



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

FIRST SESSION

TUESDAY 06 DECEMBER 2016

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(Formed by the Rt. Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC)

Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit
Hon. Charles Gaëtan Xavier-Luc Duval, GCSK	Deputy Prime Minister, Minister of Tourism and External Communications
Hon. Showkutally Soodhun, GCSK	Vice-Prime Minister, Minister of Housing and Lands
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Vice-Prime Minister, Minister of Energy and Public Utilities
Hon. Pravind Kumar Jugnauth	Minister of Finance and Economic Development
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Youth and Sports
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Health and Quality of Life
Dr. the Hon. Mohammad Anwar Husnood	Minister of Local Government
Hon. Prithvirajsing Roopun	Minister of Social Integration and Economic Empowerment
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Technology, Communication and Innovation
Hon. Ravi Yerrigadoo	Attorney General
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Santaram Baboo	Minister of Arts and Culture
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Mrs Marie-Aurore Marie-Joyce Perraud	Minister of Gender Equality, Child Development and Family Welfare
Hon. Sudarshan Bhadain, GCSK	Minister of Financial Services, Good Governance and Institutional Reforms

Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives
Hon. Mrs Fazila Jeewa-Daureeawoo	Minister of Social Security, National Solidarity and Reform Institutions
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands
Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development and Disaster and Beach Management
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training

PRINCIPAL OFFICERS AND OFFICIALS

Madam Speaker	Hanoomanjee, Hon. Mrs Santi Bai, GCSK
Deputy Speaker	Duval, Hon. Adrien Charles
Deputy Chairperson of Committees	Hurreeram, Hon. Mahendranuth Sharma
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MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 36 of 2016

Sitting of 06 December 2016

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 Prime Minister: Madam Speaker, the Papers have been laid on the Table –

A. Prime Minister's Office –

- (a) Certificate of Concurrence from the Rodrigues Regional Assembly pursuant to section 75E of the Constitution in regard to the Rodrigues Regional Assembly (Amendment) Bill (In Original).
- (b) Certificate of Urgency in respect of the following Bills (In Original) -
 - (i) The Rodrigues Regional Assembly (Amendment) Bill (No XXIX of 2016); and
 - (ii) The Constitution (Amendment No. 2) Bill (No. XXX of 2016).

B. Ministry of Housing and Lands –

The State Lands (Amendment of Schedule) Regulations 2016 (Government Notice No. 246 of 2016).

C. Ministry of Finance and Economic Development –

- (a) The Customs (Compoundable Offence and Compounding Amount) (Revocation) Regulations 2016. (Government Notice No. 243 of 2016)
- (b) The Customs (Use of Computer) (Amendment) Regulations 2016. (Government Notice No. 244 of 2016).
- (c) The Annual Report 2015 of the Civil Service Family Protection Scheme Board.

D. Ministry of Education and Human Resources, Tertiary Education and Scientific Research –

The Annual Report 2014 of the Private Secondary Schools Authority.

E. Ministry of Health and Quality of Life –

The Public Health (Importation of Dead Bodies by Medical Institutions for the Purposes of Medical Studies) Regulations 2016. (Government Notice No. 245 of 2016).

F. **Ministry of Industry, Commerce and Consumer Protection -**

The Rodrigues Consumer Protection (Control of Price of Taxable and Non-Taxable Goods) (Amendment No. 29) Regulations 2016. (Government Notice No. 247 of 2016).

G. **Ministry of Civil Service and Administrative Reforms –**

The Annual Report 2015 of the Public Officers' Welfare Council.

ORAL ANSWERS TO QUESTIONS

TRADE IN SERVICES AGREEMENT (TiSA) – WTO MEMBERS - NEGOTIATIONS

The Leader of the Opposition (Mr P. Bérenger) (*by Private Notice*) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the Trade in Services Agreement (TiSA), involving the European Union, the United States of America, the Republic of Mauritius and 20 other countries/Parties, he will state –

- (a) the reasons for the exclusion of the People's Republic of China, the Republic of India and the Republic of South Africa therefrom;
- (b) if same will be signed shortly;
- (c) if the core text and annexes thereof and the Mauritius Market access offer have been discussed with all the stakeholders involved therein, and
- (d) if the European Union has given assurances that same will not weaken the public services or allow for the privatisation thereof.

