Interruptions)

This is what I am saying.

Madam Speaker: No crosstalking, please! Hon. Leader of the Opposition, if you have a question, you stand up and ask your question!

The Ag. Prime Minister: I can only refer to what has been said by the Prime Minister when he answered the questions to the effect that he would - I am trying to look for the part - make sure that no money would be lost in that transaction. He would ensure. This is what I understood him to be saying.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: I understand the answer made by the Ag. Prime Minister that he does not want to reveal all the negotiations that are taking place, but my question was about the strategy envisaged by Government when selling MauBank, sell it with a clean balance sheet. This was my question: does Government, for example, envisage assigning all the debts of MauBank to an asset management company to allow the bank to be sold with a clean balance sheet?

The Ag. Prime Minister: First of all, my understanding - I am not aware personally - is that there are, as yet, no negotiations. They are just Expressions of Interest. Now, what is going to happen to whatever shortcoming debts, is it going to be part into another entity, I don't know. I suppose nobody really knows now. The MauBank, they have a plan as to how to do it, but I am not aware.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Mention has been made about non-performing loans. We have been given replies here in the National Assembly since hon. Lutchmeenaraidoo was Minister of Finance, starting from the ex-MPCB and then coming to the MauBank. Can the Ag. Prime Minister inform the House, the country and the nation, whether the famous Mr Rakesh Gooljaury, who has benefited from millions and millions of rupees from MPCB and then MauBank, still owes to MauBank money, because public money has been invested in MauBank?

The Ag. Prime Minister: Again, I can only repeat the answer given by the Prime Minister on 05 April 2016 to that same question asked by the same hon. Member.

(Interruptions)

Madam Speaker: Please! Please!

The Ag. Prime Minister: What he said was that MauBank Ltd had a dedicated team which had been set up to take all necessary steps for the speedy recovery of the long outstanding loans at the Bank.

That question, having no direct relation to the original question, I would invite the hon. Member to come with a substantive question so that then...

(Interruptions)

I can give a proper answer.

Madam Speaker: Last question on this issue, hon. Ganoo!

Mr Ganoo: Madam Speaker, by selling shares of the MauBank, the idea is to enable the Government to recoup some of the money it has used in the past to bail out MauBank. So, can the hon. Ag. Prime Minister tell us whether Government has an idea at present of how many shares it intends to dispose of to the new buyer, that is, how many shares will Government retain and what is the percentage that it will dispose of to the new buyer?

The Ag. Prime Minister: I would not be in a position to answer to that question at all and I wonder whether there is anyone in this world who can answer that question at this stage.

Madam Speaker: Hon. Bhagwan, next question!

MAURITIUS/SINGAPORE - AIR CORRIDOR

(No. B/249) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the proposed setting up of an air corridor between Mauritius and Singapore, he will, for the benefit of the House, obtain from Air Mauritius Ltd., information as to if –

- (a) any evaluation of the project has been carried out and, if so, table copy of the report thereof, and
- (b) a review thereof is being considered.

The Ag. Prime Minister: Madam Speaker, on several occasions, it has been said that Air Mauritius is a listed company on the stock exchange of Mauritius and is governed by the provisions of the Companies Act and Securities Act, amongst others. Section 31 of the Articles of Association of the Company also imposes on the Board of Directors of Air Mauritius the duty of confidentiality.

Nevertheless, I shall disclose such information as is not commercially sensitive or does not involve matters relating to the internal management of the Company.

As the House is aware, the air corridor between Africa and Asia, using Mauritius and Changi airports as hubs, was officially launched on 14 March 2016 in order to reinforce the air connectivity between Asia and Africa through Mauritius as a gateway. Prior to the launch

of the air corridor, Air Mauritius operated one weekly flight on the route Mauritius/Kuala Lumpur/Singapore and back and two weekly flights direct to Kuala Lumpur. As from March 2016, these three weekly flights started operating on the revised route Mauritius/Singapore/Kuala Lumpur and back. Now, since July 2017, a fourth weekly flight was added on a seasonal basis to cater for peaks on that route.

Madam Speaker, with regard to part (a) of the question, I am informed that an evaluation of the air corridor between Singapore and Mauritius has been done and that the performance on that corridor has been profitable. However, as the evaluation paper contains commercially sensitive information, it would not be in order to table a copy. On the Singapore/Kuala Lumpur route, the seat capacity and the average weekly frequencies have both increased by 11% in the year 2017/2018 as compared to year 2015/2016. While the number of passenger coupons has known an increase of 27% in 2017/2018 as compared to 2015/2016, the cargo carriage has increased by 24%. The passenger revenue has also increased by 16% in 2017/2018.

Madam Speaker, as regards part (b) of the question, Air Mauritius reviews, on a quarterly basis, all routes performances including Mauritius/Singapore/Kuala Lumpur route so that appropriate measures are taken. Since the route is considered to be sustainable, the air corridor between Mauritius and Singapore is being maintained.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: I have a supplementary question, Madam Speaker. *Quand il y a eu le lancement*, much has been said about this Africa/Asia corridor. Can the Ag. Prime Minister inform the House what has been the actual financial contributions with regard to air traffic from the African points, namely Dar es Salaam and Maputo? I would like to know whether there is still flight in this project of the air corridor going through Maputo and Dar es Salaam.

The Ag. Prime Minister: I would need notice of this question unless the answer is readily available, which I don't think can be available at such short notice.

Mr Bhagwan: They have completely failed there, Madam Speaker, in this projection. Can the Ag. Prime Minister inform the House how can this corridor compete with the Middle East carriers, Turkish Airlines and Ethiopian Airlines, and whether there has been any study done in that direction with regard to, I would say, Middle East Airlines?

The Ag. Prime Minister: Well, the appearance of the Middle East Airlines, that is, Turkish Airlines, probably Ethiopian not too far, is being studied. There is, in fact, a special

committee which is put in place to study the impact of all these routes. Studies are being made and continue to be made at periodic intervals. We have to decide week by week, in fact, or perhaps every two months as to the impact of this development.

Madam Speaker: Yes, hon. Bhagwan!

Mr Bhagwan: Last question, Madam Speaker. I would like to know whether in this air corridor strategy - a lot has been said about moving towards Africa - any study has been done by Air Mauritius and Government, moving towards other African points which will be profitable to the country.

The Ag. Prime Minister: I am sure Air Mauritius must have done that, but I am not aware of any such study now.

Madam Speaker: Next question, hon. Baloomoody!

(Interruptions)

The hon. Member has got a point? No, but two questions were replied in one question. His question has already been replied.

(Interruptions)

CONSTITUENCIES NOS. 11 & 12 – NDU PROJECTS

(No. B/250) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to capital projects in Constituencies Nos. 11 and 12, since January 2015 to date, he will give a breakdown thereof financed by the National Development Unit, indicating the costs of the projects implemented thereat.

(Vide reply to PQ B/246)

FREEPORT ZONE - IMPORTED CONTAINERS - SCANNING

(No. B/251) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to goods imported by Licensed Freeport Operators, he will, for the benefit of the House, obtain from the Mauritius Revenue Authority, information as to the actions being taken to ensure the proper control thereof, indicating if the Standard Operating Procedure will be amended to

make provision for the scanning of the imported containers prior to the release thereof to the Freeport Zone.

The Ag. Prime Minister: Madam Speaker, I am informed that the Mauritius Revenue Authority has taken the following measures for improving the control of goods imported into the Freeport Zone by licensed Freeport Operators –

- (i) the use of an Online Tracking System, which tracks the movement of containers to and from the Freeport Zone. The tracking system provides for an alert to be triggered to inform MRA Customs of any deviation/delay from the intended destination of the containers;
- (ii) a system of scanning of containers;
- (iii) physical examination of goods, and
- (iv) systematic visits and surveys by MRA Customs Enforcement teams, namely the Freeport Monitoring Unit, the *Brigade des Marchandises*, the Port Surveillance and Enforcement Unit and Customs Anti-Narcotics Section.

I am further informed that the scanning of containers for goods imported into the Freeport Zone has already been included in the Standard Operating Procedures since 23 March 2018.

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: Madam Speaker, in a Report, the Auditor said that for the year 2017, only 34 containers out of 2,379, that is, only 1.4% of the containers were scanned. He said that there is a high risk that prohibited goods have transited through the Freeport without being detected. So, can I ask the hon. Ag. Prime Minister what actions have been taken following the Report of the Audit to ensure that more containers are being scanned so that prohibited goods do not pass through Mauritius before landing in other countries?

The Ag. Prime Minister: Well, as I have said just now, the MRA has, since 23 March 2018, included the scanning in their Standard Operating Procedures. I have a list of so many scanners now which are being procured, probably since that Report. There are seven types of scanners which are going to be obtained this year as from June down to November 2018.

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: Pending the coming into operation of these new scanners, can I know what is being done to ensure that more containers are being scanned in the Free Zone?

The Ag. Prime Minister: We will not have more scanning until we have got the scanners. For the moment, as I have said in my reply, we are relying on the operations which I have detailed in my reply.

Madam Speaker: Time is over! The Table has been advised that PQ B/262 has been withdrawn. Hon. Osman Mahomed!

DRUG RELATED OFFENCES - SEPARATE COURT & PRISON – SETTING UP

(No. B/252) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to drug related offences, he will state if consideration will be given for the setting up of a -

- (a) separate court to try drug offenders, and
- (b) special prison for drug offenders as recommended in the latest report of the Human Rights Commission.

(Withdrawn)

TERRE ROUGE-VERDUN LINK ROAD – REPAIR WORKS - COMPLETION

(No. B/253) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Public Infrastructure and Land Transport whether, in regard to repair works that are being carried out following the embankment failure at the Terre Rouge/Verdun link Road, he will, for the benefit of the House, obtain from the Road Development Authority, information as to the –

- (a) name of the supervising engineer thereof;
- (b) actual completion dates thereof, and
- (c) final amount paid therefor.

Mr Bodha: Madam Speaker, I would like to refer the hon. Member to the reply I made to Parliamentary Question B/970 on 12 December 2017 wherein I informed the House that the contract for the “Repair to Embankment on Motorway M3 at Ripailles” project was awarded to Transinvest Construction Ltd on 28 March 2017 for a sum of Rs283,556,663.

With regard to part (a) of the question, I am informed by the Road Development Authority (RDA) that the works are being supervised by the RDA officers, namely Mr

Prayag, assisted by Mr Nubheebuccus, Divisional Manager, with the expert assistance of the Korea Expressway Corporation.

Regarding part (b) of the question, the works started on 09 May 2017 and were contractually scheduled to be completed on 05 March 2018.

However, as stated in my reply to Parliamentary Question B/74 on 03 April 2018, during execution of the works in July 2017, after heavy torrential rains, cracks appeared on the diversion road and on the slopes on the mountain. The works had to be stopped and, consequently, the RDA took the decision to implement additional monitoring devices, namely piezometers and inclinometers to confirm any movement of the underlying strata along the stretch of the repair works. Readings from existing inclinometers showed potential deep seated movement and this was supported in December 2017 by Dr. Kim, a geotechnical expert assigned by Korea Express Corporation.

In January 2018, the RDA had recourse to the services of Prof. Magnan who highlighted that the problem was multi-faceted in nature. In fact, there is not only the issue of embankment failure, but added to this, there is the risk of the instability of the slope in itself, as well as the underlying soft strata weakened by underground waters brought about by the heavy rainfall.

I further informed that, on the recommendation of Professor Magnan, the RDA has enlisted the services of *CEREMA (Centre d'études et d'expertise sur les risques, l'environnement, la mobilité et l'aménagement)*, a French Public Body specialised in such works, to undertake the reinforcement designs. At the request of CEREMA, further specialised tests such as pressuremeter tests, water levels, have been undertaken and the results have been sent to CEREMA to be validated and to be used in the reinforcement design.

The CEREMA design is expected to arrive in the days to come. Upon receipt of the final design, the RDA will work on the cost estimates and on the best way forward. Prof. Magnan is expected in Mauritius on 02 May and he will present the final design and the works will start then. It is expected that these works will be completed before the end of the year. I am proposing that a workshop be organised under the aegis of the Ministry of Education and Human Resources, Tertiary Education and Scientific Research and the University of Mauritius on the Terre Rouge-Verdun case where Professor Magnan will present this case as a case study.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Yes, Madam Speaker. I have three questions for parts (a), (b) and (c) respectively in the main question. And the first one is about...

Madam Speaker: Then, one by one!

Mr Osman Mahomed: Yes. The first one is about the supervising engineer. In his reply, the hon. Minister mentioned Mr Nubheebuccus. Is he not the same engineer who was suspended in January 2015 for the failure of the road, and does the hon. Minister find this to be in order or dare I say the word 'ethical' for him to be back on the same project again?

Mr Bodha: In fact, he is the site engineer. The project is monitored by Dr. Mootana, by the whole RDA...

(Interruptions)

Yes, but we have also Mr Prayag. We have also all the Korea Expressway Corporation. It is a team of about 10 people.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: The embankment failure was first observed on 18 January 2015, more than three years ago. And now we are in 2018. It has taken much longer for us to even know how to repair this road than it has actually taken us to construct the road.

(Interruptions)

Madam Speaker: Please, no comments!

Mr Osman Mahomed: Madam Speaker, I am replying to cross remark from the hon. Minister.

(Interruptions)

The hon. Minister has time and again said that the road failed because the contractor and the consultant failed in their duties. Not the Government! Not the Minister! He should be clear! Can I ask the hon. Minister when is it that this road is going to be back in use?

Mr Bodha: Madam Speaker, this is not at all of our making, first of all.

(Interruptions)

The second thing is...

(Interruptions)

Madam Speaker: Please, hon. Jhugroo, do not interrupt!

Mr Bodha: You know, the first cracks – I am enlightening the hon. Member – appeared in 2012, and instead of stopping the works and doing all the tests that we are doing now to understand, what did they do? They stopped the project on the left and started building a road on the right.

(Interruptions)

Madam Speaker: Hon. Jhugroo! It is the second time!

Mr Bodha: So, all that had not been done, and the tests that we are taking three years, I totally agree. *Mais j'ai toujours dit une chose, Madame la présidente. Nous n'avons pas droit à l'erreur. Moi, je ne peux pas faire une erreur. Il faut trouver la solution finale. Il faut que cette route soit une route qui est aménagée pour les 20-30 prochaines années. Il faut une solution finale. Ce n'est pas une question de semaines ou une question de mois.* We have to find the right solution, and we have found a solution. I am inviting the hon. Member, who is a competent engineer, to this forum because we have been able now to find out that the best solution is a combination of a horizontal filling together with piling and the road being built on it. And I think the hon. Member will agree with me that this is the solution for that particular terrain. Now, it takes three years, I totally agree. But we have to do what has to be done. Again I say, *nous n'avons pas droit à l'erreur, Madame la présidente.*

Madam Speaker: Yes, hon. Osman Mahomed!

(Interruptions)

Mr Osman Mahomed: Thank you, Madam Speaker. Yes, true enough, the contractor did inform the consultant, but the consultant was indifferent about the cracks. This is what the facts are. Now, Professor Magnan has been recommending piles, about hundred or so. Can I ask the hon. Minister, in addition to the Rs283 m. that we have already spent, how much these piles will cost? Because we do not know the depth, the size and the type of equipment that is going to be used for these piles.

Mr Bodha: Well, we know more or less it is between 100 to 220 piles. We know that the depth would be 40 metres and we are going to have the answers in the weeks to come. But I have told Prof. Magnan and I have talked to the people of CEREMA that we want to have the best solution, but it should be value for money. I cannot give a figure, but, in about 15 days, we should be able to give a figure. In fact, on this workshop at the University of

Mauritius, you will have the figure and I think that it is going to be reasonable, but it has to be value for money.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: I come to another aspect of this Terre Rouge/Verdun Road which is public safety. This road is *très prisé*, it's a link road which is much used by the public. Can the hon. Minister inform the House whether it is not time to have a re-assessment on the security aspects which are being placed where there are diversions, because we are using this road and we see there are lots of loopholes and it is time to have a fresh assessment with regard to public safety, security, signage and other types of equipment to prevent accidents?

Mr Bodha: The hon. Member is right. At the same time, we are also repairing what has collapsed on the other side of Ripailles, which was built before 2014. This is costing us another Rs100 m. and they were works which were carried out before 2014.

Now, as regards the security issue, I agree with the hon. Member. We are doing an audit. There was an accident from the Valton roundabout towards Terre Rouge and we have now put speed cameras there.

Madam Speaker: Next question, hon. Osman Mahomed.

TERRE ROUGE/VERDUN LINK ROAD – REPAIR WORKS – DAMAGE CLAIM

(No. B/254) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Public Infrastructure and Land Transport whether, in regard to repair works that are being carried out following the embankment at the Terre Rouge/Verdun link Road, he will, for the benefit of the House, obtain from the Road Development Authority, information as to where matters stand as regard the claim for damages against the –

- (a) company which carried out the geotechnical and other civil engineering tests, and
- (b) initial contractor on the basis of *garantie décennale*.

Mr Bodha: Madam Speaker, following the embankment failures, the Board of the Road Development Authority (RDA) set up an Investigative Committee chaired by Me Avinash Sunassee along with three assessors, namely Mr R. H. Prayag, Mr M. Ramdin and Mr H. Ramlagun to investigate into various major projects implemented by the RDA since

2010 to 2014, including the Terre Rouge/Verdun Link Road. Due to the complexity of the investigations involved, the final report is expected at the beginning of next week in May.

Furthermore, a *mise en demeure* was served on 30 November 2015 to the Consultant of the project, Egis BCEOM International to incur the costs of repairs to the Terre Rouge/Verdun Link Road. I would like to refer the hon. Member to the reply I made to Parliamentary Question Nos. B/137 and B/429 on 04 April 2017 and 13 June 2017 respectively. I informed the House that taking into consideration the complexities, that is, technical, contractual, legal and financial of the case, a technical team had, in the meantime, been set up by the RDA to identify any potential claim relevant to the Terre Rouge/Verdun Link Road.

I am informed by the RDA that a Technical Audit Report of the failures has, accordingly, been submitted in May 2017. Same then would have been forwarded to the State Law Office (SLO) for views regarding any potential legal claims to be taken. The SLO then, after review of the documents available, has replied in October 2017, advised the RDA that further detailed technical investigations needed to be undertaken to identify the exact cause of the collapse of the embankment.

The RDA has, accordingly, initiated all the tests that I mentioned, ARQ, JICA, KEC and Prof Magnan. I gave a detailed report of all these tests on 03 April 2018 and all the experts' reports have now been submitted.

Prof. Magnan is expected to come and his report will also be in input in the file what we are going to send to the SLO. A comprehensive advice may then be expected on the legal stand to be taken against the company which carried out the geotechnical and civil engineering works and, of course, the initial contractor on the basis of '*la garantie décennale*'.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Again, Madam Speaker, Rs283 m. and the pilling works will cost a lot of money, maybe, a few hundred million more.

Can I ask the hon. Minister whether every effort is being made to claim all this money from other parties than having to meet it from the Government coffers itself? Is that a fact, hon. Minister? Is this the effort that is being conducted right now?

Mr Bodha: Yes, the hon. Member is totally right. The company which did the tests were supposed to do the tests and the design. So, they failed in the tests and they failed in the design. Now, the company which built the road failed as regards the *garantie décennale* that *un ouvrage d'art de cette envergure ne peut pas ne pas avoir une garantie décennale de dix ans*.

So, we are working on both, but, first of all, we should know *qui a commis la faute*, and then, the quantum of damages. The quantum of damages will include not only the cost of the repairs but also the loss of use because it is a loss of use of a motorway by a whole country for a number of years.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: I am happy with the answer of the hon. Minister that loss of use will be claimed as well. But can I impress on the hon. Minister because in such matters time is of the essence, that we file this claim as soon as possible, because the more we go in time, the more the risk to bear cost will be on the side of the Government?

Mr Bodha: I will certainly do that, Madam Speaker.

Madam Speaker: Hon. Baboo!

Mr Baboo: Thank you, Madam Speaker. Can the hon. Minister inform the House if the consultant was sued and, if not, why not?

Mr Bodha: The consultant? No, we will sue now.

Madam Speaker: Hon. Osman Mahomed, a last question!

Mr Osman Mahomed: One last question, Madam Speaker, as regards the retention money payable to the contractor, has all this been disbursed or we still have some money left there?

Mr Bodha: I will have to check.

SUGAR - PRODUCTION

(No. B/255) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Agro-Industry and Food Security whether, in regard to sugar, he will state the total tonnage thereof produced in Mauritius in 2014, 2015, 2016 and 2017, indicating if any specific trend in the production thereof has been observed and, if so, the reasons therefor.

Mr Seeruttun: Madam Speaker, the production of sugar for the period 2014 to 2017 is as follows -

<u>Year</u>	<u>Sugar Produced (Tons)</u>
2014	400,173
2015	366,070
2016	386,277
2017	355, 213

The figures obviously show that there has been a decrease in the production of sugar from 2014 to 2017, save for an increase in 2016.

The House may wish to note that the decreasing trend in sugar production does not date back to the period 2014 to 2017 but, in fact, this trend has been observed for quite a number of years.

The decline started since 2008 whereby sugar production stood at 452,062 tons to fall to 400,173 tons in 2014.

The main reasons which account for the decreasing trend in sugar production are –

- (i) Constant reduction in the area under cane cultivation and area harvested, to cater for demands such as residential, commercial, educational and infrastructural purposes and for other crops.
- (ii) Constant decrease in the price of sugar following the abolition of the guaranteed price under the sugar protocol.
- (iii) Prevailing climatic conditions.
- (iv) Sharp increase in cost of production, including labour and transport.
- (v) Shortage of labour and ageing of the planters' community and workers.
- (vi) Land abandonment by small planters.
- (vii) Quality of cane in terms of sucrose content and extraction rate.

In fact, in 2014, the extraction rate stood at 9.91%.

In 2015, excessive rainfall and delayed harvest affected sucrose accumulation resulted in a lower extraction rate of 9.14%, which is the lowest since 1947, island wide.

In 2016, favourable climatic conditions contributed to enhanced ripening and resulted in a higher extraction rate of 10.15%.

In 2017, unfavourable climatic condition, with high rainfall during maturity period, has resulted in low extraction rate of 9.57%.

It is to be noted that the sharp increase in extent of land which has moved out of sugarcane started in 2005 and to reach a maximum of 2,189 hectares in 2008.

With the falling price of sugar, it is expected that this trend will re-emerge. Government is currently working on a turnaround plan for this sector in consultation with other stakeholders to reverse the trend.

Some of the measures initiated to increase revenue, in addition to the various schemes introduced since 2015, are as follows -

1. new remunerative markets;
2. focus on special sugars;
3. increase revenue on other cane products, namely biomass, bagasse and molasses;
4. introduction of new cane varieties with higher fibre contents, and
5. setting up of the Joint Technical Committee to look into the immediate, medium and long term survival of the industry.

Madam Speaker: Yes, hon. Osman Mahomed!

Mr Osman Mahomed: I have two questions and I will ask them one at a time. My first question is as follows: when the hon. Minister assumed office, he said he will maintain 400,000 tonnes which was the case in 2014 as his objective going forward. Figures have dropped and last year, we had the worst ever figure, 355,000 tonnes. Has the Government failed in meeting its objective?

Mr Seeruttun: Madam Speaker, this is a case where you cannot overnight do miracles. You have to come up with a series of measures to be able to get back all those lands that were under sugarcane, but have been left in an abandoned state and now since 2015, we have been coming up with a series of measures to be able to increase the production. I still maintain that if we need to keep this industry viable, we need a minimum critical mass to be able to keep that industry in a survival state. That is why I said that we need to keep at least 50,000 hectares of land under sugarcane cultivation, we need to produce at least 4 million tonnes of cane annually and to produce 400,000 tonnes of sugar. That is the whole objective

of keeping this industry viable and that is what we are doing in terms of increasing the surface area under cane cultivation. We have to come up with the replantation programme because due to the reduction of the price people have not replanted their fields. Fields are currently eight to nine-year cycle where the yield is going down. So, we need to come up with schemes to get them back to replant the fields so that we can increase the yield so that production can go up.

Madam Speaker: Yes!

Mr Bérenger: Can I ask the hon. Minister whether he can confirm if consideration is being given to increasing electricity tariffs to pay for subsidies to sugarcane planters in general?

Mr Seeruttun: Well, I am not aware whether this is something which is being looked at, but I know there is a contract between Alteo and the CEB which is being negotiated. These are under negotiation. I am not in a position to divulge whatever is being discussed at the moment, but we are looking at all the measures that can be put in place to increase the revenue of the planters, of the growers of the industry so that we can keep them alive and keep that industry survive. I mean, that is why we have that Committee which is in place and which is looking at a series of measures that can be implemented to be able to keep this industry viable.

Mr Bérenger: My question has nothing to do with the Alteo issue. I asked whether it is a fact that consideration is being given to increase electricity tariff for the whole population to pay for subsidies to the sugar planters, big, small and medium. The Minister says he is not aware. Is he not aware that there are two committees in fact considering this issue and, if I am right, will he report back to the House?

Mr Seeruttun: I am not aware of any committee looking at the increase in the tariff of electricity to be able to increase the revenue of the growers, but what I can say is that we have a Joint Technical Committee which is looking at a series of measures that we have to come up with to be able to keep this industry viable.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Yes, Madam Speaker, the number of planters has dropped from 30,000 to under 13,000 and land under area cultivation has dropped from 70,000 to way below 50,000. Can I ask the hon. Minister whether the amendment that he brought to the

Sugar Industry Efficiency (Amendment) Bill, on which I had the chance to intervene, does not contribute for this erosion even further?

Mr Seeruttun: Again, Madam Speaker, if we look at the figures, the trend since 2006, there has been a constant decrease in the land under sugar cane cultivation. One of the main reasons that we have seen lately with the abolition of the sugar protocol and the decrease in the price, those lands that used to be marginal lands and that are no more now profitable for those who are growing sugar cane on those lands, they are moving out. I mean, these are the factors that are all contributing towards the decrease in the lands that are under cane cultivation. Like I said, we have seen this trend because at the time that it was announced that the price was going to go down with the abolition of the sugar protocol, people have moved out of that industry into other sectors.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Madam Speaker, we are not here to have a blame game. I think the responsibility has to be shared. Can I impress upon the Minister to see to it that –

- (i) there is no encroachment upon prime agricultural land;
- (ii) the Cane Sustainability Fund be increased;
- (iii) we look at the price of molasses being given to planters and at ethanol, and
- (iv) we come with a package of incentives to encourage planters to bring back land under sugar cane cultivation?

Mr Seeruttun: Madam Speaker, that is what we have been doing since 2015. We have come up with a series of support to the planters and that is why we set up...

(Interruptions)

That is why we have set up a Joint Technical Committee to look at all - because what happened last year, with the complete abolition of the sugar regime, the price has dropped to just over Rs10,000 per tonne. That is why we are looking at the future of this industry and we can't come up with palliative measures. We are looking at long-term measures.

(Interruptions)

We have...

(Interruptions)

Madam Speaker: Please!

(Interruptions)

Mr Seeruttun: We have been looking...

(Interruptions)

Madam Speaker: Order, please!

(Interruptions)

Order!

(Interruptions)

Mr Seeruttun: The hon. Member...