The Minister of Health and Quality of Life (Mr A. Gayan): Madam Speaker, the substantive Minister of Foreign Affairs being away, with your permission, I am going to reply to this PNQ.

Madam Speaker, in view of the unending negotiations of the Doha Round since 2000, a number of WTO members with export interest in the services sectors, decided in 2013 to start negotiations on Trade in Services with a view to improving rules on trade in services and opening up market opportunities in the services sector. Mauritius joined the negotiations in October 2015. It should be recalled that the TiSA market represents a services market with nearly 1.6 billion people and a combined GDP of more than \$50 trillion in 2015, that is, two thirds of the world economy in terms of GDP. The TiSA market also represents some 70% of world trade in services. The TiSA negotiations bring together some 23 WTO members spanning some 50 countries and territories.

Madam Speaker, as regards part (a) of the question, I wish to point out that the Trade in Services Agreement (TiSA) is a plurilateral negotiation outside the ambit of the WTO. Countries may join the TiSA negotiation on a voluntary basis subject to the concurrence of other participants in the negotiations.

We have been informed that the only country that had sought admission to the TiSA negotiations was China. Admission of any country to the negotiations has to be accepted by all the parties to the negotiations. Therefore, it is not known which of the parties did not

accept China joining the negotiations. The other two countries namely the Republic of India and the Republic of South Africa did not request to join the TiSA negotiations.

With regard to part (b) of the question, Madam Speaker, TiSA negotiations follow a two-pronged approach mainly text based approach and market access offers. Text based negotiations have 16 annexes attached to the Core text of the Agreement. In market access offers, TiSA Member States negotiate the removal of barriers to the export of services. Both processes, namely the negotiations of the Core text and the annexes and the market access offers are being conducted in parallel.

It should be noted that neither the Core text nor any of the annexes has been finalised yet. Attempts are ongoing to stabilise the various parts of the Core text and the Annexes.

The sixteen annexes to the Core text cover, *inter alia*, professional services, transparency, movement of natural persons and financial services.

Madam Speaker, I wish to inform the House that negotiations on TiSA are still ongoing. It is not expected, therefore, that there will be a signature in the short-term.

TiSA Negotiators are currently in Geneva from 06 to 08 December to take stock of the progress of negotiations to date and to agree on the way forward.

The TiSA Ministerial meeting which was scheduled for 05 and 06 December 2016, has been postponed until further notice due to various political variables.

Madam Speaker, with regard to part (c) of the question, the Core Text, the Mauritius Market Access Offer and the sixteen annexes have been extensively discussed with sectoral stakeholders. In fact, more than 60 meetings have been held with sectoral stakeholders in the services sector at domestic level in the course of the TISA negotiations including for the establishment of the Mauritius Draft access offer. After each round of negotiations, a debriefing session was held with these stakeholders and the position of Mauritius adjusted in the light of the outcome of the negotiations in Geneva.

In the case of Health and Social Services, for example, the Sectoral representatives were the Ministry of Health and Quality of Life, the Ministry of Social Security, National Solidarity and Reform Institutions, the Medical Council, and the Pharmacy Board amongst others. For Education Services, they were the Ministry of Education and Human Resources, Tertiary Education and Scientific Research, the Mauritius Qualification Authority, the University of Mauritius. For the ICT sector, the Prime Minister's Office, the Ministry of

Technology, Communication and Innovation, the Information Communication and Technology Authority, the Mauritius Post, the National Computer Board, the Data Protection Office, the Outsourcing and Telecommunication Association of Mauritius (OTAM), the MCCI are involved among other stakeholders.

Madam Speaker, it is understood that these sectoral stakeholders also held consultations at their own level.

The Ministry also recently organised a workshop on TiSA. During the workshop, 2 sessions were held. Firstly, there was an informative session followed by questions. Secondly, there was a panel discussion on the economic and social impact of TiSA. Following the workshop, an explanatory brief and questions in the Frequently Asked Questions format have been posted on the website of the Ministry of Foreign Affairs, Regional Integration and International Trade. In addition, a dedicated email address for a focal point for addressing any questions or seeking any clarifications in relation to TiSA has been provided.

Madam Speaker, the Ministry received a letter from Mr Radakrishna Sadien on 08 November 2016 expressing concern about TiSA and requesting a meeting with the substantive Minister of Foreign Affairs. A second letter was received on 28 November 2016 whereby Mr N. Gopee also wrote to the substantive Minister to request for a meeting to seek documents following the holding of the workshop.

The substantive Minister has responded to both letters (on 02 December 2016) drawing attention that the documents have been posted on the Ministry's website since 22 November 2016 and indicating that they could seek clarifications from the focal point. He encouraged them to seek clarifications from the focal point on TiSA as required and indicated that he would meet with them at a mutually convenient date after they had clarified any concerns with the focal point.

Madam Speaker, as I have indicated earlier, TiSA is a plurilateral negotiation involving 50 countries and territories. There is common agreement that all services that fall under the authority of Government will remain excluded from TiSA.

In the draft Market Access offer of Mauritius, all services that fall under the authority of Government will remain excluded from TiSA. Mauritius reserves the right to take any measure in regard to services established for a public purpose, including Public Health, Public Housing, Public Education, Public Training, Public Transport, Postal Services, Social

Security, Public Utilities, Public Law Enforcement, Environmental Services provided by Government owned entities, distribution of energy-related products by the CEB or any other Government controlled entity, income Security, procurement of petroleum and petroleum products. This is what is called, at the level of the TiSA negotiations, a policy space reservation which Parties are allowed to take.

The draft market access offer of Mauritius also indicates that services provided at the Port, in particular, cargo handling services, as well as cabotage and air traffic rights, are excluded from the scope of the Agreement.

Further, Mauritius has also, in its draft offer, reserved the right to provide more favourable treatment to insurance services with respect to Government controlled entities as this is important for entities like the Sugar Insurance Fund Board and the Mauritius Housing Company Ltd.

Madam Speaker, Mauritius has taken all necessary steps to ensure that public services established for a public purpose are not subject to domestic liberalisation commitments.

Further, Mauritius has, in the headnote of its market access offer, indicated that it reserves the right to -

- not take commitments in air access rights;
- take measures necessary to build the capacity of local small scale service providers;
- provide preferential treatment to small scale local service providers in relation to procurement;
- regulate new sectors of activities or new subsectors;
- take measures, fiscal or otherwise to promote the development of local service suppliers;
- impose a requirement for professional undertaking employment in Mauritius and build skills of our Mauritian counterparts, and
- exercise the principle of reciprocity and a fair balance of market openness relative to its offers.

Finally, Madam Speaker I wish to say that privatisation is a matter of domestic policy and is outside the scope of TiSA.

Thank you, Madam Speaker.

Mr Bérenger: Madam Speaker, can I ask the hon. Minister replacing the substantive Minister whether it is not a fact that when China expressed the wish to join, the European Union was in favour, but it is the United States that prevented China from joining?

Mr Gayan: Madam Speaker, I am advised and informed that there was a request made from China, but I do not have any information which country opposed the involvement of China in the TiSA negotiation, but there was a decision not to involve China.

Mr Bérenger: Since we have been informed that India did not express the wish to join, has Mauritius compared notes with India because we work closely together, to know why this attitude of theirs whereas we have rushed in?

Mr Gayan: Well, I am not aware whether there has been any contact with the Indian Government, but I am informed that there has been none.

Mr Bérenger: Madam Speaker, can I know how Mauritius got involved in 2015? The negotiations started in 2013, Mauritius got involved, from my information, in March 2015 - the date says 2015 - it is very late, it is after the general elections. Can the Minister inform us how Mauritius got involved in that group because it is the only African country?

Mr Gayan: While it is true that Mauritius is the only African country forming part of the TiSA negotiations, there had been a lot of discussion that had gone on before. The decision was made. There was a balancing of interests before the final decision and it was found that Mauritius being so much involved in the services sector, it was preferable to be part of the negotiations at the beginning of the negotiations to be a rule maker rather than be a rule taker, should we decide to join at a later stage.

Mr Bérenger: Can I know whether the private sector of Mauritius was in favour of Mauritius being the only country to join the group?