(Interruptions)

Madam Speaker: Order! Hon. Dr. Boolell, please!

(Interruptions)

Mr Seeruttun: The hon. Member is a former Minister of Agriculture...

(Interruptions)

Madam Speaker: Order!

(Interruptions)

Mr Seeruttun: In 19...

(Interruptions)

Madam Speaker: No interruptions, please! Allow the hon. Minister to reply.

(Interruptions)

Please, allow the hon. Minister to reply. No interruptions!

(Interruptions)

No interruptions!

(Interruptions)

Yes, hon. Minister!

Mr Seeruttun: He is a former Minister of Agriculture, in the years...

Madam Speaker: The hon. Minister has said this; he must give his reply!

Mr Seeruttun: ...1995 to 2000.

(Interruptions)

He did nothing, knowing well...

(Interruptions)

He did nothing, knowing well that the sugar industry faced the problem...

(Interruptions)

Madam Speaker: Order, please!

(Interruptions)

Mr Seeruttun: It is only...

(Interruptions)

Madam Speaker: Order!

(Interruptions)

Mr Seeruttun: It is only...

(Interruptions)

... the actual Prime Minister...

(Interruptions)

Madam Speaker: Hon. Rutnah!

(Interruptions)

Mr Seeruttun: ...as Minister of Agriculture then, took the bold responsibility to bring reform in the sugar industry.

(Interruptions)

Madam Speaker: Please, hon. Dr. Boolell!

(Interruptions)

Hon. Dr. Boolell, please sit down!

(Interruptions)

Hon. Rutnah, do you have a question?

Mr Rutnah: Yes, I have a question.

Madam Speaker: Yes, please ask your question!

Mr Rutnah: Thank you, Madam Speaker, for finally giving me a chance to ask a question. Can the hon. Minister confirm that significant amount of decrease in the production of sugar has also contributed because large sugar estate barons are now concentrating mainly in real estates than sugar production because it is more lucrative business in sugar estates...

(Interruptions)

Madam Speaker: Don't give the answer! Ask the question!

(Interruptions)

Order!

(Interruptions)

Order, please!

(Interruptions)

Order! Otherwise, the hon. Minister will not reply!

(Interruptions)

Do hon. Members want the hon. Minister to reply?

(Interruptions)

Please, reply!

Mr Seeruttun: Madam Speaker, I did, in my reply, stated the reasons why land that was under sugar cane had been moved out. So many reasons, so many factors have contributed to that and one of those reasons is development of real estate projects.

Madam Speaker: Last question, hon. Ramful!

(Interruptions)

Order, please!

(Interruptions)

Hon. Dr. Boolell! Please calm down!

(Interruptions)

I know you are very passionate about agriculture, but yet please calm down. Yes, hon. Ramful, last question!

Mr Ramful: Yes, may I, Madam Speaker, remind the hon. Minister that in last year's Budget, he made a promise to the sugar planters' community that he is providing for Rs50 m. to bring back, at least, 500 hectares of sugar cane. That was for fiscal year 2017-2018. Now, can I know from the hon. Minister how many hectares have been brought back under sugar cane cultivation and how many hectares have been abandoned?

Mr Seeruttun: Of the Rs50 m. allocated for the Budget 2017-2018, I can inform this House that we have already contracted...

(Interruptions)

Madam Speaker: Please!

Mr Seeruttun: I will tell hon. Members in a minute!

(Interruptions)

About 452 hectares of land are already under preparation.

(Interruptions)

Madam Speaker: I suspend the sitting for one and a half hour!

At 1.07 p.m., the sitting was suspended.

On resuming at 2.40 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Osman Mahomed!

SUGARCANE - VARIETIES

(No. B/256) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Agro-Industry and Food Security whether, in regard to sugar canes, he will, for the benefit of the House, obtain from the Mauritius Sugar Industry Research Institute, information as to the number and types thereof being currently cultivated in Mauritius, indicating if the Institute will look into new types thereof, which are resistant and more adaptable to climate change.

Mr Seeruttun: Madam Speaker, I am informed by the Mauritius Cane Industry Authority that at present there are 31 varieties that are being planted and propagated on a

commercial scale in the different soil types and for harvesting at different periods during the milling season.

Since its creation in 1953, the Mauritius Sugarcane Industry Research Institute (MSIRI), operating under the aegis of the MCIA, has released a total of 72 varieties of cane, out of which 60 have been produced locally and 12 foreign ones that have been evaluated for adaptation to local conditions.

The 31 propagated varieties are all of the commercial hybrid type among which all are of high yielding potential, with medium to high sucrose content and are suitable for harvest at specific periods of the milling season, namely early, middle and late-season.

It is important to emphasise that the development of new sugarcane varieties constitutes an important component of the MSIRI Research & Development Programme for the period 2016-2020.

In addition to the development of new varieties for non-irrigated regions and in order to mitigate the effects of climate change and limited water, the following characteristics are being sought -

- higher biomass potential;
- resistance to main diseases and pests;
- good ratooning ability;
- adaptation to mechanized harvesting;
- low flowering intensity, and
- new types of cane for multiple uses.

Given the specificities of the island with its range of microclimates and the changing needs of the industry, it is imperative to carry out research into the development of new varieties that are adapted to local conditions.

The MSIRI is already carrying out Research and Development into the creation of new more productive varieties that are climate smart and resilient to climate change.

The variety M 1176/77 is drought tolerant and the M 52/78 is a widely grown early-ripening, high sucrose content variety mainly for the super humid zone of Mauritius.

It is noted that variety M 1672/90, released in 2007, is adapted to the rain fed conditions and has relatively higher fibre content (more in comparison with commercial varieties), with the potential to contribute towards increased bagasse production.

In the context of climate change, in order to contribute towards the sustainability of the sugarcane industry, the MSIRI is looking into the continuous challenges posed by the changing needs of the industry.

Mr Osman Mahomed: Can I ask the hon. Minister whether it is factual that more than 50% of the Mauritian land under cultivation is from a breed that we have obtained from Reunion Island out of the Exchange Protocol Program, faring very well; conversely speaking, our breed is not faring so very well there and, as a consequence of this, we are being charged, for the first time ever last year, royalty fees and that we have paid for it, and if so, how much has the Government of Mauritius had to pay to the Reunion counterpart for this royalty fees?

Mr Seeruttun: The varieties from Reunion Island have been under cultivation for years now under an Exchange Program that used to exist between the Research Institute in Mauritius and the one in Reunion, CIRAD. Since two years now, they have been claiming that they should be paid royalties under certain conditions, and this has been effected.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Can I ask the hon. Minister whether, conversely speaking, our Mauritius breed of sugarcane in some African countries, whereby Mauritian companies have implemented are doing very well, but, however, the Mauritian authorities are not getting any royalty fees for their product that is coming out of the Mauritian Research? Is that a fact, hon. Minister?

Mr Seeruttun: As far as I know, usually when varieties are being planted in some countries in Africa, they have a trial period and once they covered a certain extent, they are supposed to pay some royalties. Well, that needs to be confirmed. As far as I know, that was what I was made to understand some time back in terms of varieties that are being exported in other countries.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: As regards the price of sugar and what is going on in the sugar sector, we have heard that the price is going to be below Rs11,000 this year. Can I ask the hon. Minister how does he reconcile with the last Cabinet decision of two weeks ago, 06

April 2018, whereby we are only compensating planters to the tune of Rs65 per ton - figures are there - as opposed to the Rs5,000? The price of sugar used to be Rs16,000 per then. .

Madam Speaker: I do not think that I can allow the hon. Member this question. You already know that it does not come from the main question. Hon. Dr. Boolell!

Dr. Boolell: Madam Speaker, can I ask the hon. Minister whether the varieties which have been released for super humid areas are planted in the ex-Tea Belt area and what is the output?

Mr Seeruttun: Madam Speaker, with regard to the ex-Tea Belt area, - the hon. Member was the former Minister of Agriculture at the time – at the time when the price was really attractive, he, himself, encouraged planters to move out of the tea sector into the sugar cane sector to be able to plant more sugar cane and increase our production of sugar. I mean, initially, that area was not suitable for sugar cane plantation and that is why it was under the tea sector.

Now, that the price has gone down it is no more attractive. That does not date back to a few days or years; it has been in abandoned state for some 8 to 10 years now. That is why in our quest to revamp the tea sector, those lands that have been left abandoned, known as the ex-Tea Belt area, are being rehabilitated for the tea sector.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: Madam Speaker, the hon. Minister mentioned in his answer that researches were also being made on the biomass potential of the varieties of sugar cane. Can I ask the hon. Minister for how many long years now researches have been made by the MSIRI on the types of sugar cane that can yield a higher calorific value? Can the hon. Minister inform the House what progress has been made on that score?

Mr Seeruttun: In my reply, Madam Speaker, I informed the House that, in 2007, there was one variety that was released whereby the fibre content is supposed to be 20% to 25% more compared to the previous varieties available. Already there are varieties that had been worked out and they have higher fibre content.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Thank you, Madam Speaker. As you are aware, we are talking about the MSIRI and the hon. Minister himself has been senior staff there. Can the hon. Minister inform the House whether he is satisfied with the technical performance of the MSIRI these

days and whether they have been given sufficient means in terms of equipment, *formation* and also technical facilities through agencies, in view of what we have heard during the past years concerning the problems which have been made public of the running of the MSIRI?

Mr Seeruttun: Madam Speaker, the MSIRI used to be an independent institution for years since its creation until the fusion of a number of institutions related to the sugar industry. That happens some few years back in 2013 and the MSIRI has become a department under the MCIA. That is why, at the level of the Government, we decided to come up with a new draft Bill to get the MSIRI out that institution to have more autonomy so that it can perform better. This is being worked out.

Of course, we are all aware that we have a new situation now with the price going down and revenue from the sugar industries is much lower than it used to be. So, we are looking at ways and means how to give it all the resources necessary to carry out research as it should to keep up this sector.

You will agree with me that investment in the research is vital for the survival of this industry and that is why, in 2004, we came up with the idea to set up a Biotechnology Institute. Again, the then Minister of Finance - who is the Prime Minister now - came up with that project but, unfortunately, in 2006, with the new Government that came into power, they completely pushed away that project. Now, we are re-launching this project and, hopefully, with the biotechnology we can make good use of research to promote this industry.

(Interruptions)

Madam Speaker: I have said several times that phones should be switched off! Please! Next question, hon. Ameer Meea!

CENTRAL MARKET - POULTRY, MEAT & FISH SECTIONS - RENOVATION

(No. B/257) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the Central Market, she will, for the benefit of the House, obtain from the Municipal City Council of Port Louis, information as to where matters stand as to the proposed renovation of the poultry, meat and fish sections thereof, indicating –

- (a) the scope of works thereof, and
- (b) if funds have been identified and, if not, why not.

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): With regard to the proposed renovation of the poultry, meat and fish sections in the Central Market, I am informed that funds will be made available in the forthcoming Budget 2018/2019 for the consultancy services and the renovation of those sections.

I wish to inform the House that pending renovation of the poultry, meat and fish sections in the Central market, a number of actions have already been taken by the Council to ensure that proper hygiene and sanitary conditions prevail in these sections.

In addition, some repairs have been carried out by the Municipal Council of Port Louis, for example, the renovation of the toilet and replacement of broken tiles.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, it is a matter of regret that I have to come back yet with another PQ on the Central market year after year because of the unhygienic state of the Central market. Can I ask the hon. Vice-Prime Minister if she is aware that in the fish and poultry sections of the Central Market there is a manhole of the sewage which, after each and every rainfall, is overflowing in the market and the risk that this represents to health and safety? Is she aware of the situation?

Mrs Jeewa-Daureeawoo: Yes, I am very well aware of the situation. I must say that hygiene and the health of people using the market is very much our concern, that's why I have said in my letter, *Madame la présidente*, pending the renovation work some short-term measures have already been taken to ensure that there is hygiene and that the health of the people is being taken care of, for example, inspections are being carried out on a regular basis, which was not there before. So, pest control is being done also on a regular basis. We have provided chill cabinets to the sellers so that the meat is not sold room temperature and also we have brought some works with regard to the renovation of the two toilets.

Mr Ameer Meea: We can understand the answer given by the Vice-Prime Minister, but just to recall to the House that since 2015 every time this PQ comes to the House, we get the same answer that funds will be made available. So, therefore, can I appeal to the hon. Vice-Prime Minister that being given that now we are at pre-budget consultation time, to see to it that this time is the right time that funds are made available for the renovation of the central market and also that the stall holders are consulted for the renovation as well?

Mrs Jeewa-Daureeawoo: Yes, this situation has prevailed for years as you have rightly pointed out, but I must say when you put your question last year, it was in November 2017. So, it was after the Budget exercise. Now that the question is put and we are very well aware, that is why I have said that for this budget, funds will be provided for this particular project.

Madam Speaker: Next question, hon. Ramano!

CULTURE HOUSE - CONSTRUCTION

(No. B/258) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes) asked the Minister of Arts and Culture whether he will state if Government proposes to review its decision for the construction of a Culture House and, if not, why not.

Mr Roopun: Madam Speaker, as stated in my reply to PQ B/993 in December last, the Culture House project, renamed “Construction of a Building for the National Archives Department and the National Library”, will be financed by the Indian Authorities under a Line of Credit to the tune of USD13 m., through the Exim Bank.

During these last months, several meetings have been held with officials of relevant Ministries and consultations were also held with representatives of the Exim Bank of India to that effect.

On 16 April, the Terms of Reference for the appointment of a Project Management Consultant has been finalised by my Ministry and same was forwarded to SBM Holdings Company Ltd for onward transmission to Exim Bank.

The Consultant will, *inter alia*, work out the design of the building, prepare the tender document for the construction, as well as supervise and monitor the project.

Madam Speaker, I am informed that the target is –

- (i) for the Project Management Consultant to be in Mauritius by June this year to finalise the design, and
- (ii) tender for the construction is expected to be launched by the beginning of September, and construction works to start in January next year.

Madam Speaker: Hon. Ramano!

Mr Ramano: Merci, Madame la présidente. Madame la présidente, il a été question de 2000 à 2005 de la construction d’un centre culturel mauricien dans le triangle d’Ébène. En

2015, on nous parle en fanfare de la construction d'un *Culture House*. Aujourd'hui, ce projet d'envergure se résume à la délocalisation du *National Archives* et du *National Library*. Est-ce que je peux savoir de l'honorable ministre qu'est-ce qui explique ce changement de la politique du gouvernement, ce *downgrading* en matière culturelle surtout prenant en considération l'importance qui a été donnée à la promotion de la culture mauricienne ?

Mr Roopun: Madam Speaker, there has never been a clear indication as regards the Culture House as such, but what was already in line was that there was a dire need to relocate the National Library and the Archives. At some point in time, there was question also of housing the various Cultural Centre Trusts, but, at this juncture, it will not suffice to house all these institutions and there is a dire need for us, and urgency, I must say, to re-house the National Library and the Archives. And this is what we are doing urgently.

Madam Speaker: Yes, hon. Ramano!

Mr Ramano: Madame la présidente, est-ce que je peux savoir de l'honorable ministre ce qui est advenu de l'enveloppe d'aide de la Chine à travers l'*Exim Bank* de Chine pour la construction du *Culture House* ? Est-ce que cet argent a été utilisé pour quelque chose d'autre ? Est-ce que je peux savoir exactement quelle est la superficie du terrain qui a été identifié pour la construction de ce nouveau projet ?

Mr Roopun: Insofar as the fund from the Chinese authority is concerned, Madam Speaker, I won't be able to give much detail about this because this fund was being managed by the Ministry of Finance, but what I can say is that this building will be of an area of about 6000 m² and will be located at Ébène.

Madam Speaker: Hon. Baboo!

Mr Baboo: As there was a grant that had been given last time for the Culture House by the Chinese Embassy, can the hon. Minister inform the House how the construction will be funded, like Rs450 m. were allocated last time and when the foundation stone will be laid, and also the targeted completion of the project?

Mr Roopun: As I stated, this project will be funded by the line of credit from India through the Exim Bank of India and the works will start in January next year and are expected to last for 18 months.

Madam Speaker: Next question, hon. Ramano!

QUATRE BORNES - FIRE STATION - RELOCATION

(No. B/259) **Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes)** asked the Vice-Prime Minister, Minister of Local Government and Outer Islands whether, in regard to the construction of a new Fire Station in Quatre Bornes, she will state the location of the plot of land identified therefor, indicating the amount earmarked for the –

- (a) acquisition of land, and
- (b) building to house same.

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs Jeewa-Daureeawoo): Following my reply about the relocation of the new Fire Station on 10 April 2018, I have received additional information that two plots of land of a total extent of 7658 square meters situated along Avenue Tulip, Trianon, Quatre Bornes have been identified by the Ministry of Housing and Lands for the relocation of the Quatre Bornes Fire Station.

For the Metro Express Project, the land adjacent to these two portions of land has been acquired by the Ministry of Housing and Lands. On 20 April 2018, we were informed by the said Ministry that appropriate setback will have to be observed from the Metro line. In view of this new development, the Mauritius Fire and Rescue Service together with the Ministry of Public Infrastructure and Land Transport will now have to determine the suitability of the site.

With regard to part (b) of the question, I am informed that the project value for the construction of the new Fire Station at Quatre Bornes - of course, if everything goes well - has been estimated by the Mauritius Fire and Rescue Service to be around Rs90 m.

Madam Speaker: Yes, hon. Ramano!

Mr Ramano: Merci, Madame la présidente. Madame la présidente, une des raisons de la délocalisation de la présente *Fire Station* est le problème aigu de trafic dans le centre-ville de Quatre Bornes. Avec le site qui sera éventuellement identifié, est-ce que la ministre est consciente du développement, la poussée d'urbaniste de la ville de Quatre Bornes prenant la région de Palma, la région d'Ébène, toute cette région que nous avons à parcourir, est-ce qu'il n'y a pas lieu de décentraliser dans la ville de Quatre Bornes des points où le *Fire Station* pourra être éventuellement installé ?

Mrs Jeewa-Daureeawoo: Well, there is an urgent need to change the venue of Quatre Bornes Fire Station. As I have said in my answer, we have taken much time to be able to

locate this particular plot of land. Well, I don't think for the time being we will look for other alternative plot of land. If, as I have said, this plot of land is suitable, we will go as planned and if the land is not suitable then we will have to look for alternative land, but rest assured we are very much aware of the difficulties of the fire officers and that's why this is one of our main concerns. We want very much to come with a new building so that the firefighters could work in a good and proper environment.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Madam Speaker, can I impress upon the hon. Lady, the Vice- Prime Minister, to act very promptly and to make sure that the new Fire Station is properly equipped because Quatre Bornes has many high-rise buildings and I hope that there will be turntable ladder amongst the equipment which is very vital for that region?

Mrs Jeewa-Daureeawoo: This question, Madam Speaker, is very far from the original one, but, however, I take note. Let me reassure the House that I have already given instruction to the Mauritius Fire and Rescue Service to buy more turntable ladders and, at the same time, to see to it if we can repair because we have three for the time being and two are out of order. We are trying to repair the two and, at the same time, I have already given instruction for the purchase of two more.

Madam Speaker: Next question, hon. Jahangeer!

NOUVELLE FRANCE-SOULLAC - DUAL CARRIAGEWAY - CONSTRUCTION

(No. B/260) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the proposed construction of the Nouvelle France-Souillac dual carriageway, he will, for the benefit of the House, obtain from the Road Development Authority, information as to where matters stand.

Mr Bodha: Madam Speaker, I am informed that, in 2012, the Road Development Authority undertook the study for the construction of a dual carriageway from Nouvelle France to Souillac. The project, 15 km long, included the construction of four roundabouts, eight bridges and several underpasses and overpasses. It was estimated then to cost Rs2.6 billion inclusive of VAT for a construction period of two years.

However, with a view to increasing the connectivity between villages and enhancing road safety while simultaneously integrating future land development in the south, the RDA

has, this year, prepared a Strategic Southern Roads Master Plan. Consequently, the alignment of the previous Nouvelle France-Souillac dual carriageway has been reviewed.

The new Master Plan comprises the upgrading of existing roads and the construction of bypasses and new links. The RDA has identified 11 projects to cope with the present traffic demand as well as the traffic volume that will be generated through future development such as Smart cities and population growth.

Through a multi-criteria evaluation, the projects have been prioritised and proposal for funding of two of these projects, namely the Bois Cheri Bypass and the l'Escalier Bypass is being made in the budget in the coming year. The Bois Cheri Bypass is about 1.5 Km long and includes construction of a bridge for a total cost of Rs150 m. The l'Escalier Bypass consists of the construction of a new road and upgrading of existing roads for a total length of 2.3 Km costing another Rs150 m.

The other nine projects are as follows –

- Surinam Bypass;
- Upgrading of Riche Bois Road;
- La Flora Bypass;
- Souillac Bypass;
- Upgrading of Gros Bois Road ;
- L'Escalier-SSR Link road,
- Tyack-L'Escalier Link Road.

In fact, I have made a request for Rs500 m. in this Budget to provide for the Bypasses.

Madam Speaker: Hon. Jahangeer!

Mr Jahangeer: Thank you, Madam Speaker. Will the hon. Minister inform the House what are the time frames we are looking at for these Bypasses for tendering purposes?

Mr Bodha: For the Riche Bois Bypass, we are already in the process of securing the land. For the other Bypass, the alignment has already been made. So, I presume that we can start work in the second semester of this year.

Madam Speaker: Next question, hon. Jahangeer!

WEST COAST LEISURE LTD - HOTEL RESORT - LETTER OF RESERVATION

(No. B/261) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Minister of Housing and Lands whether, in regard to the letter of

reservation issued in favour of West Coast Leisure Ltd./Hyvec Partners for the development of a hotel resort at Bel Ombre, he will state where matters stand.

Mr Jhugroo: Madam Speaker, I am informed that a Letter of Reservation for a hotel resort development project was issued in favour of West Coast Leisure Ltd and not Hyvec Partners.

The Letter of Reservation was issued on 22 September 2016 over of a plot of State land of an appropriate extent of 16 *arpents* at Bel Ombre. After survey, the site was found to be of an extent of 14 *arpents*.

The reservation, which was for a period of 18 months expiring on 21 March 2018, was extended till 21 September 2018. The promoter, therefore, has up to 21 September 2018 to comply with the conditions of the Letter of Reservation.

As at date, the promoter has already complied with the following conditions -

- (i) payment of survey fee effected on 04 October 2016;
- (ii) payment of deposit fee effected on 16 October 2016;
- (iii) submission of architectural plans on 21 November 2017, and
- (iv) submission of clearance from the Ministry of Tourism on 15 December 2017.

The promoter has on 26 December 2017 submitted his application for an EIA licence to the Ministry of Social Security, National Solidarity, and Environment and Sustainable Development, and same is being processed at the level of that Ministry.

Upon compliance with conditions in the Letter of Reservation and submission of the EIA licence, a Letter of Intent will be issued to the promoter.

Madam Speaker: Hon. Jahangeer!

Mr Jahangeer: Thank you, Madam Speaker. The area for construction is very dry and water scarce. So, my question to the hon. Minister is whether he will inform the House if there has been a geo-hydrological survey to find out whether there are water deposits below the soil before granting the permit across the 14 *arpents*.

Mr Jhugroo: Madam Speaker, this is a very technical question. I do not have any reply now. So, I will ask my hon. friend to come with a specific question so that I can bring the answer next time.

Madam Speaker: Next question, hon. Ameer Meea!

SOLID WASTE - DISPOSAL

(No. B/262) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to solid waste, he will state where matters stand as to the proposed construction of a new compost plant for the disposal thereof.

(Withdrawn)

NATIONAL INSURANCE COMPANY LTD - AUDITED FINANCIAL STATEMENTS

(No. B/263) **Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Financial Services and Good Governance whether, in regard to the National Insurance Company Ltd., he will –

- (a) for the benefit of the House, obtain therefrom, information as to if it has filed its last audited financial statements and, if so, table copy thereof
- (b) state the amount of money -
 - (i) injected directly or indirectly by Government thereinto since its incorporation to date, and
 - (ii) to be injected therein going forward, and
- (c) state where matters stand as to the proposed sale thereof.

Mr Sesungkur: Madam Speaker, in my reply to Parliamentary Question B/920 at the sitting of 05 December 2017, I informed the House of the exceptional circumstances under which the National Insurance Co. Ltd was created to take over the activities of the ex-BAI Co. (Mauritius) Ltd. I wish further to highlight that Government, through the National Property Fund Ltd, is the sole owner of the National Insurance Co. Ltd.

Madam Speaker, the risk associated with a direct close down of the business of the ex-BAI was too high. Government has been responsive to issues of public interest such as jobs, livelihoods and living standards of around 1,000 members of staff. We have also tried to remain relevant and effective by safeguarding the interest of some 135,000 policyholders, thereby avoiding a social crisis.

I also mentioned in my reply to PQ B/920 that in view of the complexity of the transfer of the business undertaking from ex-BAI (Mauritius) Ltd to the National Insurance Co. Ltd, the audit of the financial statements of the company would necessitate more time than usual.

Madam Speaker, with regard to part (a) of the question, I am informed that the draft audited financial statements of the company for the period ended 30 June 2016 was submitted by Ernst and Young only last month. This is currently being considered by the Board. The external auditors proposed to kick start the audit for the financial year 2017 immediately after. The Financial Services Commission is regularly being apprised of the financial situation of the company. With regard to the filing of the audited financial statements, the NIC has made a request to the Regulator for an extension, which has been accepted.

Madam Speaker, as regards part (b) (i) of the question, I wish to inform the House that, as at date, Government has invested Rs30 m. as share capital in the National Insurance Company since its incorporation. No additional sum has been injected.

Madam Speaker, with regard to parts (b) (ii) and (c) of the question, I am informed that several strategic options are being envisaged, including disposal in full or in part of the shareholding as well as joint venture agreements with major international insurance companies. In this regard, Mr Sattar Hajee Abdoola of Grant Thornton has been appointed as Transaction Adviser by the NIC.

NIC has signed non-disclosure agreements with the bidders and it would be prejudicial to disclose any confidential matter relating to this transaction.

NIC has so far met all its financial commitments. Besides, the financial forecast prepared by NIC shows that the company is expected to become a profitable organisation within a few years. I am, therefore, informed that at this stage, a capital injection by its shareholders is not envisaged.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, all the information that the hon. Minister just gave to the House is really shocking. We are talking about a company that takes money from the public; for a company that gives policy to the public. So, now, we are talking of a company for the year ended 30 June 2016. For 2017, the audit has not yet started.

Madam Speaker: The Minister has just said so. Ask your question!

Mr Ameer Meea: My question to the hon. Minister, is it true that with regard to the accounts of the NIC - according to my information - the auditors do not want to give a clean audit report because the NIC is not a going concern?

Mr Sesungkur: Madam Speaker, the hon. Member being himself a Certified Accountant would understand that between saying that the company is not a going concern for 2016 and the company is still alive, still meeting all its commitment? This is total nonsense, according to me.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, the hon. Minister *est en train de parler avec tant d'arrogance pour une compagnie qui, as at 30 June 2016, n'a pas pu déposer ses comptes audités et ce n'est que maintenant qu'ils vont kick-start les audits de 2017.*

Madam Speaker, again, according to my information, one of the main quarrels of the external auditors...

Madam Speaker: You are asking a question?

Mr Ameer Meea: Yes, this is my question. One of the main quarrels of the external auditors is that they are not agreeable to the valuation of the assets of the NIC, they do not agree to the valuation that the directors are putting on the assets of the NIC, they are in total disagreement and this is why they are not signing the audit report of the NIC.

Mr Sesungkur: Madam Speaker, I don't know what is the reason behind the external auditors not signing the report, but this is a normal situation where, at times, there are disagreements between directors and auditors. This is precisely what an audit is all about. When there is a disagreement there should be a process in place whereby this is resolved. They have given their report in March 2018 and the Board is giving it consideration; there will be a process of discussion and the outstanding matters will be thrashed out. This is a normal procedure in audit.

Mr Ameer Meea: Madam Speaker, it is not at all a normal procedure. We are talking about 2016. A company has six months to file its accounts with the Registrar of Company - the hon. Minister should know that very well - and not only with the Registrar of Company but also with the FSC. You have asked extension for one year. Now, you have asked extension for two years. So, it's not at all a normal situation.

Madam Speaker: What is the question, hon. Ameer Meea?

Mr Ameer Meea: Madam Speaker, it is with regard to part (c) of the question, where do matters stand in relation to proposed sale of the NIC? Is it true that it is a European company which is in talk with NIC? What is the percentage of the shareholding that the Government is ready to give to any potential buyer?

Mr Sesungkur: Madam Speaker, it is premature at this stage to give an indication of what would be the final deal, whether it would be 100% disposal, whether it would be a part-disposal. As I mentioned in my answer, there are different options which are being envisaged.

With regard to the previous comment made by the hon. Member regarding the delay in filing of accounts, as I mentioned in my reply, the regulator is being kept apprised of all the latest developments of the business of NIC, and based on their own judgement, they have agreed to provide an extension of the filling.

I understand that there may be certain elements which could be impactful on the compliance level of the company, but, as far as the regulator is concerned, the regulator has agreed, has accepted to provide an extension. And as I mentioned, the audited financial statements have been received, it is in the process of being approved by the Board and the filling is a matter of weeks and months.

Mr Ameer Meea: Madam Speaker, according to my information, as at October 2016, there was a loss of Rs240 m. in the accounts of NIC, and as at 30 June 2017, the loss is more than Rs500 m. Can the hon. Minister confirm these figures to the House?

Mr Sesungkur: Madam Speaker, I don't know what the source of information of the hon. Member is, but, personally, I haven't had a look at the Account of 30 June.

(Interruptions)

Madam Speaker: Don't interrupt the hon. Minister!

Mr Sesungkur: As long as it is not an audited financial statement, I cannot pronounce myself on the accuracy of the result.

Madam Speaker: The Table has been advised that PQ Nos. B/267, B/268, B/282 and B/283 have been withdrawn.

Next question, hon. Ameer Meea!

HOSPITALS - CT SCAN, X-RAY, MRI MACHINES

(No. B/264) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to the CT Scan Machine, X-Ray Machine and Magnetic Resonance Imaging Machine, he will state the number thereof attached to each hospital, indicating in each case –

- (a) since when they were commissioned;
- (b) their respective lifespan, and
- (c) the number thereof which are presently not operational, indicating –
 - (i) since when and the reasons therefor, and
 - (ii) the remedial measures that are taken.

Dr. Husnoo: Madam Speaker, in view of the detailed information asked for, I am tabling the reply.

Madam Speaker: Hon. Ameer Meea, do you have a supplementary question?

Mr Ameer Meea: Yes. In the main question itself, apart from tabling the reply, I also asked since when and the reasons therefor. Are these included in the reply that the hon. Minister has tabled?

Dr. Husnoo: These are included as well.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. At times, many equipment get breakdown and it takes a long time to get their spare parts because they are one or two equipment in Mauritius. Is it envisageable to standardise across all the hospitals in the country for them to have a particular brand and a particular type, because if we have a lot of equipment, we have critical mass for spare parts and it would be easier for the service, and also for people to know how to operate these equipment because they are standardised across the country? Is that envisageable?

Dr. Husnoo: I completely agree with the hon. Member that if we have the same type of equipment, it is going to be easier to manage. We are working in that direction for the future.

Madam Speaker: Hon. Baboo!

Mr Baboo: Thank you, Madam Speaker. Is the hon. Minister aware of a group of gangsters who purposely break these machines so that patients be sent in private clinics and what are the actions that are being taken?

Dr. Husnoo: I am sorry, I have never met them!

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Can the hon. Minister inform the House if he is now in a position to tell whether there was a problem at Dr. Jeetoo Hospital concerning the X-rays? In fact, there was a problem of films to be used in the X-ray machine. Whether this has been sorted out and whether he has made an enquiry into that particular problem?

Dr. Husnoo: Yes, that was a few months ago and it has been sorted out.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Madam Speaker. Is the hon. Minister aware that there are cases, for example, cases of tumours, where it takes so long for the hospital to do the scanning and to give the report and the advice to the patients that the patients have time to go to a private hospital and get the tumour removed? This has happened to a young little girl in Grand' Gaube where the hospital has taken so much time and has never reverted back to the parents, that suspecting something was wrong, they went for Fortis Darne and they had the tumour removed. Is that not to be considered as *très grave*?

Dr. Husnoo: Normally, when somebody is sick, naturally, because of the load of investigations that are being asked for, we do have a waiting list to do the MRI or CT Scan. It is not a long waiting list. Unfortunately, sometimes, the parents want to get it done urgently, one day, two days.

(Interruptions)

Mr A. Duval: More than three months ...

(Interruptions)

Madam Speaker: Hon. Adrien Duval, please!

Dr. Husnoo: No! Sorry! There is no three-month waiting list for the CT- Scan or MRI, that's for sure!

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. Can I ask the hon. Minister whether he can confirm whether we have sufficient trained engineers to repair these machines once they get a break down?

Dr. Husnoo: Yes, we have trained Engineers and we are taking new Engineers in service as well.

Madam Speaker: Yes, hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, this issue of several machines having breakdown has been long on the cards and in many cases, we have seen that these patients are channelled to private clinics where huge sums of money are paid by Government. My question to the hon. Minister is: has he made an inquiry to see to it whether there is any *connivance* between officers of his Ministry and those private clinics?

Dr. Husnoo: When the machine is broken in one area, we send the patient, if possible, to another hospital in the first place. If we cannot manage it because of the waiting list in that second hospital, then we send the patient, depending on the severity and the urgency of the case, if it is very urgent, we send him/her to a private clinic. That is number one.

Secondly, as far as any *connivance*, as the hon. Member said, between the officers and the clinics, I am not aware of it.

Madam Speaker: Yes, next question, hon. Rughoobur!

MAPOU & PAMPLEMOUSSES DISTRICT COURTS - RELOCATION

(No. B/265) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or) asked the Attorney General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the former buildings which housed the Mapou and Pamplemousses District Courts, he will, for the benefit of the House, obtain from the Master and Registrar, information as to if funds have been earmarked for the renovation thereof and, if not, why not.

Mr Gobin: Madam Speaker, in 2014, the Ministry of Public Infrastructure and Land Transport declared the two former courthouses at Mapou and Pamplemousses respectively to be unsafe for occupation. The District Courts of Rivière du Rempart and Pamplemousses were consequently relocated in rented premises with effect from October 2014.

I am informed, Madam Speaker, by the hon. Master and Registrar that no funds have been earmarked from the Judiciary for the renovation and the reasons are twofold –

- (i) as announced in the Budget Speech 2017-2018 Government has acquired the sub-office of the SIFB at Pamplémousses in order to house the District Courts of Pamplémousses and Mapou. The acquisition has already been finalised by notarial deed, and
- (ii) the old premises at Mapou and Pamplémousses which are still vested in the Judiciary for the time being will be surrendered to the Ministry of Housing and Lands.

Madam Speaker, the SIFB building is presently being customised to cater for the requirements of the Judiciary in order to house the two District Courts of Pamplémousses and Mapou by the end of September of this year.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Thank you, Madam Speaker. From the reply of the hon. Minister, the premises of the two District Courts are still under the responsibility of the Judiciary. May I request the hon. Minister to see with the Master and Registrar that these premises be properly maintained and the fencing and the infrastructure which are in poor condition can be repaired and properly maintained?

Mr Gobin: Yes, indeed. In fact, the premises themselves will be surrendered as a whole back to the Ministry of Housing and Lands and then the Ministry of Housing and Lands will be taking the responsibility from thereon.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Thank you, Madam Speaker. The hon. Minister mentioned that there are initiatives which are currently being taken by the Judiciary to move these two Courts to the SIFB building. Is there any time frame; is there any procurement procedure that has been prepared?

Mr Gobin: The actual ongoing works concern the electrical works, air-conditioning and partitioning. It is expected that we will have approximately six courtrooms, exhibit rooms, etc. So, these ongoing works are being undertaken by the MPI, including the ESD for the electrical part and it is expected that the new courtroom will be ready by September of this year.

Madam Speaker: Yes, hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. From the answer of the hon. Attorney General, I understand that the District Court of Rivière du Rempart will be, in the future, permanently housed in the district of Pamplemousses. Can I ask the hon. Attorney General to take advice as to whether there is not a jurisdictional issue regarding whether a District Court from one district can be housed in another district?

Mr Gobin: I believe this is a matter that I will have to take with the Chief Justice, but as it is now, both Courts are housed in one building which is situated in Pamplemousses. It is legally in order to do so with the permission of the Chief Justice.

Madam Speaker: Next question, hon. Rughoobur!

DISTRICT COURTS – RENT

(No. B/266) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or) asked the Attorney General, Minister of Justice, Human Rights and Institutional Reforms whether, in regard to the buildings housing the District Courts, he will, for the benefit of the House, obtain from the Master and Registrar, information as to the total amount of funds disbursed for the renting thereof for each of the years 2015, 2016 and 2017.

Mr Gobin: Madam Speaker, I am tabling the information requested.

Madam Speaker: Yes, hon. Rughoobur!

Mr Rughoobur: Madam Speaker, from these documents, I can see that there has been an amount of more than Rs5 m. annually that has been paid since 2015 till 2017, which means that there is quite a number of private buildings where these Courts are situated. May I know from the hon. Attorney General the fact that we are talking of modernisation of Courts, especially Magistrate Courts, will it not be a problem for, for example, investment in terms of infrastructure in these private buildings for the Judiciary to ensure the process of modernisation is speeded up in the months to come?

Mr Gobin: Yes, the reasons for renting private buildings are various. For instance, the District Court of Savanne, which is situated in Souillac, was the subject of fire, it had burnt down. So, Government had to rent a private building. But I want to reassure the hon. Member, the House and the public that it is this Government which has decided to invest massively in the construction of the new Supreme Court building. No such project has seen the light of the day. It is this Government that is investing in the administration of justice

including infrastructural work which is presently ongoing for the construction of the new Supreme Court building. Once the new Supreme Court building will be ready, the old Supreme Court building will move to the new one and it will give opportunities for the old Supreme Court building to house other services of the Judiciary.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: In the same breath, Madam Speaker, can I ask the hon. Attorney General whether he will look into the cases of the District Court of Savanne and in the District Court of Bambous also where in both cases these two Courts are being housed in private properties and whether as in the case of Rivière du Rempart and Pamplémousses, he will expedite matters so that we can have two proper and fitting Courts of Law which can offer more convenience to the Magistrates, Counsels and to the public at large?

Mr Gobin: Yes, even here the Government has already taken decision for Savanne. It is going to be housed in the SIFB building and that building as well is being renovated to cater for the requirements of the Judiciary for courtrooms, exhibit rooms, etc. I am going to look into the matter for Bambous as well because it is not acceptable to have a courtroom situated in the buildings as they are now.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: On the same line, Madam Speaker, as hon. Ganoo, whether in regard to the Court of Curepipe, he will do the necessary to upgrade the parking as the hon. Attorney General surely knows well that there is an issue of parking now presently at the Court of Curepipe, whether he will do the needful?

Mr Gobin: For Curepipe, it is still worse! It is not only the parking, it is the whole building.

(Interruptions)

It is worse!

(Interruptions)

But I can reassure the hon. Member and the House that this also is on our agenda. We are going to take care of all those District Courts buildings which have not received attention at all for far too long.

Madam Speaker: Next question, hon. Quirin!

MAURITIUS JUDO FEDERATION - MANAGING COMMITTEE

(No. B/267) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Mauritius Judo Federation, he will state if the Special Caretaker Committee set up on 05 September 2017 has already arranged for the election of a New Managing Committee thereof and, if so, when and, if not, why not.

(Withdrawn)

SPORTS ARBITRATION TRIBUNAL – LODGED CASES

(No. B/268) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Sports Arbitration Tribunal, he will, for the benefit of the House, obtain therefrom, information as to the list of cases lodged before the Tribunal since January 2015 to date, indicating the respective outcome.

(Withdrawn)

TUBERCULOSIS – CASES

(No. B/269) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Health and Quality of Life whether, in regard to tuberculosis, he will state the number of patients thereof undergoing treatment as at to date, indicating the number of new cases diagnosed therewith, if any, since January 2018 to date.

Dr. Husnoo: Madam Speaker, I am informed that, as at 20 April 2018, a total of ninety-three (93) patients are currently undergoing treatment for tuberculosis at Poudre D’Or Hospital and Chest Clinic. Forty-seven (47) new patients have been diagnosed with this disease during the period of January to 20 April 2018, of which one passed away with extra-pulmonary tuberculosis.

Madam Speaker: Hon. Quirin!

Mr Quirin: Madame la présidente, peut-on connaitre le nombre de cas à Rodrigues, le nombre de patients atteints de la tuberculose à Rodrigues ? Et peut-on aussi savoir où ils sont traités ?

Dr. Husnoo: I do not have the number for Rodrigues, I tell you frankly. But I can tell you that, as far as the treatment is concerned, if the patients can be transferred to Mauritius, we do transfer them. But the problem is that if somebody has got pulmonary tuberculosis,

that means if he is positive, when he coughs, the bacteria comes out, he spits the bacteria. Then, it is a bit difficult for us to put him in a plane, in an enclosed plane, where he is going to infect all the other passengers. That is the problem transferring patients from Rodrigues. So, we try to treat the patients there, but sometimes, when we can, we send a specialist to supervise the treatment.

Mr Quirin: Madame la présidente, par rapport aux nouveaux cas qui sont traités à Maurice, est-ce qu'il y a des patients venant de Rodrigues parmi les 47 que le ministre nous a informés, de janvier à ce jour ? Est-ce qu'il y a des patients venant de Rodrigues ?

Dr. Husnoo: I am sorry. I do not have the number for Rodrigues, as I mentioned.

Mr Quirin: Madame la présidente, c'est incroyable. Est-ce que le ministre est au courant, en ce qui concerne toujours Rodrigues, les patients atteints de la tuberculose, est-ce qu'il sait où ces patients sont traités ? Dans quel hôpital ? Dans quelles conditions ? Est-ce qu'il le sait ?

Dr. Husnoo: Definitely. All the patients that have got tuberculosis are being followed. They are treated at Chest Clinic firstly, and then Poudre d'Or Hospital. Previously, some were being treated, a handful were being treated in the private clinic. But even then, if there is what we call sputum, which means that if when they cough, they can infect people, we are going to admit them to Poudre d'Or as well now.

Sorry, all the patients are being followed by the Chest Physician from Chest Clinic.

Mr Quirin: Madame la présidente, d'après les informations que j'ai reçues, il y a au moins un patient durant ces derniers mois, depuis le début de l'année, atteint de la tuberculose qui est venu de Rodrigues à Maurice pour être traité. Je trouve cela vraiment aberrant que l'honorable ministre ne soit pas au courant de ce cas.

Dr. Husnoo: I am sorry. If the hon. Member had asked that question, I would have answered him. But it is not in his question. I do not see what is *aberrant* about it.

Madam Speaker: Next question, hon. Henry!

RÉMY OLLIER, MAHEBOURG – BOAT PASSAGE

(No. B/270) **Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien)** asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the proposed construction of a channel at Rémy Ollier, Mahebourg, he will state where matters stand.

Mr Koonjoo: Madam Speaker, at the very outset, I want to underline that these requests were already made by my friend hon. Jhugroo, now the Minister, and his colleague hon. Hurreeram. I say it because this problem is there since more than a decade and my hon. friend should know that the problem is there - I said more than a decade - when his Leader was the Minister of Finance.

(Interruptions)

Madam Speaker: Order! Hon. Minister, I have drawn your attention several times that when you are replying to your PQs, please do not get engaged in conversation with other hon. Members of the House.

(Interruptions)

Please! Even if they make remarks, hon. Rutnah, this is not allowed!

Mr Koonjoo: I am informed that representations were made by fishermen of Mahebourg to the effect that they were having difficulties to navigate through the existing boat passage at Rémy Ollier, Mahebourg, and which has become shallow due to silting over time.

With a view to alleviating the difficulties of the fishermen and other users, my Ministry initially proposed to go for a de-silting of the passage.

However, given the environmental complexity of the project, my Ministry, jointly with all the Government bodies, conducted ecological and bathymetric surveys, amongst others, and carried out an Expression of Interest exercise to shortlist multi-disciplinary consultants. The EOI exercise was completed in October 2017 and a shortlist of three consultants consortiums was drawn.

This project is currently at procurement stage, and my Ministry will launch shortly a request for proposal for consultancy services to conduct an Environmental Impact Assessment, that is, EIA, study as the environmental complexity of the works warrants an EIA licence as per the Environment Protection Act of 2008.

Madam Speaker: Hon. Henry!

Mr Henry: Merci, Madame la présidente. Le ministre est en train d'induire la Chambre en erreur en disant que l'honorable Hurreeram aussi était présent. La première réunion qui a été faite, c'est l'honorable Jhugroo et moi-même, à l'époque, on avait fait...

Madam Speaker: Hon. Henry! Please sit down! Please sit down, I said! This morning, I drew the attention of another hon. Member not to say that *on est train d'induire ou le ministre est en train d'induire la Chambre en erreur*. I drew attention to this. If you have doubts and you want to come with a motion, then you do come with a motion against the hon. Minister. But, please, do not say this.

Mr Henry: Misinformed, sorry. Can we have a time frame for the project to be implemented?

Mr Koonjoo: I just replied, Madam Speaker, that it is a complex problem and we are taking all the necessary measures to get it done as soon as possible.

Madam Speaker: Yes, hon. Ramful!

Mr Ramful: This procurement exercise, the expression of interest has been on the website of the Ministry since June 2017. Is the hon. Minister saying that till now they have not been able to choose a consultant?

Mr Koonjoo: With your permission, Madam Speaker, I will give the reply. He said last year; 2017 means last year. I will give some information, Madam Speaker, with your permission, to let him know how it is complex. The boat passage was first dredged by the Sugar Planter's Mechanical Pool Corporation in the year 1984.

(Interruptions)

I hope the hon. Member was there.

At the time, there was no need for an EIA licence. The dredged materials were scattered along the shore of Rémy Ollier, Mahebourg. It is good the hon. Member knows it. Representations from fishermen on the difficulties encountered to navigate through the existing boat passage at Mahebourg dated back to more than 10 years.

In May 2017, my Ministry carried out renovation works at the Mahebourg Fish Landing Station. Actually, with the law in force, an EIA licence and all necessary clearances should be secured prior to starting any physical site works at sea. The dredged materials will also have to be handled and dumped in an appropriate permanent dumping ground. The three shortlisted consultancy consortium were -

- (a) Mega Design Ltd in association with WML Coast;

- (b) GIBBs (Mauritius) Ltd in association with PRDW Africa (Pty) Ltd, Diospyros Ltd, Hooloomann & Associates Ltd, and
- (c) the NIRAS Associates, in association with VYYAASS Consulting Engineers Ltd.

(Interruptions)

C'est la loi!

The Terms of Reference for the Request for Proposal of consultancy service to conduct an EIA study have been finalised and is due to be launched very shortly.

The Terms of Reference includes the various multidisciplinary expertise that would be required for undertaking the EIA study within the sea/lagoon. The tasks expected from the consultant also include –

- submission of inception report;
- investigating and reporting of all technical issues;
- submission of Environmental Impact Assessment Report;
- submission of a proper environmental monitoring plan, and
- preparation of project cost estimate, among others.

These are the details, Madam Speaker.

Madam Speaker: Next question, Hon. Henry!

MAHEBOURG TRAFFIC CENTRE - UPGRADING

(No. B/271) Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the bus station at Mahebourg, he will state if consideration will be given for the renovation thereof.

Mr Bodha: Madam Speaker, I am informed that the Mahebourg Traffic Centre is operational since 1993. Upgrading works thereat were undertaken by the National Development Unit in 2013 and the project was handed over to the District Council of Grand Port for management and maintenance as per the usual practice.

I am further informed that the cleaning, maintenance, watch keeping and security at the traffic centre have been outsourced by the District Council of Grand Port. The District Council has also informed that renovation works at the traffic centre are due for some time now. The estimated cost is Rs1.3 m.

However, as funds are not available this year, there has been a request which has been made for the funds to be available for the next financial year.

Madam Speaker: Hon. Henry!

Mr Henry: Merci, Madame la présidente. Comme le ministre a dit dans sa réponse, cela devient urgent parce qu'il y a tout le béton qui commence à tomber sur les gens qui sont au bas. Donc, je demanderai au ministre de s'assurer que cette somme soit votée dans le prochain budget?

Mr Bodha: In fact, we will have to sort out whether this capital budget would fall under the Land Transport or under the NDU. I will look into the matter. On my side, what I have tried is that the NTA will provide a Station Master who will be posted at the traffic centre. We have requested that the post be created in the next Budget.

UNIVERSITY OF TECHNOLOGY MAURITIUS - INFRASTRUCTURE - UPGRADING

(No. B/272) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the University of Technology Mauritius, she will state where matters stand as to the proposed –

- (a) refurbishment work to be carried out thereat, and
- (b) construction of a new campus therefor.

Mrs Dookun-Luchoomun: Madam Speaker, for the past years, Government has been placing a sustained emphasis on upgrading the infrastructural conditions prevailing at the University of Technology, Mauritius (UTM) so that the students and staff may benefit from a more conducive environment.

When this Government took over in December 2014, the infrastructure at the UTM was in a deplorable state. Since then, Government has injected significant funds for infrastructure improvement and upgrading works at the UTM. For this financial year, an additional amount of Rs25 m. was made available to university for continued infrastructure improvement.

Accordingly, specifications and scope of works for the extension of the student's common room are being prepared and tenders will be launched soon. The estimated project cost is around Rs10 m. In parallel and in reply to part (b) of the question, the House may

wish to note that the procedures have been initiated for the construction of a seven-floor tower, adjacent to the present premises. Owing to the scope of the project, which might be around some Rs900 m., relevant documents have been forwarded to the Public Investment Management Unit (PIMU) of the Ministry of Finance and Economic Development in March last. Financial clearance is now awaited and necessary budgetary provision will be made in the coming financial years.

Madam Speaker, having said so, I would like to highlight here, that since I took office, a number of key infrastructural projects for the welfare of the students and the staff have been completed and are ongoing. Some of them are: renovation of the toilet blocks, upgrading of football and basketball pitches, land clearing and fencing works, paving of the premises, installation of two 6,000 litres fibre water tanks, upgrading of the electrical networking, including emergency lighting, installation of fire alarm system, purchase of IT equipment and lab consolidation of the security system, purchase of equipment for students and the establishment of a Health Science Laboratory.

Madam Speaker, my Ministry is working closely with the management of the UTM to see to it that the projects are on track and that the budget allocated are being used in the most efficient manner.

Madam Speaker: Hon. Armance!

Mr Armance: Thank you, Madam Speaker. In the current financial year, the hon. Prime Minister said that he was going to provide some funds for refurbishment work at the UTM. I would like to know from the hon. Minister what was the sum that was earmarked for the project and what is a sum that has been spent, so far?

Mrs Dookun-Luchoomun: Madam Speaker, I have just mentioned that the funds made available was Rs25 m. and that works are ongoing such as specification and work orders are being prepared and that the projects are going to be launched. As for the exact value of the sum, I don't have it with me, but I can find it and give it to the hon. Member.

Mr Armance: What about the refurbishment works? The specific question is about refurbishment.

Mrs Dookun-Luchoomun: The refurbishment work has been carried out, as I have mentioned. I can table the list of projects that have already been completed. But, as far as the amount of the budget is concerned, the amount spent, I don't have the figure with me. I will be ready to submit it to the House.

Mr Armance: Madam Speaker, I want to know from the hon. Minister whether she is aware that on 29 March 2018, there was a letter addressed to the Prime Minister regarding the UTM and all the refurbishment works that have not been done properly there. I have a very long list from the Students' Union. I can table a copy. I am sure that the hon. Minister got it already. The lifts are still not working. The lights are not working. There is no curtain in the classroom. The famous latrine is still there; benches are still broken. You can have a look. The air conditioning is not working properly.

Madam Speaker: Okay!

Mr Armance: I have photos that I can give. I want to understand what refurbishment work they have been doing for the last one year. This was brought to the House by the hon. Leader of the Opposition in May last year and, up to now, nothing has been done. I fail to understand the point of the hon. Minister that now this has been done.

Mrs Dookun-Luchoomun: Madam Speaker, let me inform the House that the photos that were presented by the hon. Leader of the Opposition at the time of the PNQ were photos taken of part of the University that was not used at that point in time.

(Interruptions)

Now, coming to the question ...

(Interruptions)

Madam Speaker: Please!

Mrs Dookun-Luchoomun: Now, coming to the question of hon. Armance, let me put on the Table of the National Assembly the list of projects that have been completed. May I go back, Madam Speaker, to the list of projects that I had mentioned at the time of the PNQ? I will just give, for the benefit of the hon. Member, the amount of work that has been completed –

- improvement of building and the extension of the common room - I have just mentioned. The work orders are being prepared;
- upgrading of electrical network, including emergency lighting. The tender is being launched;

- installation of fire alarms system; tender has already been launched and the installation of fire alarms system at the University of Technology (Mauritius) has already been done;
- upgrading of security services;
- internal surveillance system. Installation of internal camera system has already been completed;
- external surveillance system. Preparation of scope of works and certification for the installation has been finalised in collaboration with the Mauritius Police Force and the tender is being launched;
- door access control has already been launched in March 2018, and
- lift - tenders have been launched on 14 February 2018 for the supply and installation of a lift at the UTM. The evaluation procedures have been completed and approval of award is under process.

So, Madam Speaker, whatever information given or has been given by hon. Armanance are not correct.

Students' classroom equipment have already been purchased; it included PCs, whiteboard, projectors etc.

Health Science Lab equipment have been procured and are being delivered by suppliers.

Studios and equipment for film production - purchase of materials has been initiated.

Multidisciplinary lab - provision has been made for PCs, computers, burglar proofing etc.

(Interruptions)

But this is what refurbishment is meant! Office equipment, IT equipment and furniture have already been purchased. Network infrastructure, repaired wireless network completed; commissioning is in process; upgrading works, renovation of toilets, waterproofing, burglar proofing, fencing and awards of contracts have been made.

Madam Speaker: Yes, last question!

Mr Armance: Yes. I have taken these pictures yesterday. So, this is the reality, Madam Speaker.