Mr Gayan: As far as I am informed, the private sector is fully on board with regard to the TiSA negotiations and they are also very keen on developing the services sector because this TiSA agreement is going to open up new opportunities for the services sector of Mauritius and the services sector, Madam Speaker, employs many more people than, for example, the agricultural sector. So, the future will be in the services sector. I am also informed that the African countries especially the Least Developed Countries (LDCs) are able to benefit from advantage of TiSA without having to participate in the negotiations.

Mr Bérenger: In the document which was circulated on 17 November by the Ministry concerned entitled ‘Trade in Services Agreement’ - as I said, Mauritius is the only African country - and, in the last paragraph on page one, we find the following –

“There is, in parallel, a regional impetus to liberalisation of the services sector. The negotiations on the TiSA are a vital complement to the negotiations already taking place in the services sector at the level of COMESA, SADC and also at the broader continental level.”

Can we have some clarification on that? Mauritius is the only African country taking part in those negotiations. Can I have any detail and information on the parallel discussions that are supposed to be taking place at the level of SADC, COMESA and the African Union?

Mr Gayan: Madam Speaker, I am informed that SADC is already working on a protocol on trade in services and so is COMESA. I am also informed that at the level of the African Union there are two sets of negotiations; one is an agreement on goods and another one in services. So, there are lots of things happening at the level of the continent of Africa and there is discussion going on with regard to services, but Mauritius is very much ahead of the other African countries in terms of services. So, this is why, I believe, that we are the only African country, but I must also say that recently there was a Minister from Botswana who was in Mauritius and the substantive Minister asked why Botswana was not part of the TiSA agreement because Botswana is also very much involved in the services sector. But it appears that there is a lack of information with regard to TiSA and I am sure that if it is made more widely available many African countries would wish to be part of the TiSA agreement.

Mr Bérenger: It is very arrogant, this attitude! Madam Speaker, I heard the hon. Minister say that discussions are ongoing and that it is not expected that the agreement itself, its annexes and the Mauritius Market Access Agreement will not be finalised and signed in the short-term. Is it not a fact that, in fact, the United States and other countries, before the Trump episode, were pushing for agreement to be reached before the end of the year?

Mr Gayan: Well, it is a fact, Madam Speaker, that there was a wish on the part of the TiSA negotiators that the agreement would be reached by the end of December this year, but the negotiations are very complex and they are still ongoing. So, it was not possible to meet that target of the end of December and, of course, I did mention in my reply that there are some political variables that have come as part to the negotiations. We have Donald Trump now in the White House as from January next year. We do not know what will be the attitude

of the new administration in the United States with regard to TiSA. All this is something that we have to wait until we know when and if the agreement will be signed.

Mr Bérenger: Madam Speaker, in the same document, as I said, on 17 November laid on the Table of the Assembly, there is a very drastic sentence. I find the document terribly biased and there is this paragraph 3 at page 2 -

“Mauritius, being already an open economy will not be negatively impacted upon by our commitments under the TiSA as these do not exceed the access that already exists.”

It is a drastic, covering statement. Can I know whether the private sector of Mauritius shares this assessment?

Mr Gayan: Well, in fact, Madam Speaker, I also asked the question when we were preparing a reply to this PNQ. I am informed that we have liberalised a lot of the services in Mauritius and whatever we have taken to the TiSA Agreement is already part of our legislative framework. So, there is nothing new in the TiSA Agreement that we have put forward before the other negotiators. This is what I am informed, that there is a lot of liberal attitudes with regard to the services sector and this is exactly what is happening. So, there will be no dramatic change in what already exists with regard to our services sector.

Mr Bérenger: I call this assessment, the replies being given and that document circulated very, very dangerously biased. Can I know whether we have agreed, as at to date, that foreign service providers will receive the same treatment as national service providers? Have we agreed to that? Is it in the agreements to be signed? Are our local service providers satisfied that foreign service providers receive the same treatment as national service providers?

Mr Gayan: Madam Speaker, I made it clear that the negotiations are still ongoing. When we deal with multilateral negotiations, nothing is agreed until everything is agreed. So, I think it is premature to say what is going to happen, but right now nothing is agreed and negotiations are still ongoing.