Mrs Dookun-Luchoomun: Where?

Mr Armance: Yesterday, at the UTM.

Madam Speaker: Hon. Minister, please do not engage into any conversation with the hon. Member. Yes, address the Chair!

Mr Armance: This is the reality. I want to know from the hon. Minister when she last visited the UTM, because the condition the students are having there is terrible. We are today in 2018; when did she visit it?

Madam Speaker: The hon. Member has asked his question.

Mrs Dookun-Luchoomun: Madam Speaker, it has to be made clear that the role of the Tertiary Education Commission is well stated and that there are officers who regularly visit the place. I have been to the University; I do not go there for inspection purposes.

Madam Speaker: Next question, hon. Ganoo!

CHAGOS ARCHIPELAGO - MAURITIUS SOVEREIGNTY

(No. B/273) Mr A. Ganoo (First Member for Savanne & Black River) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the claim of sovereignty of Mauritius over the Chagos Archipelago, he will state where matters stand, including the written submissions on the question on which the advisory opinion of the International Court of Justice has been requested thereon.

Sir Anerood Jugnauth: Madam Speaker, the Chagos Archipelago, including Diego Garcia, has always formed and continues to form an integral part of the territory of the Republic of Mauritius.

Mauritius does not recognise the so-called “British Indian Ocean Territory” which the United Kingdom purported to create by illegally excising the Chagos Archipelago from the territory of Mauritius prior to its accession to independence. The excision of the Chagos Archipelago was carried out in breach of international law and of United Nations General Assembly Resolution 1514 (XV) of 14 December 1960 which prohibits the dismemberment of any colonial territory prior to independence.

The wrongfulness of the dismemberment of the territory of Mauritius was recognised and confirmed in UN General Assembly Resolutions 2066 (XX) of 16 December 1965, 2232 (XXI) of 20 December 1966 and 2357 (XXII) of 19 December 1967.

In view of the illegal excision of the Chagos Archipelago, the decolonisation process of Mauritius remains incomplete. Government is sparing no effort to complete the decolonisation process of Mauritius so that Mauritius can effectively and fully exercise its sovereignty over the entire territory, including the Chagos Archipelago.

Madam Speaker, as the House is aware, the UN General Assembly adopted on 22 June 2017 by an overwhelming majority Resolution 71/292, requesting an Advisory Opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965.

The International Court of Justice to which the request for an Advisory Opinion was transmitted adopted on 14 July 2017 an Order fixing time-limits for the filing of written submissions on the two questions put to the Court. The Court subsequently adopted on 17 January 2018 another Order to extend the time-limits as follows –

- (a) 01 March 2018 for any State to present written statements on the questions, and
- (b) 15 May 2018 for States and organisations having, by 01 March 2018, presented written statements, to submit written comments on the written statements presented by other States and organisations.

Mauritius and 30 other States as well as the African Union have presented written statements to the International Court of Justice.

The Registry of the International Court of Justice has advised that the written statements are not accessible to the public at the current stage of the advisory proceedings and must therefore be treated as confidential documents. This is also the case for any written comments that will be submitted to the Court.

Mauritius will submit, by 15 May 2018, written comments on the other written statements which have been presented to the International Court of Justice.

Our written comments are currently being prepared with the assistance of our external lawyers.

The International Court of Justice will hold public hearings which will open on 03 September 2018 in The Hague. All Member States of the United Nations have been invited to take part in the hearings, regardless of whether or not they have submitted written statements, and to indicate their intention to do so by 15 June 2018 to the Registry of the International Court of Justice.

Mauritius has already informed the Registry of the Court that it will take part in the hearings.

Once the number of participants in the hearings is known, the Court will determine the duration and the schedule of the hearings.

Madam Speaker, I also wish to inform the House that in the final document adopted by the 18th Mid-Term Ministerial Meeting of the Non-Aligned Movement held on 05 and 06 April 2018 in Baku, Azerbaijan, Member States of the Non-Aligned Movement have once again condemned the illegal excision of the Chagos Archipelago from the territory of Mauritius and reiterated their support for the completion of the decolonisation of Mauritius.

Madam Speaker: Hon. Ganoo!

Mr Ganoo: Madam Speaker, I heard the Rt. hon. Minister Mentor saying that Mauritius will make written comments on the written statements which will be submitted by other States and organisations. Can I ask the Rt. hon. Minister Mentor how many countries have made written submissions in all?

Sir Anerood Jugnauth: I have said, I think, about 30 countries.

Madam Speaker: Yes, hon. Ganoo!

Sir Anerood Jugnauth: 31.

Mr Ganoo: Can I ask the Rt. hon. Minister Mentor also, a few days ago, we have been informed that Mrs Emily Thornberry, the UK Secretary for Foreign Affairs made the following statement that, I quote –

“We must also listen to our partners, including the 33 Commonwealth countries led by Mauritius, who voted in June last year to refer Britain to the ICJ and correct the historic wrong done by our country to the people of the Chagos Islands.”

In fact, she said “historic wrong” and “historic mistake” also. Can I ask the Rt. hon. Minister Mentor whether this statement could help Mauritius in its case to establish the dismemberment on the unlawful separation of the Chagos from Mauritius?

Sir Anerood Jugnauth: Well, a statement made outside, of course, it is in support of our case, but how far this can be taken into consideration by the ICJ, I do not know. I only hope that this person will come to the ICJ and make a statement there.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. In the relentless fight for the return of Chagos Archipelago, can the Rt. hon. Minister Mentor confirm whether the hon. Prime Minister has raised this issue at the Commonwealth Summit which is going on in the United Kingdom at the moment?

Sir Anerood Jugnauth: As per the report that I have and the newspapers I have read, the answer is positive, yes.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Can I ask the Rt. hon. Minister Mentor whether we have had any support from Argentina, whether Argentina has expressed interest to make a submission?

Sir Anerood Jugnauth: Argentina?

Madam Speaker: Argentina.

Dr. Boolell: Argentina, yes, there is good reason as to why I am asking.

Sir Anerood Jugnauth: Well, I am not in a position to answer that. I do not know.

Mr Ganoo: Madam Speaker...

Madam Speaker: On this one?

Mr Ganoo: Can I ask a last question? Can I ask the Rt. hon. Minister Mentor, since the Mauritian Inter-Parliamentary group has not met for more than one year now - I suppose the Rt. hon. Minister is still the Chairperson of this Committee which used to meet in the Prime Minister’s Office - does he intend to call this Committee in the near future since so many developments have taken place on this issue?

Sir Anerood Jugnauth: For the time being, I do not see any necessity to have this meeting.

Madam Speaker: Next question, hon. Ganoo!

POLICE RIDERS - VVIPS/FOREIGN DIGNITARIES – ROAD ACCIDENTS

(No. B/274) **Mr A. Ganoo (First Member for Savanne & Black River)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Police Riders escorting local VVIPs and foreign dignitaries, he will –

- (a) for the benefit of the House, obtain from the Commissioner of Police, since January 2010 to date, information as to the number of accidents involving Police Riders, indicating the -
 - (i) number of deaths thereof
 - (ii) amount of compensation paid to the heirs thereof
- (b) state the measures envisaged to ensure safer working conditions thereof, and
- (c) state if consideration will be given for an alternative mode of escort in lieu thereof.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that since January 2010 till date, there have been 11 cases of road accidents involving Police Riders escorting local VVIPs and foreign dignitaries.

With regard to part (a) (i) of the question, I am informed that for the aforementioned period, there was no Police Rider involved in any fatal road accident whilst escorting local VVIPs and foreign dignitaries.

Madam Speaker, regarding part (a) (ii) of the question, since 2010 to date, no compensation has been paid.

Concerning part (b) of the question, I am informed by the Commissioner of Police that, over the years, the Police have taken a number of initiatives and acquired several types of protective equipment to be used by Police Riders, including those performing escort duties to VVIPs/Foreign Dignitaries, with a view to ensuring their security and safety whilst on duty. These include -

- (i) specialised training to Police Officers both locally and abroad, prior to their appointment as Police Riders, particularly those who are required to escort VVIPs and foreign dignitaries. Developmental training is also provided on a regular basis to keep the Officers abreast of new techniques related to riding of motorcycles and escort duties;

- (ii) Police Riders are required to follow an advanced riding course, including training in defensive and safe riding of motorcycle provided by qualified VIPSU personnel and other qualified resource persons as well as foreign trainers detailed by suppliers of motorcycles;
- (iii) Police Riders are provided with high capacity motorcycles which are equipped with security features such as leg shields, ABS brakes, windshield and warning signs;
- (iv) as part of their regular briefing, Police Riders are invited to give feedbacks on their working environment and conditions, the adequacy of training provided and the effectiveness of the equipment provided to them, and
- (v) for their protection, security and safety, all Police Riders are provided with a number of protective equipment such as Green Fluorescent Jacket, Protective Helmet, Rider's Gloves, Top Boots, Plastic Trousers, Stocking Riders, Gumboots, Sunglass Riders and High Visibility Traffic Police Jacket.

Madam Speaker, as regards part (c) of the question, I am further informed by the Commissioner of Police that, taking into consideration the local context, there is so far no other alternative mode of escort of VVIPs except Police Riders on motorcycles.

It is to be noted that the escort of VVIPs has been undertaken since many years on the basis of an established protocol so as to ensure the security of the VVIPs against any threat when transiting from one location to another. The escort team which consists of trained Police riders has also the responsibility to ensure the fluidity of traffic and free passage of the VVIP cortege. As of now, the use of motorcycles is more appropriate for the abovementioned purpose compared to cars or vans.

Mr Ganoo: Although there have been no cases of death involving Police Riders escorting VIPS, does the Rt. hon. Minister Mentor have the figures if there have been any fatal accidents involving these Police Riders in the course of their duties, not necessarily escorting VIPS?

Sir Anerood Jugnauth: As far as I am aware, there has been one case. A Rider who had been to refuel a motorcycle, while coming back, met with an accident and passed away.

Madam Speaker: Yes, hon. Bhagwan, do you have a question?

Mr Bhagwan: Thank you, Madam Speaker. The Rt. hon. Minister Mentor has just stated 'protocol'. Can I know who are those who are entitled; President, Vice-President, Prime Minister, Vice-Prime Minister, Minister Mentor and so on? Can the Rt. hon. Minister Mentor inform the House whether, from what we have seen since 2014 or January 2015, apart from the established protocol, any other Minister is enjoying the privilege of having a Police Rider and the reason why only one Minister was given since 2015 and afterwards?

(Interruptions)

Sir Anerood Jugnauth: Well, I cannot explain the reason, but I think the Commissioner of Police thought it fit and desirable, for the reasons which I have just put forward, to do so, and he has done so.

(Interruptions)

Madam Speaker: Yes, hon. Ganoo!

Mr Ganoo: Can I ask the Rt. hon. Minister Mentor a last question, Madam Speaker? The purpose of considering an alternative mode of escort is not to deprive the VIPs of the security that they deserve, but to provide safer conditions for the Police Riders. As is taking place in other country, it is an SUV that escorts the VIPs and which is in front of the VIPs. Therefore, there is a protection, but not necessarily by Police Riders who put their lives at risk when they have to go fast if the VIPs are in a hurry.

Sir Anerood Jugnauth: I have already answered this. I have said that for the time being we have no other alternative mode. Therefore, we are sticking to the present system.

Madam Speaker: The Table has been advised that PQs B/252, B/284, B/285 and B/286 have been withdrawn. Time is over!

MOTION

SUSPENSION OF S. O. 10(2)

The Ag. Prime Minister: Madam Speaker, 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.

Sir Anerood Jugnauth rose and seconded.

Question put and agreed to.

PUBLIC BILLS*First Reading*

On motion made and seconded, the Human Tissue (Removal, Preservation and Transplant) Bill (No. V of 2018) was read a first time.

*Second Reading***THE JUDICIAL AND LEGAL PROVISIONS BILL****(No. I of 2018)**

Order read for resuming adjourned debate on the Second Reading of the Judicial and Legal Provisions Bill (No. I of 2018).

Question again proposed.

At this stage, the Deputy Speaker took the Chair.

The Deputy Speaker: Hon. Rughoobur!

(4.15 p.m.)

Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or): Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, first of all, I would like to thank the House for giving me the opportunity to say a few words on this Bill.

Mr Deputy Speaker, Sir, indeed, this is a very important Bill, because it talks about improving the administration of justice; this is the objective of the Bill, Mr Deputy Speaker, Sir.

I had the opportunity, Mr Deputy Speaker, Sir, to listen to hon. Members on this Bill on both sides of the House, and I believe there is not much quarrel about the provisions in this Bill, except for *les reproches* that I have heard, especially from Members on the other side of the House, that the Bill is a bit piecemeal and it does not address adequately the ills of our system of administration of justice. This is what I have heard in terms of *reproches* from Members, especially on the other side.

Mr Deputy Speaker, Sir, I must also say that it is a matter of regret that we have not heard much from institutions like the Bar Council, the Law Society, even from the Judiciary. *Ce n’est pas un reproche*, but I believe that it is important. We are in an informative age, Mr Deputy Speaker, Sir. This Bill has been on the net for the last three weeks, I think. I have a

humble request for these institutions, including the Law Reform Commission. I know that the Attorney General has said that some recommendations of the Law Reform Commission have been included in this Bill, but a humble request that I have is that, in the future, such Bills, which are so important for the administration of our justice, that, as legislators, we have the views of these institutions, we have the views from people who are in the profession. I believe this is extremely important and this is a request that I humbly make.

Mr Deputy Speaker, Sir, I am not from the legal profession, but I believe it is important for us, as legislators, to contribute in ensuring that we have a system of administration of justice that we are proud of. Mr Deputy Speaker, Sir, the democratic system of Government that we have, we have this Separation of Powers and we are proud of our Judiciary today, Mr Deputy Speaker, Sir. We are proud of our judiciary, because of the independence that the judiciary has demonstrated over the years.

On the other hand, Mr Deputy Speaker, Sir, there is a lot to be done at the level of administration of justice. There is a fine line to be drawn between the responsibility of the judiciary, the responsibility of us, as legislators, and the responsibility even of the executive. I have listened to some of the hon. Members. We have to be very careful, we cannot direct the Attorney General to go and sit in the place of the Chief Justice and give direction to the Judiciary as to what they have to do. This is not appropriate because with this concept of Separation of Powers, I believe the responsibilities have been clearly defined.

Mr Deputy Speaker, Sir, as I said earlier, in relation to the number of amendments that are being brought in front of this House, I don't have much to say in the different clauses, except on clause 3 of this Bill, which talks about the Courts Act. But, before coming to this particular amendment to the Courts Act, Mr Deputy Speaker, Sir, let me seize this opportunity to congratulate the Attorney General for having triggered a debate on this issue of administration of justice in this House. And as rightly pointed out by hon. Ganoo, they said that these types of Bills should be in front of the House regularly. At least, we have a debate. I don't know when in this House, Mr Deputy Speaker, Sir, we had a debate on this whole issue of administration of justice.

Now, coming back to the Bill, Mr Deputy Speaker, Sir, I have a couple of remarks on clause 3 of the Courts Act. We are including in the Courts Act, Mr Deputy Speaker, Sir, sections 77 and 78 relating to fines and jail penalties for witnesses who refuse to testify in Court, who lie in Court. Those who refuse to attend Court – this is okay, Mr Deputy Speaker,

Sir. The Judiciary, the Judges have a legitimate expectation from us, the legislators, to give them the ammunition to do their work properly.

Mr Deputy Speaker, Sir, side by side, what we have to look at is also the rights of witnesses. We have to understand that these witnesses - some hon. Members have been mentioning this - are called at nine in the morning in the Courts, they have to stay there outside for almost four, five hours, sometimes, Mr Deputy Speaker, Sir. They don't even know if the Magistrate has arrived, if their case is being heard; there is no bench to sit outside. Mr Deputy Speaker, Sir, these witnesses have got rights.

As I said, it is a very good decision that we have to give ammunition to our Judges, to the Courts, but, at the same time, we have to reflect on the rights of witnesses; I have identified three rights. The other day, hon. Ganoo was saying that the major issue that we have in our administration of justice today is that we don't have a separate appellate Court. I agree, one of the majors, but it is not the major one, Mr Deputy Speaker, Sir. When we reflect on rights of witnesses, we can see clearly the ills of the administration of our justice in this country. First, Mr Deputy Speaker, Sir, the right to a timely trial! I know of cases. I have been a victim. I have had a case for one of my companies. 15 years, Mr Deputy Speaker, Sir, at the Supreme Court as a witness! Let me tell you, you are outside the Court, you wait for hours, and then, all of a sudden, the Police officer tells you that you have to go inside. Sometimes, you don't understand what is happening between the Judge or the Magistrate and the Barristers; then, after some time, the same tune: *Ou capav alé, ou bizin retournn la cour tel date!* This is the tune each and every time these witnesses are exposed to! And then, Mr Deputy Speaker, Sir, as a witness, you go home, you make arrangement for your travelling, you see how you are going to make arrangement with your employer for leave to come back again to Court. This is the situation that these witnesses are exposed to.

Mr Deputy Speaker, Sir, what about the rights of these witnesses? Mr Deputy Speaker, Sir, let me refer to Lord Mackay report - I know that hon. Ganoo referred to this. The responsibilities are shared, Mr Deputy Speaker, Sir.

This is what Lord Mackay recommended –

“(...) we also recommend strongly that when a trial is begun, it should continue from day to day until completed, and that legal representatives take this into account when making their arrangements. In this connection, it is vitally important that the estimates of length of time required are carefully considered and as accurate as possible.”

Mr Deputy Speaker, Sir, does this happen in the Court today? If two Barristers agree on a date, then you can postpone it for six months and the Magistrate or the Court or the Judge will agree on this, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, this is the cause, the main ill of our system of administration of justice, this keeps on postponing. But I have also been referring to the Annual Report of the Judiciary, Mr Deputy Speaker, Sir. I think the last report was in 2016; the 2017 report is not ready yet. I was referring to the 2016 report. But before coming to this, everybody knows what happens in the Courts today, Mr Deputy Speaker Sir. At 2.30 or 3 o'clock, the Magistrate will look at the clock and it is time to wrap up. This is what is happening today, Mr Deputy Speaker, Sir.

In the Annual Report 2016 of the Judiciary, when you look at the number of cases annually that have been disposed of at the Supreme Court between 2013 and 2016, there has been a drop of 20%, Mr Deputy Speaker, Sir. *C'est le monde à l'envers!* We have had the Mackay Report; everybody is struggling to ensure that there is timely disposal of cases, but between 2013 and 2016, there has been a drop in the annual number of cases, being disposed of by 20%, and during that period, you will see in the report that there has been an increase in the number of Judges. But we cannot ask the hon. Attorney General to go and sit at the Supreme Court and give directives to the Judges or to the Chief Justice on what should be done! There is a fine line to be drawn, as I said earlier, Mr Deputy Speaker, Sir, between the responsibility of the Legislator, the Executive and the Judiciary.

That was, Mr Deputy Speaker Sir, the first ill. We have to go to the second ill of this administration of justice as well. That is equal access to justice. These witnesses, Mr Deputy Speaker, Sir, have rights to equal access to justice. But this is not the case today! Mr Deputy Speaker, Sir, everybody is aware how expensive justice is in Mauritius today. Everybody is well aware about this. But there is one thing that we have to address. There is only one avenue that we have for the time being, Mr Deputy Speaker, Sir. What is that avenue? We have to review our system of legal aid. I think this is where I will request the hon. Attorney General - I know there was a document of the Law Reform Commission which was inspired by another document which was issued, prepared by, I think, Prof. Thorul in 2008 and there were interesting recommendations in that report, Mr Deputy Speaker, Sir.

What were those recommendations? I think, he spoke about the means test. I will come to that in a minute on how much you have to pay to a Barrister today for legal aid. Means test is based, Mr Deputy Speaker, Sir, only on the issue of your salary and your assets and a lot of people from the middle class who should have been eligible, today cannot have

access to this system of legal aid. This is a right that is guaranteed by our Constitution; equal access to the system of legal aid, equal access to justice. So, in my humble opinion, I will make a request to the hon. Attorney General, the issues that we have in the report of Prof. Thorul - later on I think there was a paper on that by the Law Reform Commission - spoke about reviewing the means test. You have to have the possibility to have appeal against - suppose you apply for legal aid and your application is rejected, you need to have a system of appeal against that. He also spoke about the issue of appeal to our last Court of Appeal which is the Privy Council. The Legal Aid Act today does not cover this possibility of having legal aid to go to the Privy Council.

So, I don't think you have this, but, also, the quantum, the amount that you have to pay to the Barristers when you have the possibility to have this legal aid. Today, it is Rs500 or Rs600 per case. This is not acceptable, Mr Deputy Speaker, Sir. I would like to quote Mr d'Unienville who in Parliament in 1973 stated and I quote, Mr Deputy Speaker, Sir –

«Il faut accorder des honoraires plus réalistes particulièrement aux jeunes qui commencent et à qui on a assigné des affaires surtout devant la Cour Suprême. 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 quel que soit rend à la société un service au moins égal à celui du médecin qui travaille dans un hôpital. »

Mr Deputy Speaker, Sir, it is important that we have a debate on this issue of legal aid because equal access to justice is a fundamental right of any citizen of this country. I have a proposal for this system of legal aid, Mr Deputy Speaker, Sir. We have the system of CSR today and the Government will recoup in the years to come, I think, as from next year 75% of the 2% contribution of companies. I know that that amount will grow up to almost Rs700 m. to 800 m. annually which will be coming in terms of CSR in the funds of Government. Why can't we earmark Rs100 m. in the legal aid fund? We create a legal aid fund and that Rs100 m. from the CSR would go in a legal aid fund. And I believe that would ease, to a major extent, the problem that we have today, instead of paying Rs500. Mr Deputy Speaker, Sir, you, as Barrister, I am sure you would be very happy and recommend this proposal of mine to Government. So, Mr Deputy Speaker, Sir, that was about the issue of equality, but I am serious on this, Mr Deputy Speaker, Sir. We have funds...

(Interruptions)

We have funds and I believe it is not only for the Barristers but that would be an excellent means for us to tackle this important issue of equal access to justice because there is a real problem today in Mauritius.

The third and final ill that I believe *est en train de ronger notre système de justice à Maurice*, is this issue of rights of witnesses. Hon. Dr. Boolell spoke about the rights of victims, it is the same principle. Mr Deputy Speaker, Sir, I believe that today if we talk of rights of witnesses, for example, we know what is happening with these drug cases. You have been mentioning it. I think it was the case of *Legallant v. ...*

(Interruptions)

Yes! There was a problem, I think witnesses were refusing to testify in Court. Somebody mentioned this in this House during the debates. We have to reflect on the rights of witnesses as well. I know that in Kenya they have got a law and many other jurisdictions have adopted a law on the rights of witnesses.

Mr Deputy Speaker, Sir, today people do not come to testify and there is a reason for this. They do not want to come to depone in Court. There is a reason for this. I believe, Mr Deputy Speaker, Sir, that you need to have a mechanism that is going to protect the right of protection of these witnesses. I believe there is a need to put a mechanism in place that will ensure that these witnesses are protected. Then, they can come with confidence to the Court and they can testify. So, Mr Deputy Speaker, Sir, I believe that it is important that we also come forward with a Bill, call it a Witness Protection Bill as it was the case in India some years back. We can have a Bill, subsequently an Act that can, I believe, put in place a mechanism that will ensure that those witnesses who often have to testify in cases of drugs, in cases of rape, in cases of aggravated assault, these witnesses come with confidence and depone in Court.

So, I was talking about the Bill that was presented in Lok Sabha in December 1995. It was an excellent Bill. For reasons of lack of consensus, the Bill was not passed, but we can get inspired from these types of Bills. Before concluding on this note, I would like to quote, Mr Deputy Speaker, Sir, from that Bill; from the Statement of Object and Reasons of that Bill. Let me quote what was mentioned in that Bill in relation to witnesses –

“Witnesses are the eyes and ears of the justice system. When a witness to an offence is threatened, killed or harassed, it is not only the witness who is threatened but also the fundamental right of a citizen to a free and a fair trial is vindicated. When we, as

the State, fail to protect a witness, we, as a State fail to uphold our national motto” - Satyamev Jayate.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Ramful!

(4.35 p.m.)

Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien): Thank you, Mr Deputy Speaker, Sir. I have listened with great passion to the hon. Member for Grand’Baie & Poudre d’Or, hon. Rughoobur, and it would seem from what he had said, that at least he agrees with what the Opposition is saying; that this Bill lacks provisions that are needed clearly for there to be a proper administration of justice in the country.

Now, we are dealing with the Judicial and Legal Provisions Bill, and Mr Deputy Speaker, Sir, you would know that we do not have this Bill very often in the House. The last time such a Bill came to the House was back in the year 2000, where there were widespread consultations with different stakeholders that are directly or indirectly involved in the administration of justice. There were numerous provisions with regard to both the substantive law as well as the procedural law. And that Bill, as far as I recall - that were our early days at the Bar - was acclaimed by various stakeholders in the judicial system. 18 years have gone since then, and through those 18 years, we are sure, we as Barristers, the justice system has had various challenges, numerous challenges. And one would have expected that after 18 years, the Bill that is being proposed today would have reflected the challenges, the difficulties that have been faced by the justice system since 18 years. But, unfortunately, this is not the case. Unfortunately, we are being favoured today with a Bill which is below the expectations that we all were waiting for.

All hon. Members, including hon. Rughoobur, have made mention of serious challenges, important issues that need to be tackled, that need to be addressed at present. I will just mention one of those issues, and it relates to delay in the justice system. Justice delayed is justice denied. I am not going here to blame the Judges or the Magistrates. The fault is in the system itself. Let me give a few examples, and these could have been taken care of in this present Bill.

I will invite the Attorney General - he has been a practising Barrister for years, and we know his competence. Nevertheless, I am going to invite him to go at the Master’s Court. Go and see how the Division in kind proceedings are conducted. Families are ripping

themselves apart for a piece of land. And to make things worse, those proceedings take years - 10 years, 12 years - and in the meantime, land are being locked, unserved, unused. And the fault is with those land surveyors. They take years to come up with a report. Since three years, we have been putting questions in the House, not to the present Minister of Housing and Lands, but to the previous one, about the creation, the setting up of the Land Surveyors Council to regulate the land surveyor profession. But our questions have remained unanswered. It is high time. Go and see in the Intermediate Court how many cases involving property are being postponed because land surveyors do not do their work properly.

Let me take the bail procedures. Now District Courts are being allowed to entertain bail applications and prisoners who have not yet been remanded and are still in Police custody, still in Police cell. This was made with a view to render the system more effective so that people are granted bail more quickly. And you know what the Police Officers now do? As soon as the inquiry is over, they remand the accused immediately to jail, making the process more cumbersome. Now you have to go before the Bail and Remand Court and try to find a date for you to be able to conduct the hearing and allow your client to be granted bail.

Another instance, another issue which needs to be addressed, and it relates to the administration of the justice system, is the number of minor road accidents. Go and look at the backlog of cases before the Motor Vehicle Arbitration Commission! Tens of thousands of cases are still awaiting a ruling or an award. Mediation is another issue that could have been addressed. Mediation is already being conducted by the Supreme Court.

Mr Deputy Speaker, Sir, you would know how many cases go before the Intermediate Court; mainly civil cases dealing with property matters, dealing with accidents. The cases are postponed years and years and finally they get settled. But why don't we empower the Magistrates of the Intermediate Court to exercise mediation? I have put a question to, not the present Attorney General, the previous one about mediation. And he said, 'we are going to implement, it is coming soon', and it has been three years now. Do you know how this would have helped in dealing with all these cases? As I have said, we were expecting that the Attorney General would come up with all these provisions in the Bill but, unfortunately, we have been favoured with things that are already settled.

Before I go to the provision dealing with contempt, there is one other issue. This is an important Bill and, as I have said, there are so many stakeholders who are involved in the administration of justice.

According to my information, we are making here provisions with regard to the criminal code; sentencing. Even the DPP's Office has not been consulted. Could you imagine this? The DPP's Office has not been consulted when we are legislating on criminal issues!

Let me go to the specific provision. I will not go into all the provisions because all the other Members have already dealt with various provisions in the Bill. Let me go specifically to three of them. The first one is with regard to contempt in the face of the Court. We have been following the English common law when it comes to the powers and procedures of the Supreme Court to punish for contempt in the face of the Court. The powers and procedures of the Supreme Court of Mauritius to commit for contempt is derived from the High Court of England and this by virtue of sections 16 and 17 of the Courts Act. This is well established.

We know that the High Court of England and in particular the Queen's Bench Division has an inherent power to punish for contempt. Hon. Baloomoody has made reference to this; despite major reforms that are being done in the UK with regard to contempt the face of the Court, the UK Law Commission have decided that there should not be a codification of the powers of the High Court to punish for contempt. Do you know why? Because, as I have said, that power is inherent. Those powers are very wide and evolve with time. This is why they have preferred not to codify the powers of the High Court. What are we doing with this amendment? We are codifying the powers of the Supreme Court to punish for contempt. We are restricting the powers of the Supreme Court to punish for contempt.

We are saying that, as from now, when this Bill will go through Parliament, the Supreme Court would be entitled to punish for contempt only in those specific circumstances. I know that the Attorney General will say, well, listen, sections 16 and 17 will stay in the Statute Book. But sections 16 and 17 do not deal only with the inherent powers of the High Court to punish for contempt. No! It deals, for example, with powers of injunction, but now you are expressly saying that, as from now, the Supreme Court, when it comes to cases of contempt, the Supreme Court will only be able to punish in those circumstances, for example, if there is any case of insult against a judge, insult against a court officer, insult or misbehaviour in the courtroom. But my question is this: what about insult against witnesses? This has not been provided in the provision. Insult against a member of the Bar, Attorney or Barrister! Insult against a witness not in the courtroom but outside courtroom, which is related to a proceeding going on in the Court or harassing a witness outside the courtroom. Now, would the Supreme Court as from now have the power to commit and punish for

contempt, if we are restricting the powers of the Supreme Court? I would be grateful if the Attorney General could, in his reply, enlighten us on this, whether this is our real intention.

Now, let me deal with another issue with regard to contempt of Court. There is a debate which is going on in most jurisdictions, especially in Commonwealth Jurisdictions, with regard to the summary process of the Court to punish for contempt. We know contempt in the face of the Court is dealt with immediately. There has been much debate as to whether this procedure is in breach of Article 6 of the European Convention on Human Rights.

Last year, in Kenya, which is a Commonwealth country - I will invite the Attorney General to have a look at the law on contempt in Kenya - they have updated their law. They had the same provision. The Supreme Court of Kenya was deriving its powers from the High Court of England. And there, instead of coming with piecemeal amendments, they have come up with a comprehensive Bill on the law of contempt. They have removed that section which empowered them to commit for contempt by delegation from the High Court of England. They have now this specific section, detailed law on contempt. And there, they have made specific provision with regard to the summary process. They have made express provision for the Court when acting summarily to abide by the concept of fair hearing. This is expressed in their Statute Book. But here, we have not made provision for this. So, are we going to wait for one another 18 years now for the Court to come and say you have to put it in your Statute, then, after 18 years, we will come back with a Judicial and Legal Provision Bill and cater for that? I will be waiting for clarifications from the Attorney General.

The second provision is with regard to summons to witness. I am going to be very short on this. There would appear to be an omission in what is being proposed. I am referring to clause 3 (a) (2) (b). When a witness is summoned and he appears in answer to the summons, there are two instances: one where he is summoned and if he does not come, he commits an offence; the second situation is where he is summoned and he comes to Court and if he decides not to give evidence, - this is being provided - then he commits an offence.

But, no one and not even a judge can force a witness, for example, to give incriminating evidence against him. No one can force a witness to give evidence if he is not the appropriate witness. So, would that person who has been touched with a summon if he decides to attend Court, will he be committing an offence because the Attorney General has omitted to provide for the defence of reasonable excuse? The defence of reasonable excuse should have been included in that section, as mentioned in the other sections. So, here again, I

will invite the Attorney General to have a look properly at that section as to whether the defence of reasonable excuse should not be inserted in that section. As I have said, someone cannot be forced to incriminate evidence against himself. This is why it has to be mentioned, unless that person has a reasonable excuse.

The third provision is with regard to time spent in custody. We have been told by the Attorney General and other interveners from the Government side that clauses 4 and 6 of the Bill are intended to give full credit in all circumstances for the time spent in custody by an appellant or a person standing trial. This principle reflects the decisions of the Privy Council in the case of *Dookhy and Callachand* as well as the full bench decision of the Supreme Court in the case of *Kamasho*.

But, unfortunately, this is not what their Lordships said; this is not a true reading; this is not a correct reading of their decisions. Their Lordships, in their decision, stated that exceptions should be made for frivolous appeals. Full credit should not be given in all circumstances; exceptions should be made for frivolous appeals. This is clearly stated in the case of *Kamasho*. We are pretending to be *plus royaliste que le roi*; we are giving full credit in all circumstances.

Therefore, Mr Deputy Speaker, Sir, we are spending public money on criminals and drug traffickers who are killing our children and now what are we doing? We are giving those persons full credit even though they decide to lodge a frivolous appeal before the Supreme Court just to buy time. They would stay on remand, get all the facilities that prisoners get on remand and when their case is judged, ultimately, we are giving them full credit. 'Good! You have done very well; you have lodged a frivolous appeal, full credit for you!' Is this the signal that we are sending?

Even for those standing trial, when they breach conditions of bail or they reoffend, they are rearrested, they are not granted bail because they have breached a condition of bail. And now we are saying when they will be sentenced, they will be given full credit because they were in custody whilst they had breached a condition of bail! But is this reasonable? In England, this is not counted as the part of the credit. So, we have to be careful; we are sending the wrong signal.

So, these are a few points - I have been specific - that I had wished to make with regard to this Bill and I will wait for the reply of the Attorney General.

Thank you, Mr Deputy Speaker, Sir.

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

At 4.59 p.m., the sitting was suspended.

On resuming at 5.35 p.m. with the Deputy Speaker in the Chair.

Mr S. Fowdar (Third Member for Grand’Baie & Poudre d’Or): Thank you, Mr Deputy Speaker, Sir. First of all, I would like to congratulate my good friend, the hon. Attorney General, not only for bringing this Bill. He gives me the impression that he wants to work, and he is coming very regularly with amendments and Bills in the House, which we are happy about because there is a lot to do in this area of judiciary and the legal system.

So, I would be very straightforward to say that I have got no quarrel with whatever he is bringing today, and I think, on both sides of the House, we are in agreement on what he is bringing. Maybe the lawyers would have got some nitty-gritty to raise up, but I am sure he is on the right track.

Mr Deputy Speaker, Sir, I do not have many arguments, many points to raise today. I am going to speak only about one point, which is not a legal point. It is something which the people of the whole island want to see. It is *la voix du peuple*, voice of the people that I am going to raise today. I am not a lawyer, and so I am not going into the technical aspect of the Bill and of the judicial system.

Mr Deputy Speaker, Sir, hon. Ramful raised this earlier. He said something which is really pertinent. If justice is delayed, then justice is denied. And do we agree, Mr Deputy Speaker, Sir, in over 90% of cases, if I may say 99% of cases in Mauritius, justice is delayed, which equals that we are not doing justice in Mauritius? They are all denied. And I do not know why it is denied. We have got a Police Force fully equipped. We have got a Judiciary, Courts fully equipped. Judges and Magistrates, they are all up and running. We have got prisons. We have got new prisons. So, why we are delaying? Why there is so much delay in delivering justice in Mauritius? This is what I want to raise.

Let me take two examples, Mr Deputy Speaker, Sir. And these two examples may ring the bell in our mind that we are not doing justice in Mauritius. A man of 55 commits a rape. At the age of 55, he does a rape. So, he is out on bail. He stays free for 10 years. After 10 years, he is condemned. At the age of 65, the guy is going to go to prison now. In the meantime, the victim suffers. She didn’t have justice up to now. Now, when he gets his condemnation, he goes for appeal. Now, the appeal is going to take seven to eight years more, which means at the age of 73, he will know whether he will go to jail or not, and I am not

sure if he will survive until the age of 73. So, Mr Deputy Speaker, Sir, where is justice? There are much more chances that the guy is going to die before the age of 73. He has been under stress since the age of 55. This is one case.

Now, there is another case, Mr Deputy Speaker, Sir, we all read on the papers last year. A public officer is suspended because he supposedly has committed a fraud, and he waits for 18 years before he knows what will happen to him. During the 18 years, the whole family suffers; the man himself, his children, his wife. When he walked along the street - he had an interview; it is a pity if you read the interview - people just mocked on him. He is a fraudster. Here is the daughter and the son of the fraudster. And, Mr Deputy Speaker, Sir, after 18 years, the Court says he is innocent and his children who were supposed to go to university, who were supposed to go abroad for study, they were all static, all under stress. Now, how do we repair this prejudice caused to this person? What do we do to repair that? What does the Court say? "Okay, you are free". And you know what happens here? The man is not willing to go back to the Civil Service. He is scared. He is an abnormal person now because justice has been denied to him. Justice has been delayed and has been denied.

I am not saying my good friend the hon. Attorney General is responsible for that. We are all responsible, both sides of the House; the Opposition and the Government. There are so many barristers in the House today. Why don't they raise their voice about this? What the barristers are about? Somebody was saying they are after money. It is normal. It is their profession, but at the same time, Mr Deputy Speaker, Sir, as a Member of Parliament, as a representative of the people, they have to come up, raise their voice that we have to do justice in our judiciary system. Up to now, I have not heard anybody saying, "Oh, it is taking too long and we have to come up with a system, to adopt a system!" Now, what are we saying today? We all know how to use Word, Excel. We know how to copy and paste. Why don't we copy and paste in this country? There are so many performing judicial systems abroad! I will take the case of UK.

Mr Deputy Speaker, Sir, I had some time to read about how it is in the UK before coming here. In UK, you commit a crime today, in six months' time you are in jail. It does not take more than six months. In six months you are in jail! In 2016, one or two cases took 14 months and these cases are under investigation. Why did these cases take 14 months? Here we are not talking of 14 months; we are talking of 14 years. Like years has become a habit! And the pity here, Mr Deputy Speaker, Sir, we are all like chloroformed. We all agree that it has to take 10, 15, 18 years. So, what I am doing here today, I am appealing to all of

us here, not only to the present Government, to the Opposition, to everybody in this House and to everybody in this country. Let us do something to expedite this case management and get cases to be concluded as fast as possible. It is causing a lot of injustice to people when it is delayed.

Mr Deputy Speaker, Sir, I know of a case which implies Mauritians and people in the UK. And let me tell you one thing. The people in the UK have already been condemned and they are already out, and here the case is still running. Why the Magistrates and the Judges postpone the cases? I do not know. My good friend, hon. Dayal, is expecting a speedy conclusion of his case; whether he is going to be condemned; whether he is going to be free. Why this stress on him? Why are we taking so much time? It is already three years to go now. We are still working on the case. Magistrate is sick, barrister is not well! What is happening? Why don't we put some sort of regulations to make it tough and to get things going quickly? The guy in the UK has got his seven years jail, he is already out now, he is living his life - I don't know what he is doing. But, the people here in Mauritius are still under stress and the case has not been finalised yet. So, we have to do something, I don't know whether we can copy and paste what is happening in the UK, the case management in the UK. If it is taking six months, why don't you adopt it? Or is it that there are some stakeholders who, deliberately, don't want to do anything to expedite things? Is it the case?

Mr Deputy Speaker, Sir, it's not only criminal cases. I mean, we all have cars, lorries, motorcycles and what not, and sometimes we may get involved in an accident or incident. And you know what happens, before we get an insurance claim finalised by the insurance company, it is hell! Why is it like this? The insurance company knows, if you want to go to Court, go to Court, it takes 10 to 15 years. In the meantime, you suffer as the injured person. You suffer as the one who suffered loss. You have to wait until 15 years and they will pay you what, peanuts! What was supposed to be paid 15 years back, which is paid now, is nothing, it depreciates. Time value of money, it is not the same value.

I know the case of one of my mandates; it's a pity, Mr Deputy Speaker, Sir. He had an accident and is handicapped. Eleven years now, he is still waiting for his compensation from the insurance company. The insurance company simply put the case to Court. If you don't agree with me, let's go to Court! But, what do we do? We let these people suffer, Mr Deputy Speaker, Sir.

I take the case of employment now. Unfair dismissal! This is another joke in this country. An employer does not want an employee, he kicks him off. Out you go! You want to go to the Labour Office, you go! There is no conciliation. What do you do next? You want to go to Court, okay, you go to Court, but by the time you come back to me, I am already off and I may be retired by that time. So, the employer is in a very strong position only because our legal system, the judicial system takes time and they benefit out of it. They take all the advantages that this system reaps and they delay matters. How many people we know, how many employees who have been unfairly dismissed and they are still waiting their case to be tried by the Courts, and it takes huge amount of time.

This is my appeal, Mr Deputy Speaker, Sir. There is a lot of prejudice caused to people because our system is slow. I don't know whether I can say slow, slow would mean like they take a couple of months more, but this is years they are taking more. I have already talked to my good friend, the hon. Attorney General about this. This is something which is not comforting at all, it disturbs a lot of people, and I think we need to prioritise, getting our cases tried as quickly as possible. There are lots of lawyers, lots of barristers on the market, lots of people who know things, we have Courts, we have Police, we have jails, we have all the setup needed, but the system is incorrect.

And one last thing, Mr Deputy Speaker, Sir, we are selling Mauritius as a financial sector, as an island where you can do business. We were talking of FDI this morning. What are we not doing to attract FDI? But do you think good businessmen with money would come to Mauritius when they know that cases are tried in 18 to 20 years? They would like to see the same sort of justice, the same sort of judiciary system that they have in their country before they come here.

I must say that we are No. 1 in Africa in all aspects, but this is the thing that we need to correct, and we need to do it fast. I make a plea to the Attorney General, I make a plea to the Government, and I make a plea also to the Opposition, because this is a matter which concerns all of us, it has nothing to do with politics, it is to do with the welfare of people, it is to do with justice, Mr Deputy Speaker, Sir. So, I make a plea to the Government, they should do this as fast as possible. I know it is going to take time, but it should not take time, we have to give justice, do justice to people in Mauritius in such a way that justice is done, justice is seen to be done. It is then that people are happy that there is justice in our country.

I thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. François !

(5.50 p.m.)

Mr J. F. François (First Member for Rodrigues): Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, I will make a brief contribution to the debate on the Judicial and Legal Provisions Bill (No. 1 of 2018) to improving the administration of Justice in our Republic.

Let me from the outset congratulate the Attorney General, Minister of Justice, Human Rights and Institutional Reforms, hon. Gobin, for this timely Bill. Mr Deputy Speaker, Sir, I will lay emphasis only on clauses 5 and 10 of the Bill, where clause 5 deals with the Criminal Code sections 206 and 282 Amended for the review of the Offence of outrage against the public and religious morality and the offence of stirring up contempt or racial hatred so as to criminalise such offences committed through the Internet or electronic means, and to provide for stiffer penalties, and clause 10, which deals with Sale of Immovable Property Act, Section 222 Amended.

Mr Deputy Speaker, Sir, technology is today improving our life and is also creating societal divide. My question is: how deep is the problem of societal divide in our Republic today and how can we improve our society? In this present digital age, it is important to protect our public morals. As a result of our new digital culture, we have witnessed how the concept of sharing or disseminating of information has evolved from one generation to another generation, whether it is on Snapchat, on WhatsApp, Instagram, Twitter, Facebook or YouTube, Skype, whatever is the flavour of the day with social media aspect.

I have to say that I am a bit perplexed when I listened, two weeks ago, to Mark Zuckerberg, the CEO of Facebook, following the Cambridge Analytica scandal. During his testimony, he said that he is surprised how American politicians seem not to know about Facebook and the way the world of digital communications operate. He even added that there is little hope for smart regulations that will protect users.

Mr Deputy Speaker, Sir, in our local context, how many inflammatory or defamatory materials we regularly witness that is on the brink of creating public unrest and outrage, at times, through religious or communal ideology on the internet.

In clauses 5(a) (2) and 5(b) (2) of the Bill, it is provided for the forfeiture, destruction or deletion *‘of any writing or any copy of such writing in respect of, or in connection with, which an offence has been committed under this section’*. The Court, in that regard, will have

the ability to act only if there is a conviction which, as we all know, could be years after the offender is found guilty, as raised by hon. Fowdar.

Certainly, the harm inflicted by any writing through its duration online also increases the risk that the writings will be shared and, at times, spread well beyond the jurisdiction of this legislation. My question, with regard to duration online, is whether there is the possibility for an Interim Order by the appropriate Court of Law to freeze, remove or take down the impute writings, pending the outcome of any prosecution, to deliver immediate relief for those impacted by an alleged criminal offence on the Internet. It is clear to one and all that the right of expression could not be used as a tool to defy public or religious moral and thoughts.

Mr Deputy Speaker, Sir, having said so, today in our society, one cannot, on one hand, ventilate our Republic as a great one through our cultural diversity, when in reality there is still some kind of communal undignified morality and dirty minds navigating through a certain degree of tolerance and, at times, simply for political scores. One may not agree with me, but in my opinion, and I have to say, that if we don't stop and get rid of this societal ill, that might contribute towards the downfall of our Republic one day and this is happening on Internet.

Again, this is where clause 5 of this Bill, Criminal Code Amended, is very important in that direction, particularly with regard to illogical use of Internet or electronic means.

Mr Deputy Speaker, Sir, despite the introduction of this legislation to criminalise offences committed through the Internet for outrage against the public and religious morality or stirring up racial hatred, a very important point is the aspect of extraterritoriality which remains a major problem with regard to availability of Internet content hosted or distributed from outside our jurisdiction in which it is deemed illegal.

A point of concern in that regard is how our legislation will deal with any person abroad, be it, for example in the UK, USA or France, and who may have dual citizenship as well, who writes on the Internet or uses Electronic Communications Network for any related offences under this legislation against any section or part of any section of the public. Can our judicial system, through this legislation, launch cases abroad to track any of those perpetrators?

And, here, Mr Deputy Speaker, Sir, a good reference is the Singapore Computer Misuse Act which stipulates under section 11(2) that, and I quote –

“Where an offence under the (...).”

Computer Misuse -

“(...) Act is committed by any person in any place outside Singapore, he may be dealt with as if the offence had been committed within Singapore.”

I hope that the hon. Minister of Justice will enlighten the House about how to deal with such cases.

Mr Deputy Speaker, Sir, why I say so? It is because you will be surprised that even now there are some people, who from abroad, mostly every day, are sending, by means of a public electronic communications network, a message or other matter that is grossly offensive or of menacing character, sometimes simply for the purpose of causing annoyance, inconvenience or needless anxiety to another local person or group of persons.

There is a sort of what some called as mental attack and emotional terrorism. We badly need to harmonise our law with that of the global level to track them down for prosecution given the extra territorial effect of Internet use and its scope.

Mr Deputy Speaker, Sir, online hate is another issue which has a particular characteristic, that is, no person or group is immune from having online extremists in their midst. All of us are agreeable that racism or outrage against public and religious morality through the Internet should not and will not be tolerated in our jurisdiction. Clearly, Internet for some has become the medium of choice for propaganda, disseminating hatred and for communications of racial hatred and we have to combat that.

Again, I refer to Mark Zuckerberg, CEO of Facebook, who again during his testimony in front of the American Congress - which I followed well - admitted that he failed to grasp how Facebook platform used by more than 2 billion people would be abused and manipulated. Thus, the hon. Attorney General, Minister of Justice, Human Rights and Institutional Reforms is right to bring this legislation to protect our community.

Mr Deputy Speaker, Sir, allow me to give another example, let alone young people writing material on the Internet, you will be shocked, if you go on Facebook, to read - and now I go to Rodrigues - how even certain, I say certain, high-ranked public officers are regularly posting, circulating and transmitting, degrading comments and hatred against elected political figures, even against the Chief Commissioner, the political parties and

electorate through the Internet, believing that no one can stop or charge them. One may say it is freedom of speech which direction I beg to disagree.

Certainly, from an ethical point of view and the regulations governing the Public Service Commission, inappropriate and improper conduct in a private capacity that reflects seriously and adversely on the management of public affairs should be prosecuted. I appeal for an enquiry and necessary actions by appropriate institutions in that regard to stop *ces débandades par certains qui agissent comme des antipatriotes à l'encontre du pays ou simplement à l'encontre de Rodrigues*. Those perpetrators out there must know that Internet will no longer be a lawless place or an unregulatable and uncontrollable environment in our jurisdiction.

Mr Deputy Speaker, Sir, it will be interesting also to watch intently as to how these cases are dealt with in the Courts in the future. And I have to point out here that the Police IT Unit in Rodrigues needs to be reinforced in this context as they only perform logging of information to the system that are then being transmitted to Mauritius.

Now, Mr Deputy Speaker, let me move to the second part of my speech, the Sale of Immovable Property Act amended. Allow me to comment on clause 10(b) (2) of the Bill, which stipulates - to add in section 222 of the Act, a new subsection, which reads as –

“Where the notice referred to in subsection (1) relates to a property which is situated in Rodrigues, the notice shall, in addition, be published in French or in English in at least one newspaper which is published and distributed in Rodrigues.”

On 19 April 2011, I put a PQ, B/243, to the then hon. Attorney General with regard to Sale by Levy to be effected in Rodrigues for cases in Rodrigues. And I have also raised concerns in various speeches as well in this august Assembly.

And during his last visit to Rodrigues in February this year, the hon. Attorney General had meetings to discuss about the improvement of the administration of justice in Rodrigues. I have to say that I appreciate the hon. Minister's proposed amendment to partly remedy our plea, while we await broader amendment to the Sale of Immovable Property Act amended, as he rightly pointed out.

However, Mr Deputy Speaker, Sir, Rodrigues is changing and public expectations are changing as well. The people of Rodrigues have to benefit, through uniformity of treatment, from our judicial and legal services at a time and place that is convenient to them. This implies that our Courts have the responsibility to provide efficient, accessible and a people-

centered justice services, as the Sale of Immovable Property Act is amended that does not completely fulfil its objectives. I will not dwell on the problems which have been sufficiently canvassed in the PQs mentioned earlier, in the answers, both by the Attorney General now and the then Attorney General.

However, Mr Deputy Speaker, Sir, I will insist and appeal again that our justice system looks into the possibility that Sale by Levy is held at Port Mathurin in Rodrigues, as rightly mentioned by my good friend, hon. Baloomoody. I cannot find any practical problems in doing so. Access and use of Courts must be more responsive to the needs of the public. Our Courts must move from location focused to customer focused, that is, from Port Louis to Port Mathurin. Practically, Supreme Court visiting Judges, three times a year, in April, August and November for three days, proceed to Rodrigues, thus Sale by Levy can be held during the presence of the hon. Judges or the hon. Master and Registrar can be also empowered to hold Sale by Levy as and when required in Rodrigues.

Mr Deputy Speaker, Sir, no persons in Rodrigues shall be denied of the opportunity or a chance to consider buying property by Sale by Levy before the Supreme Court in Rodrigues. This should not be based on statistics to substantiate same. It is a question of a family losing their 'house' as one case of a family losing their property by Sale by Levy is too much in our local context.

Further, another particular legal aspect that we need to ponder upon is that normally in Rodrigues most of the Sale by Levy cases are on State land, which become a problem for the Regional Assembly. I believe that Sale by Levy in the actual context fails the process of criteria to allocate State land as per State Land Act. I suggest that no leasehold right shall be sold before the Master and Registrar, but only the building; whether it is technically feasible. This is what I propose.

Mr Deputy Speaker, Sir, I, therefore, humbly pray that the Sale of Immovable Property Act, the Courts Act and the Courts of Rodrigues Act be amended appropriately for the Sale by Levy to be held in Rodrigues. Again, I pray that our justice system looks into improving the administrative practices to provide easy, greatest access and quality justice at the least cost to the people of Rodrigues in Rodrigues and in the Republic at large.

A last point, Mr Deputy Speaker, Sir, as we are talking about judicial and legal provisions, I would like to briefly seize this opportunity to also raise the problem of free legal aid, I think raised by hon. Rughoobur, particularly with regard to needy persons in Rodrigues,

that must be absolutely improved together with the questions of reviewing the legal aid fees and other facilities for the appointed Attorneys and Barristers.

We all know how judicial fees deter many citizens and application procedures are at times cumbersome. Access to justice is of particular concern, and in that regard, sometimes, I have to say, it is pitiful to see vulnerable people queuing for hours to meet appointed legal persons and most of the time could not even meet them. Hon. Baloomoody is agreeable with me. My humble request is that our justice system must ensure a meaningful access to justice.

Mr Deputy Speaker, Sir, to conclude, our Judiciary and our Courts remain the cornerstone of our society in their missions, in delivering timely, effective, fair and impartial justice. This Judicial and Legal Provision Bill is timely, and I also commend the Bill to the House.

On this note, I thank you for your kind attention.

The Deputy Speaker: Hon. Adrien Duval!

(6.13 p.m.)

Mr A. Duval (First Member for Curepipe & Midlands): Thank you, Mr Deputy Speaker, Sir. Thank you for allowing me to take part in the debates. I must say that I am happy that you are in the Chair, Mr Deputy Speaker, Sir, being yourself a lawyer, who must have much interest and many things to say on the administration of justice.

Mr Deputy Speaker, Sir, while the Bill does bring positive amendments and while we do agree that most of these amendments are relevant today, I must say, however, that for the ones which deal with the administration of justice, are unfortunately, cosmetic amendments that, although the intention of the hon. Attorney General and the Government are good intentions, they are not only too little too late, but they are cosmetic while what we need is major amendments to our judicial system.

Mr Deputy Speaker, Sir, I will limit my intervention on the points which we do have something to say about, that is, with regard to the increase of the penalty for contempt in the face of the Court as well as the increase for the penalty for the failure of witnesses for the prosecution to appear before the Court and, lastly, for the increase in the number of counts from 3 to 10 on an information lodge before the District Court.