Mr Bérenger: I note, Madam Speaker, that the Minister didn't reply to the last part of my question which was whether the European Union has given assurances, since 2013, that the TiSA Agreement will not weaken the public services or allow for the privatisation thereof. This is my information. I wanted to know whether the Ministry is in presence of

documents to that effect, containing, therefore, these so-called assurances from the European Union.

Mr Gayan: Well, Madam Speaker, I am advised that the EU is dead against the liberalisation of public services and this has been the stand of the EU. So, I do not think there can be any risk of that happening. But the EU is just a member participating in the TiSA negotiations and it cannot give any assurances. But that has been the stand adopted by the EU, that with regard to their public services, they are not prepared to accept any liberalisation. This is why we have also reserved a lot of policy space for all the public health sectors of Mauritius.

Mr Bérenger: Can I know from the hon. Minister whether the Government or the private sector of Mauritius have carried out any form of impact assessment of our commitments, what we are going to sign, any form of impact assessment that these agreements are likely to have?

Mr Gayan: Well, there was a workshop that was organised to address that issue, but I know that there are other workshops that are being prepared. I am advised that there was an initial study done and it seems that that study showed that there was merit in Mauritius being part of these negotiations because Mauritius would have new opportunities to develop its services sector.

Mr Bérenger: I think I heard the Minister said that there was, at some point in time, an initial assessment. Can I know who carried out this initial assessment and whether the House can be provided with a copy thereof?

Mr Gayan: The information is not available in the House, but I undertake to have it laid on the Table of the Assembly.

Mr Mahomed: Madam Speaker, in his first reply to the question, the hon. Minister has made mention of two letters having been received at the level of the Ministry. Can the hon. Minister enlighten the House as to the nature of the qualms and apprehensions having been raised and although they have been referred to the focal point, to give an indication of how we are going to address these qualms and apprehensions?

Mr Gayan: Well, I have no difficulty in having the letters laid on the Table of the Assembly, but I must say that the substantive Minister responded to them and he has also undertaken to meet with them if they have any further qualms after they have contacted the focal point. I am informed that the major concern of Mr Gopee and Mr Sadien was whether

public services will be privatised. I have indicated in my reply that privatisation is not part of this agreement. Just to give some more information about the study which I mentioned earlier, I am informed that the Commonwealth Secretariat helped in the preparation of the drafting of the offers which were made to the TiSA, but it will be tabled.

Mr Uteem: Madam Speaker, despite what the hon. Minister has said, there are legal barriers to foreigners operating in Mauritius, namely, in the architecture and the telecommunication sector. Looking at the list of countries negotiating with the TiSA, would the hon. Minister - I understand he is not the substantive Minister - agree that looking at those countries, it is clear that as far as services are concerned, once this agreement is signed, Mauritius will be a net importer of services rather than a net exporter? I do not see Mauritians going to Panama, to Mexico or to other countries, so, we would be a net importer of services from those other countries who negotiated with TiSA.

Mr Gayan: Well, that may very well be the case, but the intention behind the TiSA Agreement is to expose our local people to the opportunities existing in all the TiSA member countries. So, I think we have to seize the opportunities and we may have to educate our people to tell them that Mauritius is not the only place in the world. There is a big wide world outside where we can get our people to work and gain experience and also to generate revenue for the country. Let me also say, Madam Speaker, that Mauritius has been an open market and is already an importer of services, but what we are trying is now to join the league of exporters of services. I hope it happens and I am sure that the young people who might be listening to this, will be interested in looking at the opportunities worldwide and see what they can do to promote the country in terms of services. We keep talking about exporting our brain. Let us say we will be gaining a lot by exporting the brains of Mauritians to many countries. Already, the export of services accounts for 26% of our services sector. So, I think there is room to grow, room to expand in this area.

Madam Speaker: Hon. Jhuboo!

Mr Jhuboo: Thank you, Madam Speaker. The hon. Minister mentioned the opportunities for Mauritius signing this agreement. Can we know whether the unintended consequences of Mauritius signing this agreement have been clearly identified?

Mr Gayan: Well, this is a work in progress, Madam Speaker. I did say earlier on that whatever is happening at one stage of the negotiations is brought back to Mauritius. There are consultations with all the stakeholders. Everything is assessed and analysed. And

it is only after a consensus is reached at the domestic level that we can move ahead. So, I think all the concerns will be taken on board.