First of all, Mr Deputy Speaker, Sir, as you know, I am myself a barrister and I would like here, as hon. Fowdar has suggested, to share my own experience and, secondly, to dwell

on the need to have a speedy and fair justice system. It is a fact, Mr Deputy Speaker, Sir, that cases take far too long to come to Court. It is a fact as well that in drug cases you have witnesses for the prosecution, who, when the time comes to depone, refuse to depone or backpedal on their testimony and give a whole different version. Is it, Mr Deputy Speaker, Sir, appropriate to try and remedy to this real problem by increasing the penalty, by having *une épée de Damoclès* on their heads in order to force them to go ahead with their testimony? Are we not here failing completely to grasp the real problem, especially in drug cases?

If you think about it, Mr Deputy Speaker, Sir, the real reasons for witnesses to change their minds, to retract or to refuse to depone is not one of the willingness or of the truthfulness of what they have to say. It is what we need to think about, the guarantee of safety that we give to those witnesses. Drug cases, especially in Mauritius, where there is a real drug problem, where there is a real *mafia de la drogue* where these people, with huge powers to influence witnesses, can we say today, in this House, that we are, in fact, giving them the guarantee of safety? Where is, Mr Deputy Speaker, Sir, the Witness Protection Programme? Where is the guarantee of safety? We expect a witness to come and make a declaration at the Police station against a person who is involved in drug trafficking or who is a drug consumer or who is a real *mafia de la drogue*, but then, do we give that witness the appropriate safety? Do we give that witness the appropriate assurance that neither he nor his family will be victims of the whims of these drug barons? I don't think so!

In a society infested with the drug mafia, it is only normal that people are scared by the time they come to Court. The hon. Attorney General has referred to the case of Cindy Legallant and Sada Curpen. Is it not normal, Mr Deputy Speaker, Sir, that people are scared? Is it not normal that we should on top of providing sanctions to those who refuse or who retract themselves from going ahead with their depositions, is it not only normal like in a modern society that we do give these people some sense of safety? People in these cases do not usually change their minds willingly, Mr Deputy Speaker, Sir. They do so under threats. They do so because they are vulnerable, and this is where the Attorney General should focus his efforts on.

The country is a small one. I have said it, and I say it again, intimidating a witness is a very real phenomenon in our judicial system. Secondly, Mr Deputy Speaker, Sir, there is again, as hon. Fowdar has said, the time taken for a case to be dealt with. Is it not true that there are constant postponements and constant delays and that make people lose faith in the justice system? If it is not the threat or intimidation that causes a witness to retract, it

certainly wouldn't be the time it takes that the person, who, in the first place made a declaration, is no longer alive or the time it takes for the issue to be no longer an important issue. Let us take, for example, a fight that happened in a household between family members. By the time a deposition is given, by the time the Police completes its enquiry, by the time the case comes to Court and by the time the case is dealt with and judgement is given, many years have passed.

Therefore, on this first point, Mr Deputy Speaker, Sir, I think it is a mistake to increase the penalties, to toughen the law with regard to the contempt in the face of the Court, with regard to the refusal to give evidence and to give false evidence under oath while we do not address the real issues as to intimidation, as to the power that is wielded by the drug barons. It is also erroneous, Mr Deputy Speaker, Sir, because it assumes that someone who makes a truthful allegation and then refuses to give evidence in Court and retracts in his accusations, then, this is a mockery of justice, but there is also the other side of the coin. There is also that person who gives false allegations, who makes a false declaration and who, by the time the case comes to Court, realises that he can no longer make a mockery of justice. What solution will he have after the enactment of this Bill? He will be forced to go ahead if he has lied. He will be forced, given the huge penalties of the Rs100,000 fine and up to two years of imprisonment. So, this is also something to take into consideration.

Mr Deputy Speaker, Sir, I think what the Attorney General should have addressed today is with regard to the criminal justice system and with regard to the issue of provisional charges. If you think about a normal case that is reported to the Police, if you think about the real culprits and the delay in justice in criminal cases, you will surely join my conclusion, that it is the Police in its enquiry itself, when someone makes a declaration, the Police, on mere allegations, arrests the accused, lodges a provisional charge, has the time, and takes all the time the Police requires to make the enquiry. If the accused is not represented by Counsel and if Counsel does not pressurise the Police when the case comes to the Bail and Remand Court or when the case is called for review at the level of a District or the Intermediate Court, then what happens, Mr Deputy Speaker, Sir?

(Interruptions)

Years go by! Years go by while provisional charges are still laid on an accused and there is absolutely no pressure on the Police to lodge a formal charge. By the time they do lodge a formal charge, if they have sufficient evidence, as you know, in many cases, it's merely

provisional charges that are laid and by the time the inquiry is completed, there are no further actions. But by the time the Police lay the formal charge, another year goes by until the issue is tried. So, this, again, is something that we need to address, Mr Deputy Speaker, Sir, the only way to address it is to bring the Police and Criminal Evidence Bill into the House. A Bill which has been ready since five years, which is awaiting to be debated since five years, a Bill which has already been dealt with by the State Law Office and a Bill which needs to come urgently. I hope that the hon. Attorney General will come, when concluding, and will give us an indication as to whether this Government will introduce the Police and Criminal Evidence Bill and, if so, when?

Mr Deputy Speaker, Sir, again, I believe we cannot proceed with the reform of the judicial sector by way of piecemeal amendments. There is a holistic approach to be taken by Government in order to address the real problems of the administration of justice.

For example, Mr Deputy Speaker, Sir, when we talk about the increase of the number of counts from 3 to 10 on information lodged before the District Court, we seem to assume that the District Court has the manpower, has the necessary infrastructure and logistic and time, and Magistrate themselves to hear those cases. But you know as well as I do, Mr Deputy Speaker, Sir, that District Courts, unfortunately, are understaffed, not properly manned, not adequately equipped, for example, despite the infrastructure networks for digital recordings, most of them do not work at the level of District Courts.

It is a fact as well that they need more support staff and facilities. The District Courts will hear small claims, road traffic offences, civil cases, criminal cases and most of the time they lack the number of Magistrates. They will also undertake signature for arrests, warrants, they will hear family matters, matters of domestic violence, protection orders, they will hear landlord and tenant cases and they will supervise people under arrest. This is the daily work of a Magistrate at the District Court today.

And road traffic offences alone, Mr Deputy Speaker, Sir, 230,000 per year, it is on the increase, only the road traffic offences. Already under the current system, there is a real problem of time and case management for most District Courts. There is a real problem of accused, plaintiffs, defendants, lawyers, counsels, attorneys and witnesses coming to Court and having to wait a whole day, sometimes after lunch for their case to be heard.

Can you think about having a doctor from a public hospital doing an important public service, having to come to Court at 9.30 and wait until 2.00 in the afternoon to depone as a

witness? Can you imagine this as being the daily reality in the Court of Justice? What we need, Mr Deputy Speaker, Sir, is to resolve this problem first and foremost. And now what are we doing? We are further burdening the District Courts by increasing this threshold of counts. Where most cases with more than three counts were sent to the Intermediate Court, we are now shifting it back to the District Court.

We are assuming not only that they can hear it, but we assume that it will be able to do it with a better time management than the Intermediate Court. And when we think of Senior Magistrates with experience, with seniority sitting at the level of the Intermediate Court and hearing those cases with multiple counts, usually complicated cases and that we are now passing it down to the Magistrates at the level of the District Courts, are we, before the enactment of this legislation, ensuring that these Magistrates at the level of District Courts will be given the proper *encadrement*, staffing, training, equipment and infrastructure before giving them even more work? I do not think so, unfortunately. And, Mr Deputy Speaker, Sir, I think, shifting, transferring these cases from the Intermediate Court back to the District Court is not the solution. I think what we should have done was to follow the recommendations, as many have said here, of the Mackay Report.

And we should, as he advised, organise our Intermediate Courts in four different parts of Mauritius, regionalise our Intermediate Courts in the wake, Mr Deputy Speaker, Sir, of the growing number of cases that are at the Intermediate Court today. In the wake, Mr Deputy Speaker, Sir, of the number of work and the lack of Senior Magistrates sitting today in the Intermediate Courts, I think, we ought to have followed the recommendations of the Mackay Report to have four regional Intermediate Courts. This would not only have ensured that cases are dealt with in a speedier manner, it would also have ensured that people coming to Court whether to depone as witnesses or as plaintiffs, as defendants or as accused, they would ensure that they get a better service by the justice system.

If you think about it, Mr Deputy Speaker, Sir, the Intermediate Court today at the New Court House, apart from the Civil and Criminal Divisions, are now serving for the purposes of the Industrial Court and of the Supreme Court, Family Division. As I said, with the number of cases today, there is a real need to think seriously about the regionalisation of our Intermediate Court. We need to be practical, Mr Deputy Speaker, Sir, and we need to deal with this problem practically.

Mr Deputy Speaker, Sir, I am sure you have followed, there have been wide debates over a number of years, especially recently on our Constitution. The Interpretation of our Constitution varies from side to side, from person to person, from lawyer to lawyer. But don't you think it is today high time for us to set up a Division of the Supreme Court to hear constitutional and administrative matters in the very similar way that we have created a Mediation Division or a Family Division of the Supreme Court, whereby specific judges are assigned to look after these branches?

The Supreme Court is heavily burdened with cases. A few want to have a judicial review today, Mr Deputy Speaker, Sir. You need to ask for the leave at the Supreme Court, by the time you get your leave, a year has passed and then once you receive your leave, you go for your application which takes another year. So, imagine you are contesting the decision of a Ministry, for example, with regard to your employment, with regard to whatever decision you want to have reviewed. By the time the case is heard, most of the time the issue is no longer a live issue, and if a judgement needs to be given, it is purely academic. If you think about the constitutional matters in the same way, by the time the Supreme Court has the opportunity to try the case, to decide on the question, it is, in most cases, no longer a live issue and, in most cases, a purely academic judgement.

So, these, I think, are things that need to be addressed now; things that can easily be addressed, and things that are important, as all these issues, Mr Deputy Speaker, Sir, whether constitutional or administrative, need to be tackled as matters of urgency. We need, in line with the regionalisation of the Intermediate Court, Mr Deputy Speaker, Sir, to review the threshold of claims, the jurisdiction of the Supreme Court from 500,000; increase it. It goes hand in hand with the regionalisation to allow for the Supreme Court to be freed up, to allow for the Supreme Court to concentrate on important cases as cases of constitutionality, important cases for damages and so on.

Mr Deputy Speaker, Sir, the very fact is that those amendments being brought today to improve the administration of justice are those that are only cosmetic. The proper administration of justice, as I have said, needs major amendments to our justice system.

Before I finish, Mr Deputy Speaker, Sir, I heard the intervention of hon. François on Rodrigues. I have myself been to Rodrigues not later than a month ago for *in forma pauperis* cases. I wanted to make an appeal to the hon. Attorney General with regard to legal aid in IFP

cases because first and foremost what we need to ensure is to give the proper service to the client; whether he is paying for our services or whether the State is paying for our services.

When you take IFP cases, first of all, there is the issue of the fees that are paid to the Barrister. For IFP cases, Mr Deputy Speaker, Sir, a counsel whose services has been retained by the Magistrate will be refunded only up to the cost of his travel, the air ticket. He will be paid a standard fee of Rs600 per case and he is expected to lodge himself in a place of his choice; to transport himself from and to Court by means of his choice with the Rs600 fees. And the gap between private practitioners and State practitioners; SLO counsels, for example, who, I am sure you know very well, when they do come to Rodrigues are given as they should. I am in no way contesting the fact that they are given facilities to do their work. They are given means of transport. They are given accommodation. There is this gap, Mr Deputy Speaker, Sir. I hope that the hon. Attorney General will look into it urgently and ensure that this gap between private legal practitioners and officers of the State Law Office is realigned, because at the end of the day, Mr Deputy Speaker, Sir, it is all about the quality of service. You cannot blame a counsel as the hon. François has said. We cannot blame a lawyer whose trip is costing him more to go to Rodrigues to appear before the Court than what he will be refunded. And when he is refunded! There is also the issue of when you are refunded. When?

I have been to Rodrigues only once, Mr Deputy Speaker, Sir, I have not claimed a refund yet, but I am told it takes months and months. In fact, hon. Raj Dayal knows that well. His son, a law practitioner as well, goes very often to Rodrigues. And there is the issue when you will be refunded. So, how can you blame a lawyer who is spending more out of his pocket to go and represent the client? How can you blame him for postponing his cases until he has so many cases that it makes sense for him to take the trip while the client whose case for divorce or for custody or for alimony takes years and years? Therefore, there is a problem. We cannot just blame law practitioners for coming to Rodrigues and taking on so many cases – 10 at a time – when, in fact, you have limited time, as hon. François has suggested, to meet your client, without considering also the reasons why. And this is something that the hon. Attorney General must deal with.

In fact, when you think about it, Mr Deputy Speaker, Sir, most cases before the Supreme Court in Rodrigues are IFP cases. So, therefore, imagine the number of people, like hon. Fowdar has said, whose justice is delayed. Therefore, we need to review this.

Mr Deputy Speaker, Sir, to conclude, again I think a lot has been said with regard to the Bill from the Opposition and from the Government. I think very valid points have been brought forward, and for those who are *des pions du système de justice*, take this debate very seriously. We have all made, I think, recommendations that are above party politics, and these are genuine recommendations.

I would like to conclude by saying that we cannot proceed with reforms on the judicial sector, which is such an important sector, by way of piecemeal amendments. I call upon the hon. Attorney General to bring major amendments, a holistic approach to review the whole administration of justice, and not only to lay the blame, for example, at the feet of those witnesses who are scared to come forward; who have been influenced; who have been threatened. Not only to lay the blame at their feet, but also to look at the reasons why cases take so long to come; to look at the way the Police enquire; to make sure that the Police enquiry in the first place is one that takes the shortest time possible, but done in the most professional manner. I think that, unfortunately, unless and until we bring those major amendments and unless and until the hon. Attorney General and the Government bring forward the Police and Criminal Evidence Bill to this House, then these amendments will go a little way only.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Attorney General!

Mr Gobin: Thank you, Mr Deputy Speaker. There is one common denominator in all the interventions that we have heard in this House for the past three weeks, and that common denominator is the tone of the interventions. The tone has been very sober and for that I have to thank all the hon. Members who have intervened, many of whom are law practitioners, they have made suggestions. I take it to be suggestions for the future.

However, Mr Deputy Speaker, Sir, my learned colleagues from the Opposition, unfortunately, in my opinion, lack substance in what they have offered as interventions in this House. Many of my hon. colleagues from the Opposition have drawn my attention to this, have called upon me to that. What I want to do is to call upon them to read the Bill!

(Interruptions)

This Bill is about what it contains! The Bill is not about what I am going to bring in the next Bill, because there will be further Miscellaneous Provisions Bill. This Bill is about increasing sentences, this Bill is about contempt in the face of the Court and not scandalising the Court.

I even heard one hon. colleague from the Opposition giving a lecture about scandalising the Court when this Bill is about contempt in the face of the Court, and it isn't a feel of a difference between the two. The case of my good friend Dwarika was cited here. That one is scandalising the Court. It is a prosecution brought by the DPP compared to the contempt in the face of the Court. I am at a loss to understand; I have been very patient as we all are on this side, but we want to bring reforms and there is a starting point. This is the starting point. Now, on this matter - I am talking about the management of cases. My learned friend Baloomoody, my good friend Rughoobur, many of my friends, on both sides, have been talking about the management of cases on this Bill. How is the Attorney General, how is Government responsible for the management of cases, be it at the District Court or the Intermediate Court? Postponements, it is for us to answer?

There is something I want to say. I have been myself a Magistrate - in fact, the vice-president of the Mauritius Magistrates Association. There are many Magistrates and former Magistrates sitting on this side, starting from the Minister Mentor himself, the Deputy Prime Minister, hon. Callichurn. I don't know if I miss anyone - I miss myself.

There is something which a Magistrate does every week: forward to the Master and Registrar a return of postponements to explain why cases have been postponed. This is done every week. I was doing it, hon. Callichurn was doing it; Magistrates still do it. Unfortunately, it is a confidential document between a Magistrate and the Master; I cannot table it. But I can say for a fact, it was the case, it is still the case, a vast majority of cases are postponed on account of motion of counsel or absence of counsel.

(Interruptions)

That is a matter for the judiciary to deal, whether the Magistrate would grant. I don't want to quote anyone, but *suivez mon regard*. They are the usual suspects all the time. When you look at the return of postponements, the same counsel is sick so often.

(Interruptions)

The Deputy Speaker: Order!

(Interruptions)

Mr Gobin: *Suivez mon regard !*

(Interruptions)

I am addressing the Chair, but I can look elsewhere.

(Interruptions)

I am flabbergasted when I hear the arguments that have been aired in this House for the past three weeks on postponements. There is a limit! This Bill is not about postponement of cases. In fact, I know; not only the Master, the Deputy Master and Senior Judges follow why cases are postponed and try to control it to the best of their abilities, because there are a variety of reasons why cases may have to be postponed. But, I again say, the vast majority is on account of motions for postponement by legal representatives, and this has to stop. I think the legal profession has to do some introspection instead of blaming everyone around for postponements - this case lasted 10 years, that case lasted 15 years. I don't want to name anyone here, but if I am provoked, I will.

This Bill is not about legal aid. The reforms to legal aid will come. Of course, it is unacceptable to continue paying Rs800 to a counsel for a legal aid case. Of course, it is not acceptable.

(Interruptions)

This takes time; this is a starting point.

So much has been said, that only fundamental changes that the administration of justice requires. So much has been said by the last intervener about the infrastructure for District Courts or Intermediate Court. When was the last time that a single rupee was voted for the construction of a Court House? Does someone here remember? Does someone here care to say that it is this Government that has voted money...

(Interruptions)

I have said it outside. Let me say it again. Ever since I was called to the Bar - it would be soon 20 years - I hear of the construction of a Supreme Court Tower. I have seen *la maquette* so many times. Today, I am Attorney General; I am sitting in that office, that *maquette* has been in that office for I don't know how many years. When I was a State Counsel, the then Attorney General showed me the *maquette* and said, look at that, ...

(Interruptions)

...c'est un bijou que nous allons faire !

(Interruptions)

This has never seen the light of day, not even a foundation stone! There was no political will or commitment to do it. We are doing it! Go and see for yourselves - those who have not seen it - at Edith Cavell, it is not only a Supreme Court Tower!

Earlier today, I was replying to a question from hon. Rughoobur, the renovation of the SIF Building to house the Court Room of Savanne and the Pamplemousses/Rivière du Rempart. These are simple solutions which nobody had seen before. The District Court of Curepipe, *c'est un scandale!* How can we accept that justice is being dispensed in such a building?

Recently, rented accommodation was found next to the old wooden building. No funding was available previously to rent that building next to the Court House in Curepipe. Government is funding the judiciary in order to pay for the rent to have better accommodation. All being rented premises, but there is a starting point. I believe many hon. Members in this House ought to do some introspection, once again, and see who are those who mean business and who are those bringing the reforms. It's not a question of too little too late. It may be little, but it will surely be followed by further amendments.

Hon. Dr. Boolell intervened earlier. I think it was last week or two weeks before. He fairly conceded he was not a lawyer and he fairly conceded that he had to interact with those who are knowledgeable in the law to understand what this Bill was all about. I went to Hansard to read what hon. Dr. Boolell had to say. He was very critical against the Bill. That is his right to be critical, qualifying this Bill as being a confetti Bill, qualifying this Bill with so many other things. While reading the speech of hon. Dr. Boolell, it reminded me of an article I had read and this is when it came to light that, indeed, hon. Dr. Boolell had been discussing with people in the profession. But you did not quote from whom; you were quoting, hon. Dr. Boolell. It is called plagiarism if you don't quote.

(Interruptions)

In fact, you probably consulted with a law officer called Mehdi Shakeel Manrakhan, a good friend of mine, a learned friend because he wrote a very interesting article in the Mauritius Criminal Law Review on the Rights of Victims, and interesting parts of this article found their way in the speech of hon. Dr. Boolell!

(Interruptions)

I believe the Mauritius Criminal Law Review is available in the Library, but for those who want to read it, I am going to table a copy. We need to give credit to the law officer who has done this. I am giving credit to him because hon. Dr. Boolell failed to.

(Interruptions)

Before ending, there are only two...

(Interruptions)

...there are only two valuable interventions of substance that I have heard from the Opposition. The first came from hon. Ganoo. I do take note of your suggestion, hon. Ganoo. There will come a time when your suggestions will come in a Bill in this House. I assure you and I assure the House and the population.

Hon. Ramful has left. He was so right when he said that the last time a Miscellaneous Provisions Bill was brought to this House was 18 years ago. The last one was in 2000. I was myself a State Counsel and I probably - I can't remember - had worked on a few clauses of that Bill. 2000 to 2018, no Bill came to the House on the Administration of Justice! Yet, they have the cheek to say: too little too late!

(Interruptions)

They have the cheek to say: confetti Bill! One single confetti you did not bring to this House! One single you did not!

(Interruptions)

Do you know what is the definition of a demagogue? He is the one who is exploiting ignorance and feelings of people as opposed to rational argument! This is what we have heard. Hon. Ramful knows very well, I think he has been following the history of the party to which he belongs. No reform at all! No substance was brought in this House. We are bringing, not only in a Bill, again, in infrastructure as well, in the courthouse as well and not only in Mauritius but in Rodrigues as well.

(Interruptions)

On the time limit for payment of a fine, much has been said that maybe small fines do not deserve two years for payment. Once again, I wish to draw the attention of the Opposition to the provisions of the Bill. Read the Bill before making comments! And there is something which is very interesting which the Clerk does and I have to thank the Clerk and the staff for

that. They circulate the existing legal provisions to be amended. It facilitates the work of Parliamentarians. But, unfortunately, I think many do not read it.

The actual law says that the maximum period is one year. We are increasing the maximum period to two years. We did not say for each and every fine imposed the delay will be two years! So, who determines whether it is going to be two years, eighteen months, one year or six months or even eight days, as mentioned by hon. Dr. Boolell? It is the Magistrate who does that. The discretion for sentencing and for payment of a fine rests and will always rest with the Court, not with us! We just provide for the maximum delay.

So, if the case of the poor lady mentioned by the hon. Member who was given eight days to pay a fine, the poor lady may apply to the District Court or whichever Court imposed the fine. When the Magistrate will say: yes, granted delay or not. There is a number of reasons behind a decision on whether to grant the delay or not, to see whether the person has regularly been paying at least a little or not, or he has disappeared and come back after six months. These are issues to be taken by the Court and not by us.

Hon. Ramful mentioned about the defence of a reasonable excuse such as the privilege against self-incrimination in clause 3(2). Once again, I think he failed to read the actual legislation. This is an exact replica of the actual provision of the DIC, the District and Intermediate Courts, which exists in our statute books since the colonial days and has been interpreted as such and this one as well will be interpreted as such. The defence of self-incrimination, of course, will constitute a defence for the person who raises it and the Court then will decide whether it is applicable or not. We cannot be over prescriptive when it comes to administration of justice. That they failed to understand!

(Interruptions)

Questions were raised about whether outrage against a witness is punished or not, has been missed out in the Bill. I think the hon. Member who said that must not have read the Criminal Code lately. The offence already exists, outrage against a witness. I think I should stop here because...

(Interruptions)

Suffice it to say, Mr Deputy Speaker, Sir, that it is this Government which is bringing reforms. It is this Government which has given the Commission of Inquiry on Drugs. It is this Government that is increasing the fines of those who do not wish to give evidence out of caprice and making a mockery of justice. It is this Government that is building a new

courthouse, that is giving another brand new renovated building in Pamplémousses and Savanne.

(Interruptions)

Yes, I forgot the bad one! There was no consultation on this!

This Bill is No. I of 2018; it was brought to the House on 27 March. This Bill was the only agenda of the Bar Council. This Bill was circulated by the Law Society. From 27 March to today, 24 April, I have received not a single representation which means this is going down very well and, in fact, I have received thank you notes for this Bill from the profession! I do not want to embarrass anybody outside by mentioning names, by mentioning the departments in which they work, and precisely using the word ‘departments’. This is the first Miscellaneous Provisions Bill. I will reassure Members of the House and the public, as I speak today, there are at least two more coming. Let those who do not read the Bill continue criticising without any substance. It will not deter us from bringing serious reforms. We will live up to our word. We will bring a fairer and more accessible justice to the citizens. And as I have said in my second reading speech, we owe it to our citizens. It is our duty to do so, and we will live up to our duty.

I thank you, Mr Deputy Speaker, Sir, and with these words, I commend the Bill to the House.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(The Deputy Speaker in the Chair)

THE JUDICIAL AND LEGAL PROVISIONS BILL

(No. I OF 2018)

Clauses 1 to 4 ordered to stand part of the Bill.

Clause 5 (Criminal Code amended)

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

Mr Gobin: Mr Chairperson, I move for the following amendments in clause 5 –

“In clause 5(a), in the proposed section 206 of the Criminal Code –

- (i) in subsection (1)(a) –
 - (A) in subparagraph (i), by deleting the words “in any public place, public meeting or procession” and replacing them by the words “through the internet or in any public place, meeting or procession”;
 - (B) in subparagraph (ii), by deleting the words “in a public place, public meeting or procession” and replacing them by the words “through the internet or in any public place, meeting or procession”;
- (ii) in subsection (3), by inserting, in the appropriate alphabetical order, the following new definition –

“internet” means a publicly accessible system of global interconnected computer networks which uses the Internet Protocol as its communication protocol to provide a variety of information and communication facilities;

In clause 5(b), in the proposed section 282 of the Criminal Code –

- (i) in subsection (1) –
 - (A) in paragraph (a), by inserting, after the words “transmits”, the words “through the internet or in any public place, meeting or procession”;
 - (B) in paragraph (b), by deleting the words “in any public place, public meeting or procession” and replacing them by the words “through the internet or in any public place, meeting or procession”;
- (ii) in subsection (3), by inserting, in the appropriate alphabetical order, the following new definition –

“internet” means a publicly accessible system of global interconnected computer networks which uses the Internet Protocol as its communication protocol to provide a variety of information and communication facilities;”

Mr Ganoo: Mr Chairperson, can I just intervene on clause 5 of the Bill. I am not too sure I heard what the hon. Attorney General said regarding a point which I made when I intervened in my speech last week about the question of sexual orientation. I am not going to propose a formal amendment, but did I understand the hon. Attorney General to have said that he will look into the matter and on occasion arising in the future, this possibility might be considered?

Mr Gobin: Thank you, hon. Ganoo, for giving me this opportunity. Government is very sensitive to this question, but it is not appropriate to bring the amendment in this Bill. We are contemplating legislative changes, which will be brought in further legislation.

Amendments agreed to.

Clause 5, as amended, ordered to stand part of the Bill.

Clause 6 (Criminal Procedure Act amended)

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

Mr Gobin: Mr Chairperson, I move for the following amendments in clause 6 –

“in clause 6(d), in the proposed new section 135A of the Criminal Procedure Act –

- (i) in subsection (1), by deleting the words “an accused” and replacing them by the words “a convicted person”;
- (ii) by deleting subsections (2) and (4), subsection (3) being renumbered as subsection (2);”

Amendments agreed to.

Clause 6, as amended, ordered to stand part of the Bill.

Clauses 7 to 9 ordered to stand part of the Bill.

Clause 10 (Sale of Immovable Property Act amended)

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

Mr Gobin: Mr Chairperson, I move for the following amendment in clause 10 –

“in clause 10(b), in section 222 of the Sale of Immovable Property Act, in the proposed subsection (2), by deleting the words “one of the 3 daily newspapers shall be a” and replacing them by the words “the notice shall, in addition, be published in French or in English in at least one”.

Amendment agreed to.

Clause 10, as amended, ordered to stand part of the Bill.

Clause 11 ordered to stand part of the Bill.

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

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

Third Reading

On motion made and seconded, the Judicial and Legal Provisions Bill (No. 1 of 2018) was read the third time and passed.

ADJOURNMENT

The Ag. Prime Minister: Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 08 May 2018 at 11.30 a.m.

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo) rose and seconded.

Question put and agreed to.

The Deputy Speaker: The House stands adjourned.

Hon. Members, we have very limited time and we have almost 19 hon. Members who are going to intervene.

Hon. Baloomoody!

(7.12 p.m.)

MATTERS RAISED

CORRECTIONAL YOUTH CENTRE – INMATES - TREATMENT

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, I will raise an important issue regarding the inhumane situation minors are being treated at the CYC. In view of the seriousness of the matter, I have given advanced notice to the hon. Ag. Prime Minister because I think it is very serious.

Mr Deputy Speaker, Sir, we are talking today about the administration of justice and next time we meet we shall look at the Reform Institutions. We just had the episode of Gaiqui in Curepipe CID, where he was stripped, attached to a chair. For the last two weeks, I have received information that there are two inmates at the CYC, namely one S.P. and one J.G. I have given their full names to hon. Ag. Prime Minister. One has been sentenced for larceny of a mobile phone, and the other one is serving sentence for larceny of birds worth Rs40,000.

These two detainees, Mr Deputy Speaker, Sir, have been forced for weeks - I have double checked. I have taken time to come with this because I wanted to confirm - to sleep in an isolated room without any clothes on. They are not provided with any clothes, and if you look at the picture - which I am not going to lay on the Table because it concerns a minor, but I have communicated the picture to the hon. Ag. Prime Minister - even in the cell, there are no clothes; even on the floor. They are made to sleep only on a bed with no cloth, no cover. And this has happened for weeks. Even when it was cold recently, they had to sleep naked. This was the instruction given to the junior officer that these people should not be provided with any clothes whatsoever during night. I will communicate that picture to the hon. Ag. Prime Minister, but I am not going to lay it on the Table for obvious reasons.

I am making an appeal to the hon. Ag. Prime Minister to look into the matter urgently, now itself, so that, at least, tonight, these two minors get something to cover themselves. And don't come with the excuse that they want to commit suicide! I have heard that when I investigated the matter for the last two weeks. If suicidal people are to be treated like that, then they better commit suicide than to live like this! This is not the way to treat people who are mentally depressive or mentally sick, there are institutions to deal with that and they have to be dealt in a humane manner.

I am appealing to the hon. Ag. Prime Minister to look into the matter tonight itself, and to probably contact, not the Chairperson of the Human Rights Commission - forget about him - but the Chairperson of the National Prevention Mechanism, Mr Hervé Lassémillante, tell him to pay a visit there; also to contact the Ombudsperson for Children, Mrs Venkatasamy, so that those minors are treated - even if they have committed a criminal act - in humane and respectable condition.

Thank you, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Ag. Prime Minister!

The Ag. Prime Minister: Thank you, Mr Deputy Speaker, Sir. I have to thank the hon. Member for having drawn my attention to this on prior notice. Following his notification of the matter to me, I have phoned the Commissioner of Prisons to enquire into it - at least, to obtain his version. He told me that Mr P. was admitted to BSH and has come back.

He was seen by a psychologist after he attempted suicide. The Commissioner of Prisons assures me that he is not being deprived of his clothes, but nevertheless, the fact that the allegation is made, surely that demands an enquiry. We will see how we manage to enquire into it.

As for the case of Mr J. G ., the Commissioner of Prisons appeared to be surprised because, according to him, there has been no issue concerning this gentleman who was well-behaved in prison and there would be no reason for him to make any complaint. But, nevertheless, since this has been raised here, it must be the subject of an enquiry.

Thank you.

The Deputy Speaker: Hon. Ameer Meea!

MARCELIN SAVRIMOOTOO ROAD, PORT LOUIS – TRAFFIC JAM

Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East): Thank you, Mr Deputy Speaker, Sir. The issue that I am raising tonight is addressed to the hon. Minister of Public infrastructure. It is in relation to the Marcelin Savrimootoo Road, ex-Large Road, which is found in Constituency No. 3, Port Louis.

Currently, this road is a two-way traffic. The Shan-E-Rasool Mosque is found along this road and, very often, after prayer time, the road is jammed. With the coming of the holy month of Ramadan, there will be more traffic along this road. So, I humbly ask the hon. Minister of Public infrastructure to instruct the officers of the RDA to look into the matter so as to remedy the situation.

Thank you.

The Deputy Speaker: Hon. Minister of Public Infrastructure and Land Transport!

The Minister of Public Infrastructure and Land Transport (Mr N. Bodha): Mr Deputy Speaker, Sir, I will do the needful.

The Deputy Speaker: Hon. Quirin!

(1) **BARKLY – DRAINS - CONSTRUCTION**

(2) **MORCELLEMENT LA CONFIANCE, BEAU BASSIN – ROAD HUMPS**

Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière): Merci, M. le président. J'ai ce soir deux petites requêtes qui sont toutes deux urgentes et qui sont adressées à l'honorable ministre des Infrastructures Publiques. La première concerne les travaux d'aménagement d'un drain qui passe devant l'entrée de la chapelle de Barkly et du *Centre of Learning* à Beau Bassin. Les travaux sont en cours et cela depuis plusieurs semaines déjà. Malgré que c'est une bonne chose de construire un drain à cet endroit, en même temps cela cause beaucoup d'inconvénients aux personnes allant à la messe le dimanche aussi bien qu'à ceux qui fréquentent le *Centre of Learning* en semaine. L'entrée est, donc, obstruée par les travaux qui sont en cours et cela ne permet pas aux voitures d'avoir accès à l'intérieur de la cour, principalement ceux qui viennent déposer les vieilles personnes pour assister à la messe.

Donc, nous avons constaté qu'il n'y a aucune volonté de la part du contracteur de résoudre ce problème malgré plusieurs requêtes.

(Interruptions)

Je n'ai jamais dit qu'il fallait arrêter de construire des drains ! Je partage ce que les gens ressentent à Barkly.

Les commentaires du Premier ministre suppléant sont tout à fait inappropriés, M. le président.

Donc, comme je vous ai dit, c'est une bonne chose de construire ce drain, mais il y a aussi des inconvénients. Je compte sur l'honorable ministre des Infrastructures Publiques pour faire avancer les choses dans la bonne direction.

M. le président, j'irai très vite. Ma seconde requête concerne le Morcellement La Confiance à Beau Bassin, en particulier la rue Albatros. Depuis 2010, j'ai moi-même, ici, dans cette Chambre, régulièrement attiré l'attention de tout un chacun sur ce problème. De nombreux automobilistes empruntent cette rue le matin et l'après-midi, et en particulier comme un raccourci afin d'éviter en partie l'embouteillage dans le centre-ville de Beau Bassin allant vers Port Louis et aussi en sens inverse vers Rose Hill.

Les véhicules, M. le président, roulent à vive allure et cela représente un danger permanent pour les résidents du quartier, plus particulièrement pour les enfants et les personnes âgées.

Je vous serai, donc, M. le ministre, reconnaissant de faire installer quelques ralentisseurs dans cette rue de façon à rassurer les familles qui y résident.

Je vous remercie, M. le président.

The Deputy Speaker: Hon. Minister of Public Infrastructure and Land Transport!

The Minister of Public Infrastructure and Land Transport (Mr N. Bodha): M. le président, je vais, bien sûr, parler avec le contracteur concernant l'aménagement des drains.

Concernant les ralentisseurs, je crois que mon prédécesseur avait déjà pris la décision ici de ne plus en aménager, mais il faut trouver d'autres moyens. J'en ai parlé avec l'honorable membre il n'y a pas longtemps. Au fait, on a essayé un type de ralentisseurs dans la région de Vacoas et je suis en train de voir si effectivement dans certains endroits, par exemple, là où il y a les institutions publiques ou encore des écoles, on pourrait faire le nécessaire.

Merci.

The Deputy Speaker: Hon. Baboo!

JOHN KENNEDY STREET - TAKAMATA BRIDGE - PAVEMENTS

Mr S. Baboo (Second Member for Vacoas & Floreal): Thank you, Mr Deputy Speaker, Sir. My request is addressed to the hon. Minister of Public Infrastructure. I would make a request to the hon. Minister to consider solving at the earliest the following two issues in our Constituency.

Firstly, as the hon. Minister is aware, CWA water pipes have been placed over the pavement at the Takamata bridge near the junction of Berthaud and John Kennedy Streets. However, the pavement on that bridge has been covered all along with a thick level of concrete. It has reached a height of around two and a half feet and this is causing a lot of problems to the pedestrians, especially the elderly and the disabled ones.

I am making a request to the hon. Minister, if the RDA could coordinate with the CWA so as to lay these pipes in a more professional way in order to avoid such issues.

Secondly, from the same bridge to Cantin Government School, on the road of John Kennedy, there are pavement slabs which are broken. Some have uneven height. I am making a request to the Minister, if he can look into that.

Thank you.

The Minister of Public Infrastructure and Land Transport (Mr N. Bodha): I thank my hon. colleague for bringing this to my attention. In fact, we are aware of the issue concerning this bridge and the pavements as well. I will certainly do the needful.

Thank you.

The Deputy Speaker: Hon. Lepoigneur!

MARIANNE, MR HENRY ROSARIO – ATHLETE – GUIDE & GRANT

Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière): Merci, M. le président. Ma requête s'adresse au ministre de la Jeunesse et des Sports et c'est quelque chose de très urgente. J'espère que le ministre suppléant va prendre en compte ma doléance et faire passer le message assez rapidement.

Je voudrais parler des problèmes que rencontre un athlète autrement capable en la personne de M. Henry Rosario Marianne. Il a fait une demande de changement de guide du fait que celui-ci avait volé son argent quand il était en Chine en mai 2017 et aussi le manque de professionnalisme de ce guide qui fait la fête jusqu'à fort tard et qui se réveille tard. Ce qui fait que parfois il rate ses entraînements par rapport aux manquements de disciplines de ce même guide.

Suite à sa demande, le 06 septembre 2017, le président de la fédération lui répond, avec l'en-tête de *Lizie dan la main* de l'Union des Aveugles de l'île Maurice, qu'ils n'ont pas une réponse officielle de la fédération, pour l'informer qu'il va devoir garder le même guide en vue des Jeux des Iles 2019, sans même que le guide en question soit convoqué concernant les allégations contre lui.

Rosario Marianne est le seul athlète autrement capable qui représente le pays au 100 m et 200 m, classé au niveau mondial en 2017, médaillé d'or aux derniers Jeux des îles au 100 m. Il est le meilleur dans ces deux disciplines à Maurice. Il y a aussi sa demande concernant son allocation de *high level* où il a aussi rencontré le ministre, l'honorable Toussaint, le 27 février 2018. Il lui a parlé de tous ses problèmes et il a aussi fait différents échanges de courriers, que je vais déposer les copies et qui sont restés sans réponse.

Il y a aussi une licence qui lui a été refusée par la fédération parce qu'il n'a pas de club. Là encore c'est une injustice, vu que le *Sports Act* stipule qu'il a droit à une licence pour un sport individuel, je cite –

“(v) *issue a licence to (...)*

(B) a Mauritian athlete, not being a member of a sports club responsible for an individual sport.”

Donc, ce qui fait qu'il a droit à une licence. Et sans licence, il ne peut pas être classé au niveau mondial en 2018.

Rosario est un athlète malgré son handicap continuant à s'entraîner avec l'aide de son entraîneur pour but de représenter son pays aux Jeux des îles 2019 par amour pour le sport. Je pense qu'il mérite un meilleur traitement. Je demande au ministre s'il peut faire le nécessaire pour traiter ce cas en urgence.

Je vous remercie, M. le président.

The Deputy Speaker: Hon. Boissézon!

The Minister of Civil Service and Administrative Reforms (Mr E. Boissézon) : M. le président, permettez-moi de répondre. Je prends note de la doléance et je la transmettrai au ministre de la Jeunesse et des Sports dès son arrivée.

Merci.

The Deputy Speaker: Hon. Adrien Duval!

MORCELLEMENT PIAT, CUREPIPE – RIVER - FLOODING

Mr A. Duval (First Member for Curepipe & Midlands): Thank you, Mr Deputy Speaker, Sir. My address is to the hon. Ag. Prime Minister.

There is an urgent need for l'agrandissement d'une rivière à Morcellement Piat, la rivière qui, avec les pluies, crée énormément de problème d'inondation pour les habitants.

Il y a des demandes qui ont été faites au niveau de la NDU, au niveau du ministère de l'Agro-Industrie, le service forestier et au niveau de la municipalité, et aujourd'hui, ils sont encore en attente ; si le Premier ministre par intérim pouvait essayer de relever ce dossier et de remettre cela en note de priorité pour la ville de Curepipe.

The Deputy Speaker: Hon. Ag. Prime Minister!

The Ag. Prime Minister: I am sure that the PPS of that Constituency will have taken note and I am sure that he has already done the needful if letters have been sent.

Thank you.

The Deputy Speaker: Hon. Henry!

VILLE NOIRE – DISTRICT COUNCIL – SUB-HALL

Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien): Merci, M. le président. Ma requête va à la Vice-Premier ministre et ministre des collectivités locales.

Il s'agit du *sub-hall* de Ville Noire, qui est un vieux *sub-hall* qui est vraiment très petit où les associations de troisième âge, les jeunes et même les conseillers de la Ville Noire n'arrivent pas à s'en servir comme il le faut. Je sais que le *District Council* a déjà vu un terrain pas loin de la quincaillerie Vassen à Ville Noire, mais simplement il faut avoir un budget. Je demande à la ministre si elle peut faire le nécessaire dans le prochain budget pour pouvoir permettre à faire un nouveau centre pour eux.

Merci.

The Deputy Speaker: Hon. Vice-Prime Minister!

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): I will look into it.

The Deputy Speaker: Hon. Mrs Perraud!

CITÉ LA CURE - PAUL ET VIRGINIE MOUNTAIN - SQUATTERS

Mrs A. Perraud (First Member for Port Louis North & Montagne Longue): Merci. Ce soir, je vais parler d'une situation que tout le monde connaît, la situation de précarité, de grandes misères et de dangers. De plus de 400 personnes qui sont les *squatters* sur la montagne de Paul et Virginie à la Cité la Cure.

Je ne vais pas adresser ma question au ministre des Terres et du Logement parce qu'à chaque fois quand je soulève cette question, la réponse que j'ai, c'est que ces gens, ces *squatters* sont sur un terrain privé, ce n'est pas un terrain de l'État, donc on ne peut rien faire pour eux. Et, moi, en tant que député de la circonscription, je ne suis pas satisfaite de cette réponse parce que vraiment ces gens-là ont besoin d'aide.

Alors, ma question est adressée ce soir au ministre de l'Intégration Sociale, Malheureusement, le ministre de l'Intégration Sociale n'est pas présent dans la Chambre ce

soir mais j'espère qu'on va lui transmettre le message. Pourquoi le ministre de l'Intégration Sociale parce que je sais que le ministère de l'Intégration Sociale est bel et bien au courant de ce problème, parce que moi-même, en tant que député, j'avais emmené l'ancien ministre de l'Intégration Sociale, l'honorable Roopun voir, visiter ces personnes sur la montagne.

J'aimerais demander quel est le plan de ce ministère, du ministre pour ces *squatters*. Je ne parle pas de l'aide ponctuelle, sac d'école, le matériel scolaire mais quel est le plan pour retirer ces personnes de la misère, de la souffrance là où elles sont. Pourquoi j'en parle aujourd'hui ? Parce qu'on vient d'avoir les cyclones. Depuis le début de l'année, il y a eu beaucoup d'averses, de grosses pluies, d'inondations, des cyclones et ces gens-là ont, de façon répétée, vécu vraiment des situations difficiles et ils vivent dans vraiment une grande, une totale indifférence, une indifférence qui est cruelle.

Donc, j'espère, je ne sais pas qui c'est qui va transmettre le message. Donc, ma question est : il faut vraiment avoir un plan d'urgence pour retirer ces personnes de là où elles sont.

Merci beaucoup.

The Deputy Speaker: Hon. Ag. Prime Minister!

The Ag. Prime Minister: I will, first of all, note and remark that if I understand correctly from the hon. Member, we are talking of a number of persons who have entered on a portion of land belonging to another person and not to the State, where they have set up precarious shelters.

I take the point of the hon. Member that their precarity is such that they must be attended to. Of course, as you know, Mr Deputy Speaker, Sir, at adjournment time, this is the time where we can come up not only with the exposé of a problem but also to suggest and make constructive suggestions for whatever issue which is arising.

The hon. Member, unfortunately, falls short of coming up with a constructive plan because she has used the word plan and we would welcome certainly a suggestion and I will invite her to issue a correspondence to the relevant Minister to see what is the issue which she wants to solve and how, according to her, it could be solved. Thank you.

The Deputy Speaker: Hon. Ms Sewocksingh!

TRIANON - SHOPRITE SUPERMARKET - FIRE OUTBREAK

Ms M. Sewocksingh (Third Member for Curepipe & Midlands): Thank you, Mr Deputy Speaker, Sir. Tonight, the matter is addressed to the Rt. hon. Minister Mentor.

We all remember on November 12, 2017, a fire broke out in the Shoprite Supermarket situated in Trianon. Unfortunately, an employee of Shoprite, namely Dinesh Domah, 24 years old, was declared missing and his dead body was finally found after 5 days of search.

To date, Mr Deputy Speaker, Sir, it appears that at no stage were the representatives of his employers, that is, Shoprite, been reportedly called upon by relevant authorities, that is, the Police inquiry, with a view to gather information and establishing any responsibility pertaining the tragic loss of a human life. The family remains in mourning and is in a state of ruthlessness.

I urge the Rt. hon. Minister Mentor or any Minister concerned there to take this matter urgent and give clear evidence to the family especially.

The Deputy Speaker: Hon. Vice-Prime Minister!

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): I will inform the hon. Minister of the issue raised by the hon. Member, but what I can say, in my reply to a PNQ, I did say that there were 3 enquiries on-going, one by the Police, one by the Mauritius Fire and Rescue Service and one by the Ministry of Labour. So, I will find out where matters stand and then communicate to the hon. Member.

The Deputy Speaker: Hon. Armance!

(1) POINTE AUX SABLES - BUS TERMINAL

(2) CASSIS – PEDESTRIAN CROSSING

Mr P. Armance (First Member for GRNW & Port Louis West): Thank you, Mr Deputy Speaker, Sir. I have two issues addressed to the hon. Minister of Public Infrastructure and Land Transport.

The first one concerns the bus terminal station at Pointe aux Sables. Let me, first, thank him because he promised he will do the job and now the site has been identified, but the inhabitants fear that this bus terminal is going to be very close to the residential area of Pointe aux Sables. They have made a petition asking for a meeting because they do not want this project to be done in opacity.

They want to have more information about the project, where the project is going to be, what is going to happen with the setback between the bus terminal and the residential area. So, I will ask him if he can provide some information. I am going to give him the petition.

The second issue also goes to him. It is about pedestrian crossing in the region of Cassis. It is next to a primary school. The inhabitants have been asking for that pedestrian crossing since a very long time. They have addressed several letters to hon. Minister Wong Yen Cheong and applied to CSU at the CAB offices, but unfortunately, he is not here. So, if he can have a look at that because this is a very dangerous area. There are a lot of vehicles going through, and I will ask him if he can look into the matter to put a cross-here for the children. I am going to give him both documents.

The Minister of Public Infrastructure and Land Transport (Mr N. Bodha): I would like to thank the hon. Member for these two issues. As regards the pedestrian crossing, I do not think it is going to be very complicated. But as regards the bus terminal, this project has been on for a number of years. It took us a lot of time to find the money. In fact, it is a project which goes beyond Rs50 m. I heard that there were some criticisms on the radio. I think there was a lady who said that the bus terminal is too close to her property. We have already designed it, but I will look into the matter - because of this complaint. I was supposed to go and launched the works Friday last. Then, we will see...

(Interruptions)

Of course, he is invited! Thank you.

The Deputy Speaker: Hon. Osman Mahomed!

PORT LOUIS - POLICE METAL BARRIERS

Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central): Thank you, Mr Deputy Speaker, Sir. I have two issues which I am going to raise very fast. The first one concerns the Rt. hon. Minister Mentor about Police metal barriers that have been placed and are still being placed on certain nights - not every night - from 10.00 p.m. to 4.00 a.m. in the morning at the entrance of certain roads of my constituency, namely Pope Hennessy, Lislet Geoffroy, Sir Virgil Naz, Maillard and Intendance Streets. I understand that these barriers are being placed there because of some attacks that occurred on the Supreme Court some six months ago. These barriers are unattended, non-lighted, with no

warnings, and represent a serious inconvenience to the public, especially those who have wedding ceremonies.

I am going to request the Rt. hon. Minister Mentor to kindly revisit this decision, and since the hon. Ag. Prime Minister mentioned suggestions just now, I have one with me. It is from Mr Rama Valayden. He had written to the Commissioner of Police on 13 February 2018 with full suggestions in there, including the legality *de la démarche*, which I am going to table right away.

**PROFESSOR HASSAN RAFFA SSS - MASTER B. M. H. K – MEDICAL
CERTIFICATE**

The second issue, Mr Deputy Speaker, Sir, concerns the hon. Minister of Education and Human Resources, Tertiary Education and Scientific Research and it pertains to a young student from my constituency, Master B. M. H. K. of Form I at Professor Hassan Raffa SSS in Terre Rouge, and who suffers from recurrent nose bleeding which, according to his doctors, seems to be more frequent when this young boy travels long distances like from Terre Rouge to Sir Vigil Naz Street, Port Louis, where he resides.

The mother had written to me some time ago and I had forwarded my reply to the mother to the Senior Chief Executive of the Ministry of Education and Human Resources, Tertiary Education and Scientific Research, but so far no reply has been forthcoming from the office of the Senior Chief Executive.

I am going to table the email exchanges with the certificate from the doctor and memos from the school certifying that parent has had to come over to collect the child because of recurrent nose bleeding. So, can I request the hon. Minister of Education and Human Resources, Tertiary Education and Scientific Research to kindly look into this matter please? Thank you.

The Deputy Speaker: Hon. Ag. Prime Minister!

The Ag. Prime Minister: The matter of the barriers has been raised on two occasions. First of all, it was raised to the Prime Minister's Office by hon. Mrs Jadoo-Jaunbocus, then the PPS. It was also raised during the Task Force Committee on preparations for Ramadan when ...

(Interruptions)

Wait, please!

These matters have been raised on these two occasions. There are certain reasons, however, which have been raised in favour of these reasons. They are being looked into, and we need to balance the need for security, the need for security of people using the roads, but also for general security, and a decision will be taken very soon, I hope.

The Deputy Speaker: Hon. Minister of Education and Human Resources, Tertiary Education and Scientific Research!

The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. D. Dookun-Luchoomun): Mr Deputy Speaker, Sir, I have taken note of the request made by hon. Osman Mahomed. I must say that the Ministry has got its own procedures, and I will just check whether the problem raised by his doctor may be considered at the level of the Ministry. In any case, we have got the Directorate for Health and Wellness at the Ministry, and we will ask the Head to have a look at the case and to then see whether we can accede to the request or not.

The Deputy Speaker: Hon. Dr. Boolell!

CANDOS STADIUM- DRUG CONSUMPTION & TRAFFICKING

Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes): Thank you very much, Mr Deputy Speaker, Sir. I wish to draw the attention of the Ag. Prime Minister to an increase in the number of criminal activities taking place in the vicinity of Candos Stadium. Some people have even broken into the stadium, allegedly involved in drug consumption and in trafficking. Can I impress upon the Ag. Prime Minister to convert - I think that it is high time - the stadium into an omnisports centre and a centre for youth, more so in respect of artistic life? I think it is an opportunity which is knocking. Otherwise, this place is going to become a den for drug trafficking. Thank you.

The Ag. Prime Minister: I have, of course, no interest into converting a stadium into other matters, but this would be a matter to be considered by the hon. Prime Minister and Minister of Finance at the time that he considers all his budget configuration. I am sure the hon. Minister of Youth and Sports will have something to say about it.

The Deputy Speaker: Hon. Dayal!

BOIS D'OISEAUX COMMUNITY CENTRE - REFUGEE CENTRE

Mr R. Dayal (First Member for Flacq & Bon Accueil): Thank you, Mr Deputy Speaker, Sir. I am reiterating a request of Joe Mardi, President of the Marie-Mère-de-l'Eglise

of Bois d'Oiseaux, where he is requesting for the inclusion in the list of refugee centres the Bois d'Oiseaux Community Centre. My request is addressed to hon. Mrs Roubina Jadoo-Jaunbocus, Minister of Gender Equality, Child Development and Family Welfare.

I am submitting a petition as applicable.

The Deputy Speaker: Hon. Minister of Gender Equality, Child Development and Family Welfare.

The Minister of Gender Equality, Child Development and Family Welfare (Mrs R. Jadoo-Jaunbocus): Thank you, hon. Dayal. Mr Deputy Speaker, Sir, I will look into the matter. In fact, the centre falls under my Ministry. It will be a decision of the Social Security. I have already spoken to the representative at the Social Security, and they will consider it. But it has to go through the proper channel, that is, through the National Disaster Risk Reduction and Management Centre. So, we will do the needful.

The Deputy Speaker: Hon. Rutnah!

TEMPLE ROAD, PETITE JULIE & LOTUS AVENUE, L'AMITIE – FLOODING

Mr S. Rutnah (Third Member for Piton & Rivière du Rempart): Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, my concern in relation to Constituency No. 7 is addressed jointly to the Ag. Prime Minister who is in charge of NDU, the Vice-Prime Minister, Minister of Local Government and Outer Islands and the hon. Minister of Public Infrastructure and Land Transport in relation to two flood prone areas.

Firstly, Temple Road, Petite Julie. That road is so flood prone at the moment. As soon as we get a little bit of rain, it gets so much flooded that the inhabitants there can hardly survive. At the moment, I have, in my possession, a number of pictures. In one of them, you will see an old frail lady had to be taken up a roof. If she would not have been taken up the roof, possibly she would have relaxed for eternity. These are the pictures that I place before the House today so that those concerned can see and take remedial action as soon as possible.

Secondly, there is another area called l'Amitié, specifically Lotus Avenue, l'Amitié. After the recent rainfall, that Avenue is completely impractical. It is so much in a ruined state that even school children cannot walk on that street. So, may I suggest that Engineers from all the Ministries concerned be despatched as soon as possible, including those who manage the Land Drainage Authority, to go and ascertain the problem with the topography of those areas and to bring remedial action as soon as possible. The pictures are here.

The Deputy Speaker: Hon. Vice-Prime Minister!

The Vice-Prime Minister, Minister of Local Government and Outer Islands (Mrs F. Jeewa-Daureeawoo): Yes, I have taken note of the issues raised by the hon. Member. So, we will look into the matter and see in what way we can bring remedial actions.

The Deputy Speaker: Time is over!

At 7.44 p.m., the Assembly was, on its rising, adjourned to Tuesday 08 May 2018 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

METRO EXPRESS PROJECT - MAURITIAN & FOREIGN NATIONALS - EMPLOYMENT

(No. B/275) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Metro Express Project, he will, for the benefit of the House, obtain from the Metro Express Limited, information as to –

- (a) the number of persons employed during the construction phase thereof, indicating the number of –
 - (i) Mauritian nationals, and
 - (ii) foreign nationals, indicating their respective capacity, and
- (b) if additional jobs will be offered to Mauritian nationals.

Reply: I am informed that around 380 persons are working on the construction of the Metro Express project.

As regards part (a) (i) and (ii) of the question, 192 are Mauritian nationals and 188 are foreign nationals. 113 of these foreign nationals are highly skilled engineers and the other 75 foreign nationals are mostly either professionals and managerial level cadres or skilled workers with experience in works related to Metro tract laying.

As regards part (b) of the question, I am informed that additional jobs will be available as implementation gathers momentum and the works progress. In the next stage of implementation, with the start of the heavy works, the Design and Build contractor, Larsen & Toubro Ltd will have recourse to more local companies which will employ more local labour. Around 2,500 persons are expected to be employed, either directly or indirectly, at the height of implementation of the project.

I am also informed that a form has been designed by the Ministry of Labour and Industrial Relations and has been made available to the *Forces Vives* at Barkly and at Pointe aux Sables to encourage local inhabitants to register for eventual job opportunities that might arise. In the same vein, the Ministry of Labour and Industrial Relations will be organising two jobs fairs in these regions to inform local inhabitants of job prospects.

METRO EXPRESS LIMITED – COMMUNICATION CELL

(No. B/276) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Metro Express Project, he will, for the benefit of the House, obtain from the Metro Express Limited, information as to if any person has been assigned the responsibility of public relation affairs thereof and, if so, indicate the terms and conditions of employment thereof.

Reply: I am informed that the Metro Express Limited has put in place a mechanism to coordinate all matters related to communication insofar as the project is concerned. During the meeting of the Steering Committee on the Metro Express held on 10 May 2017 under the Chairmanship of the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development, a Communication Cell was set up under the Chairmanship of one of the Directors of MEL.

The Communication Cell has been meeting on a regular basis since its creation. The Communication Cell ensures coordination among all stakeholders especially between the contractor, the Ministry of Public Infrastructure and Land Transport, Mauritius Police Service and the Departments responsible for utilities so that information, communiqué and flyers are disseminated to the public on time. The Cell validates all information that has to be released to the public. It also ensures that the contractor is fulfilling its obligations regarding communication in accordance with the provisions in the contract.

The Communication Cell constantly liaises with the Press for the timely communication of information. The Cell has also been working with Larsen & Toubro in developing the website for Metro Express which will be launched on Friday 27 April 2018.

No remuneration is being paid to any members of the Cell.

Meanwhile, the process for the recruitment of a Communication and Public Relations Officer has been initiated.

CALODYNE - MEDICAL WASTE – DUMPING

(No. B/277) Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the reported case of medical waste dumped at Calodyne, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if the inquiry carried out thereinto has been completed, and, if so, indicate the outcome thereof.

Reply: I am informed by the Commissioner of Police that the enquiry regarding a case of medical waste dumped at Calodyne and reported at Grand Gaube Police Station on 18 March 2017 has been completed.

Based on the evidence at hand, prosecution is being envisaged against the driver, who is an employee of a private clinic situated at Grand Bay for the following offences -

- (i) 'Depositing waste at a place other than a waste disposal site' in breach of regulation 13(1) (a) (1) (A) of GN 18/2003 of the Dumping and waste carriers regulation, and
- (ii) 'Carrying waste without being the holder of a waste carrier licence' in breach of regulation 4(3) and (10) (1) of GN 18/2003.

Being given the seriousness of the case and the possible involvement of the management of the private clinic, the case file was referred to the Office of the Director of Public Prosecution on 06 April 2018 and an advice is awaited.

BOATS - ARTISANAL FISHING - REGISTRATION

(No. B/278) Mr J. C. Barbier (Fouth Member for GRNW & Port Louis West) asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the fishing boats, he will state the relevant authority responsible for the registration thereof for artisanal fishers, indicating if a non-registered fisher may register his/her boat for artisanal fishing and, if not, why not.

Reply: The Permanent Secretary of my Ministry is the relevant authority responsible for the registration of fishing boats of less than 24 metres overall length, in accordance with section 42 of the Fisheries and Marine Resources Act 2007.

As regards the registration of boats for artisanal fishing, one of the conditions thereof is that the owner of the boat should be a registered fisher. This condition, which dates back to 2007, has been put in order to avoid situations whereby fishing boat owners get involved into activities other than fishing.

TOURISM AUTHORITY – PLEASURE CRAFT LICENCE

(No. B/279) **Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West)** asked the Minister of Tourism whether, in regard to the registration of boats at the Tourism Authority, he will, for the benefit of the House, obtain from the Authority, information as to –

- (a) the type of boats concerned therewith, indicating the –
 - (i) criteria set out for obtaining registration for each category, and
 - (ii) conditions attached thereto, and
- (b) if the transfer from one category to another is being authorised.

Reply: With regard to part (a) of the question, I am informed by the Tourism Authority that two types of boats are registered by the Authority as follows –

- Commercial Pleasure Crafts
- Private Pleasure Crafts

In addition, the pleasure crafts fall into two categories. Boats registered as “IL” category are authorized to operate inside the lagoon only while those categorized as “OL” category are authorised to operate both inside and outside the lagoon.

I am laying in the Library of the National Assembly the criteria set out for registration for Commercial Pleasure Craft Licence and Private Pleasure Craft Licence for each category as well as conditions attached thereto.

With regard to part (b) of the question, I am further informed that the transfer from one category to another is authorised upon application for a variation of Licence provided that the pleasure craft meets the conditions of that category. The security aspect is always given priority of consideration by the Tourism Authority.

MAHA SHIVRATRI FESTIVAL 2018 - CONTAMINATED JUICE - DISTRIBUTION

(No. B/280) **Mr S. Baboo (Second Member for Vacoas & Floreal)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the suspected contaminated juice meant for distribution to the pilgrims during the Maha Shivratri Festival 2018, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the outcome of the inquiry carried out thereinto.

Reply: I am informed by the Commissioner of Police that three cases have been registered in connection with the contaminated juice meant for distribution to the pilgrims during the Maha Shivratri Festival 2018. 56 plastic bottles containing the contaminated juice

were seized on 11 February 2018, as exhibits, from two distribution spots, namely at Rose Hill and Phoenix.

During the course of the enquiry, CCTV footages have been viewed at different locations, and so far forty-two (42) persons have been interviewed and their statements recorded. DNA samples, from some of the persons interviewed have been taken.

The exhibits were sent to the Forensic Science Laboratory for examination purposes. Swabbing for DNA has been carried out on all bottles.

Analysis of the contaminated juice has revealed the presence of Motor spirit and insecticides, namely, Cypermethrin and Amitraz.

The analysis of the DNA test is ongoing.

The Police is awaiting the report from the Forensic Science Laboratory to complete its enquiry.

INDIA – MAURITIAN & INDIAN NATIONALS – VISA

(No. B/281) Mr S. Baboo (Second Member for Vacoas & Floreal) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to visa, he will state if any proposal or discussion is being held with the Government of India for the waiving thereof for both Mauritian and Indian nationals.

Reply: Mauritius is included in the list of countries whose nationals are entitled to a gratis Electronic Tourist Visa (eTV) to India.

All Mauritian nationals are now able to obtain an Electronic Tourist Visa (eTV) free of charge, without the need to personally visit the premises of the Indian High Commission. The online application can be made from anywhere in the world.

Indian nationals do not require visas to travel to Mauritius. The issue of mobility of persons will be taken up in the context of Comprehensive Economic and Commercial Partnership Agreement (CECPA) negotiations with India.

MAURITIUS VOLLEYBALL ASSOCIATION - CLUBS AFFILIATED

(No. B/282) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Mauritius Volleyball Association, he will –

- (a) give a list of all clubs affiliated thereto, indicating in each case the names of the office bearers, and
- (b) state the club to which Mr K. T. is affiliated.

(Withdrawn)

**MAURITIUS MODERN PENTHATHLON FEDERATION -
OPERATIONAL**

(No. B/283) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the Mauritius Modern Pentathlon Federation, he will state if it is still operational and, if not, since when and, if so, indicate the grants, if any, received by the Federation from his Ministry.

(Withdrawn)

EDUCATIONAL INSTITUTIONS – DRUGS PROLIFERATION

(No. B/284) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the primary, secondary and tertiary education institutions, she will, for the benefit of the House, obtain information as to if there is a proliferation of drugs thereat and, if so, state –

- (a) the mechanism put in place to assess the impact thereof and, if not, why not, and
- (b) the number of cases thereof reported to her Ministry, since 2015 to date.

(Withdrawn)

ICTA - FORMER DIRECTOR - DEPARTURE

(No. B/285) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Technology, Communication and Innovation whether, in regard to Mr R. S., former Director of the Information Communication Technologies Authority, he will, for the benefit of the House, obtain from the Authority, information as to the reasons for his departure therefrom.

(Withdrawn)

**YOUNG ENTREPRENEURS SHELTERED FARMING PARK PROJECT –
BENEFICIARIES**

(No. B/286) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Agro-Industry and Food Security whether, in regard to the Young Entrepreneurs Sheltered Farming Park project, he will state the –

- (a) terms and conditions thereof, and
- (b) number of beneficiaries thereof, indicating their names and addresses.

(Withdrawn)

DODO - BONES & SKELETONS – AUCTION SALE

(No. B/287) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Minister of Arts and Culture whether, in regard to the dodo, he will state if he is aware of the sale of bones and skeletons thereof by reputed auction houses abroad and, if so, further state as to if a high level inquiry has been carried out to look thereinto and, if not, why not.

Reply: I am informed by the Mauritius Museums Council that according to certain writings, Dodo bones and their remains were being transferred to European countries as far back as 1865.

Several museums such as the British Museum, York, Leeds and Liverpool Natural History Museums have skeletal remains of the Dodo.

The Natural History Museum of Mauritius already possesses –

- a unique Dodo Skeleton from a single bird,
- a composite dodo skeleton, and
- a collection of around 1300 dodo bones.

Furthermore, reconstitutions effected with composite bones and skeletons of the Dodo are displayed in foreign museums such as the Natural History Museum, London; Durban Natural Sciences Museum, South Africa; National Museum of Natural History, Washington, USA amongst others.

Auction sale of bones, skeletons and other remains of the Dodo by renowned auction houses have appeared in the media on a few occasions these last years.

In 1976, Mauritius became signatory of the UNESCO Convention on the 'Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property' of 1970.

The National Heritage Act 2003 provided for the fossil of the Dodo found at Mare aux Songes only. In 2016, new regulations were made under this Act for, *inter alia*, preventing generally the export of fossil and sub fossil remains of endemic fauna from the Republic of Mauritius.

We do not have control on the sale of assembled and reconstituted Dodo skeletons by private auctioneers outside the jurisdiction of Mauritius.

MAURITIUS MUSEUMS COUNCIL - ARTISTIC WORKS - RESTORATION

(No. B/288) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Minister of Arts and Culture whether, in regard to artistic works restored by the French Expert Emmanuel Richon and presently under the custody of the Mauritius Institute, pending the renovation of the National Museum, he will state if consideration will be given for identifying an alternative location for the proper and safe custody thereof.

Reply: I am informed that the Mauritius Museums Council (the then Mauritius Institute) had been working with Mr Emmanuel Richon for restoration of paintings in the years 1997 – 2000 on a bilateral cooperation between the French Government and the Mauritian Government.

A total of fifteen artistic works had then been restored and are presently displayed at the National History Museum of Mahebourg.

The renovation of the National History Museum is in the pipeline and during same, those paintings will be stored at the Peopling of Mauritius Museum, Pointe Canon which is provided with fire and burglar alarms and is also climate-controlled to provide the proper museum environment for the preservation of the artefacts.

GOODLANDS & FLACQ - TRAFFIC CONGESTION

(No. B/289) Mrs D. Selvon (Second Member for GRNW & Port Louis West) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the acute traffic congestion in the village of Flacq and Goodlands, he will state if his Ministry proposes to provide new parking facilities thereat to address same.

Reply: Traffic congestion is one of the most prevalent transport problems in large rural agglomeration, like Goodlands and Flacq. This is due to the fact that all economic activities are concentrated within these big villages which result in a situation where parking demand far outweighs the available supply.

As regards Flacq, the following measures have been implemented in order to minimise the acute traffic congestion -

- the conversion of François Mitterrand Road into one-way road (from Charles de Gaulle/François Mitterrand Junction to St Ursule Junction) which is one of the principal arterial roads entering and exiting Centre de Flacq, as from 05 October 2017;
- site surveys along congested roads and provision of yellow lines and "No Parking" traffic signs to discourage illegal off-street parking and facilitate enforcement by Police, and
- construction of a new bus layby adjacent to Sir Leckraz Teelock SSS in February 2017.

I am also informed that some 725 free parking slots have been made available at Central Flacq near the bus station, the District Court and the market fair, and paid private parking facilities are currently operational along St Ursule Road opposite the St Ursule Church that also cater for the rising parking demand. With the coming into operation of the Flacq Coeur de Ville Shopping Complex, around 350 additional private parking slots are also available.

An improvement in the situation is foreseen with sustained enforcement along the main arterial roads of Flacq.

As regards Goodlands, I am informed that the construction of the Goodlands Bypass has alleviated the traffic converging towards Poudre d'Or, Grand Gaube, Cottage, and Rivière du Rempart as the commuters do not have to travel through the congested centre of Goodlands.

The following short-term measures to relieve traffic congestion at Goodlands have been implemented -

- provision of double yellow lines along Goodlands Road A5 to prohibit inconsiderate on-street parking, and

- one-way schemes have been implemented to ease traffic flow given that the arterial roads are narrow, such that when congestion occurs along Goodlands Road A5, some cars moving within the village of Goodlands can take the arterial roads.

These measures facilitate enforcement by Police.

I am also informed that there exist several private paid parking facilities at present in arterial roads of Goodlands, which are being currently used by motor vehicles.

As a long-term measure, I am informed by the District Council of Rivière du Rempart that upon completion of the project of a new market/traffic centre on a land near VIP Complex at Goodlands, the site of the existing market may be used for parking facilities. The tender is currently at the Central Procurement Board and will be launched shortly.

The relocation of the market/traffic centre will minimise traffic congestion along the Goodlands A5 road. Following the relocation of the Traffic Centre and Market Fair, traffic surveys would be carried out. If need be, proposals for parking facilities such as Parking Towers, given scarcity of space in Goodlands, could be explored.

Given the rise in the number of vehicles across the country, measures to encourage private parking in towns and commercial areas, in collaboration with local authorities and concerned stakeholders, are also being envisaged.

POLICE FORCE – UNBANKED CHEQUES - BOARD OF INQUIRY

(No. B/290) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Board of Inquiry set up to look into the irregularities at the Mauritius Police Force as regards the 918 cheques for the sum of Rs14,157,247.00, not yet banked, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the –

- (a) actions taken against the officers involved, and
- (b) procedures that have been put in place to ensure that the Mauritius Police Force has a better control over its revenue.

Reply: I am informed by the Commissioner of Police that the Board of Enquiry, which was set up to look into the irregularities pertaining to the 918 cheques collected during

the period from 01 January 2014 to 31 March 2015 that were not banked, has recommended that disciplinary action be contemplated against the following officers -

- (a) the Revenue Clerk who was then posted at the Northern Divisional Headquarters (Piton);
- (b) the then Manager Financial Operations, and
- (c) the then Chief Cashier.

As regards the Police Constable who acted as Revenue Clerk, he was arrested on 20 April 2015. He was released on bail on 11 May 2015, and he has been interdicted from duty since then. The enquiry into the case against the Revenue Clerk has been completed and referred to the Director of Public Prosecutions for advice on 18 October 2017.

Regarding the then Manager, Financial Operations, prior to the submission of the report, he was transferred to another Ministry on 28 October 2016. He subsequently retired from the service before completion of the enquiry.

Concerning the then Chief Cashier, he was also transferred to another Ministry on 28 September 2016. I am informed by the Ministry of Finance and Economic Development that action is being envisaged against the Officer.

The Board of Enquiry also suggested that the ten (10) Senior Officers who acted as Divisional Commanders at the Northern Division during the period from 2009 to 2014, be accordingly dealt with by the Commissioner of Police for lack of supervision. In this respect, the Police Department is initiating disciplinary actions against three (3) of the ten (10) Senior Police Officers who are presently in post. The other seven (7) officers have retired from the service.

As regards part (b) of the question, I am informed that the following measures have been initiated with a view to ensuring a better control over the revenue collection and preventing the recurrence of such incidents -

- (a) All counterfoil receipt books are being properly classified;
- (b) Counterfoil receipts books are being reconciled with the Stock Register;
- (c) Entries are made in Cash Book with Counterfoil receipt book on a daily basis;
- (d) The total amount collected is reconciled on a daily basis with the receipt book before banking same;
- (e) Bank slips are certified by the Cashier before submission to the Chief Cashier at the Finance Section (Port Louis);

- (f) Bank reconciliation is effected by the Chief Cashier at the Finance Section and a Bank Reconciliation Certificate is submitted to the Accountant General on a monthly basis;
- (g) Regular cash surveys are carried out at the various Cash Offices by an officer of the Finance Cadre;
- (h) The Cash Book, Receipt Book as well as the Daily remittance of cash to bank and Reconciliation of Bank statements are scrutinised and systematically verified by the Assistant Manager, Financial Operations at the Finance Section and the Internal Audit Squad;
- (i) All cash survey reports are sent to the Deputy Commissioner of Police and the Director Financial Operations at the Ministry of Finance and Economic Development;
- (j) Independent Checks are carried out by Internal Control on a regular basis;
- (k) Point of Sales have been installed at the eighteen (18) Cash Offices with a view to enabling payment by electronic card, and
- (l) 23 Assistant Financial Officers will be recruited soon to replace all Police Officers performing financial duties in the Cash Offices, and
- (m) The Commissioner of Police has issued further instructions on the operation of Cash Offices, which include, amongst others, the following -
 - (i) computerisation of Cash Offices in line with the Treasuring Accounting System for better monitoring;
 - (ii) the conduct of surprise cash surveys, and
 - (iii) the rotation of Revenue Clerks at regular intervals.

**KNOWLEDGE PARKS LTD & POLYTECHNICS MAURITIUS LTD -
IMPLEMENTATION**

(No. B/291) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Knowledge Parks Ltd./Polytechnics Mauritius Limited (PML), she will state –

- (a) if a Memorandum of Understanding has been signed between the PML and her Ministry and, if so, table copy thereof, and

- (b) how the loan of Rs486 million entered between Knowledge Park Limited and the Government will be repaid.

Reply: The Knowledge Parks Limited, a private company wholly owned by Government, was incorporated on 15 May 2013 with the objective of setting up infrastructural facilities for the Tertiary Education sector and renting same to private operators. The Knowledge Parks Limited operated under the aegis of the then Ministry of Tertiary Education, Scientific Research and Technology.

A business model was worked out for the implementation of the project, based on which a loan of Rs 486 m. was obtained from the Ministry of Finance and Economic Development for the construction of three University Campuses at Pamplemousses, Montagne Blanche and Reduit.

The loan was for a period of 15 years, including a grace period of five years on capital repayment, ending in March 2019.

When this Government took over in December 2014, the three buildings were still under construction and the policy for the renting of the buildings to private operators was reviewed. Decision was then taken to dot the higher education landscape with three new polytechnic institutions.

On 02 March 2017, the Polytechnics Mauritius Ltd was incorporated with the main objective of providing higher end technical skills relevant to the job market, more precisely at middle management levels, in sectors such as Information Technology, Tourism, Health Care, etc. As a result of this altered business model the issue of repayment of loan does not arise and discussions are ongoing with the Ministry of Finance to sort out the matter.

With regard to the signature of a MoU between Polytechnics Mauritius and my Ministry, the House may wish to note that PML is a body corporate operating under the aegis of my Ministry and the issue of a MoU does not arise.

CANCER – RESEARCH PROJECTS

(No. B/292) Mr S. Baboo (Second Member for Vacoas & Floreal) asked the Minister of Health and Quality of Life whether, in regard to cancer, he will state if any research is being carried out to find out the causes for the increasing number and types thereof.

Reply: Cancer is a complex group of diseases which is linked to a number of risk factors, some of which include smoking, lifestyle factors, environmental and occupational

factors such as exposure to pesticides and radiation, genetic defects and certain infections. As populations age, the incidence of cancer shows a relative increase.

The Mauritius National Cancer Registry based at the Central Health Laboratory has been conducting epidemiological research since the early 1990s in collaboration with WHO, the International Agency for Research in Cancer, the African Cancer Registry Network and the International Atomic Energy Agency (IAEA). Collaboration with the University of Mauritius has led to the successful completion of more than 30 research projects.

Cancer research is also carried out at the University of Mauritius in collaboration with the Mauritius Research Council, to investigate strategies that can be developed to decrease cancer incidence in Mauritius. The University also conducts research in the field of cancer nanotherapeutics (nanodrugs for cancer chemotherapy) and in the analysis of cancer genomic data. The University of Mauritius also has a project which aims at constructing a breast cancer repository to help identify the possible risk factors related to breast cancer occurrence in Mauritius.

REMOTELY PILOTED AIRCRAFTS - ALLEGED CASE OF ILLEGAL COMMERCIAL OPERATIONS

(No. B/293) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to remotely piloted aircrafts, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the outcome of the inquiry carried out in the alleged case of illegal commercial operations thereof as reported to the Civil Aviation Department.

Reply (The Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development): In reply to Parliamentary Question B/943 at the sitting of the National Assembly of 12 December 2017, I informed the House that a member of the public had, by e-mail, reported a case of suspected illegal commercial operation of drone to the Department of Civil Aviation. The case was referred to the Police for investigation.

I am, now, informed by the Commissioner of Police that Police patrols were carried out in the region where the illegal activity was reported. Several persons and inhabitants were interviewed, but no credible information was obtained. No illegal commercial operations of Remotely Piloted Aircraft were observed and no accused found.

**MAURITIUS INSTITUTE OF EDUCATION - DEPUTY DIRECTOR - POST
(No. B/294) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes)**

asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Mauritius Institute of Education, she will state if the post of the Deputy Director thereof is vacant.

Reply: I am informed that the post of Deputy Director at the Mauritius Institute of Education (MIE) is currently vacant.

However, the MIE Council has approved the filling of the vacancy in respect of this position along with other posts, and necessary action is being taken by the MIE accordingly.

NHDC - PROTOTYPE HOUSING UNITS - ACCESS

(No. B/295) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes)

asked the Minister of Housing and Lands whether, in regard to the housing units, he will, for the benefit of the House, obtain from the National Housing Development Company, information as to if consideration will be given for intended beneficiaries to have access to the prototype unit prior to the award thereof.

Reply: I am informed by the NHDC Ltd that tender documents for construction of housing units make provision for the setting up of a prototype housing unit within three to four months as from start of works.

The main objective of constructing a model unit is to enable NHDC staff and project consultant to bring about minor modifications with a view to improve the housing units.

I am informed by the NHDC Ltd that intended beneficiaries have access to the 'maquettes', layout plans and photographs of the prototype units when they call at the NHDC Ltd for interview.

The allocation committee meets three months prior to the completion of the housing project to finalise the list of intended beneficiaries.

These intended beneficiaries may have access to the prototype unit upon a request being made to the NHDC Ltd to that effect and subject to adequate provisions being made in Contractor's Insurance Policy to cater for presence of third parties on a construction site.

POINTE AUX SABLES – DÉBARCADÈRE - FISH LANDING STATION

(No. B/296) Mr P. Armance (First Member for GRNW & Port Louis West)

asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether in regard to the fish landing station at ‘Débarcadère’ Pointe aux Sables, he will state if he is aware of the deplorable state thereof and, if so, indicate if consideration will be given for the renovation and refurbishment thereof.

Reply: I am informed that a plot of land of an extent of 1,286 m² at “Débarcadère” Pointe aux Sables, is vested in my Ministry to be used as a fish landing station where fishermen of the locality land their catch. There is no building infrastructure on this site. It is actually clean and tidy.

However, my attention has been drawn to the effect that the surrounding lands belonging to other owners are not properly cared of. My Ministry cannot undertake clearing and maintenance of private properties. So, the question of renovation and refurbishment therefore does not arise.

FREE TRAVEL SCHEME - NATIONAL SMART CARD SYSTEM

(No. B/297) Mr P. Armance (First Member for GRNW & Port Louis West)

asked the Minister of Public Infrastructure and Land Transport whether, in regard to the proposed introduction of the Smart Card System in buses, he will state where matters stand, indicating if he has had consultations with the bus workers union thereon and, if not, why not.

Reply: As the House is aware, my Ministry appointed PricewaterhouseCoopers Private (India) Ltd in August 2016 to conduct, *inter alia*, a comprehensive analysis on issues and challenges faced by the public transport sector in Mauritius and to assess the effectiveness of Government spending in the industry.

In its final report submitted in May 2017, the Consultant recommended, amongst others, the introduction of a Cashless Ticketing System for enhanced transparency and accountability in the disbursement of subsidy to bus operators under the Free Travel Scheme.

The current disbursement mechanism of the Free Travel Scheme is solely based on the number of licences held by bus operators. With the implementation of a National Smart Card system, there would be accurate recording of passenger trips and the disbursement of subsidies would then be made in accordance with actual ridership of those eligible for free travel. With such a mechanism in place, the Government, through the NTA, would be able to exercise better control over the allocation of free travel subsidies.

In fact, with the advent of the Metro Express and the coming into operation of the bus feeder services to provide first and last mile connectivity, a multi modal transportation system would have to be necessarily devised. This calls for the development of an Integrated Ticketing Solution for the rail and bus system based on contactless smart cards.

I am informed by the NTA that the Authority is in the process of finalising the international bidding documents for the appointment of a Consultant to work on the technical, operational and financial aspects of the project as well as to prepare the Request for Proposal documents for the appointment of the executing proponent (the vendor). The bidding exercise will be launched by the end of this month. The project is expected to be completed before the coming into operation of the first phase of the Metro Express.

I wish to reassure the House that employees of the bus industry, through their trade unions, are being duly taken on board in the reengineering process of the land transport industry. In fact, in the context of consultations on the Metro Express, I met the representatives of the trade unions in August last year wherein I comforted them that their employment rights would not be compromised in the wake of the modernisation of the land transport system.

Additionally, a workshop was organised in September 2017 and attended by representatives of trade unions of the bus industry wherein the main recommendations of PwC including the implementation of a Cashless System were imparted to them.

In fact, the NTA, in collaboration with my Ministry, organised a workshop with representatives of Bus Cooperatives and Individual Operators last month, where the proposed implementation of the Cashless System was reiterated. A week later, the Road Transport Commissioner held a meeting with bus cooperative societies at the seat of the NTA to pursue the discussions. The fact that the Cashless Ticketing project would entail no incidence on the employment of workers of the bus industry was evoked on both occasions.