Madam Speaker: Hon. Ganoo, but please be brief!

Mr Ganoo: The hon. Minister said in his answer that the African countries, especially the LDC, have chosen not to participate in the TiSA negotiations and it is clear they have reasons for not having joined the TiSA negotiations. Can I ask the hon. Minister whether Mauritius can play a role in helping our African neighbours, the African economies especially in the role that we are already playing in the SADC and the African Union; in what way can we help the African economies?

Mr Gayan: Let me say that, first of all, we have different categories of States. We have the LDCs, the least developed States. These countries would be able to benefit from the advantages of TiSA without having to participate in the negotiations. But we have another category. Of course, we are talking to the other members. I think it is good that more African countries join this services agreement because the future is in services. And as I said also, the AU already has embarked on negotiations in services at the continental level. So, if we can bring the region towards the continental level, it is going to be in the interest of Africa at large. We have already done so in Botswana. We are talking to Botswana to see if they can bring them on board on these negotiations.

Madam Speaker: Hon. Leader of the Opposition!

Mr Bérenger: Madam Speaker, in the document which was tabled on the 17 November and from what I have heard today, the Government side is insisting that all stakeholders have been fully consulted and so on. Can I put it to the hon. Minister that it is clear that the trade unions were not properly consulted, that is, why it is at a very late hour that they started protesting? Therefore, they are a vital stakeholder. Stakeholders are not just in the private sector, but the trade unions also.

As far as the private sector is concerned, I would be very keen to know whether Business Mauritius especially is satisfied with the consultations that have taken place so far. Being given that we are now told that signing agreement is not foreseen in the short-term, can I put it to Government that there is need for further consultations especially with the trade unions, but even with Business Mauritius and the private sector of Mauritius in general?

Mr Gayan: Well, I agree that all stakeholders including the trade unions, civil society and the public at large need to know how these negotiations are proceeding and I will

certainly be in favour of having as wide consultations as possible with as many people as possible including the trade unions. I think they are important stakeholders in this.

Madam Speaker: Time is over! The Table has been advised that PQ B/1098 in regard to the proposed introduction of the Police and Criminal Evidence Bill in the National Assembly will be replied by the hon. Attorney General. PQ No. B/1127 in regard to the purchase of motor vehicles for use by hon. Ministers will be replied by the Rt. hon. Prime Minister, time permitting. Hon. Osman Mahomed!

PLAINE VERTE POLICE STATION – STATION COMMANDER - TRANSFER

(No. B/1092) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Plaine Verte Police Station, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the reasons for the transfer of Mr S. H., former Station Commander thereof, indicating the effective date of the transfer.

The Prime Minister: Madam Speaker, I wish to point out that the change in posting of Police Officers in the Police Force is a day-to-day operational matter falling under the direct purview of the Commissioner of Police and is a routine exercise carried out in the best interest of the service.

Mr Mahomed: Was Mr S. H. transferred and may we know the effective date of his transfer?

The Prime Minister: Well, I have said that this is a matter at the discretion of the Commissioner of Police.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Thank you, Madam Speaker. Mr S. H. was transferred following the incident that took place after the MSM gathering at Centre Idrice Goomany. My question to the Rt. hon. Prime Minister: was he transferred because some people were wild against Minister Dr. Husnoo, as stated by hon. Vice-Prime Minister Soodhun, after the gathering?

(Interruptions)

Madam Speaker: The hon. Member is making a statement!

(Interruptions)

Order!

The Prime Minister: Well, I am given to understand that this Police Officer was transferred following a special request two weeks before from the Deputy Commissioner of Police, ADSU, for posting of one Assistant Superintendent of Police and one Superintendent of Police. He was the best candidate.

(Interruptions)

Madam Speaker: Next question, hon. Mahomed!

MR V. L - DRUG OFFENCE - ARREST

(No. B/1093) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to Mr V. L., he will, for the benefit of the House, obtain from the –

- (a) Commissioner of Police, information as to if –
 - (i) he had previously been arrested and convicted in connection with a drug offence and, if so, indicate if a finding of drug trafficking was made against him by the court;
 - (ii) a freezing order was made against him, indicating if further investigations on his assets have been carried out, and
- (b) Gambling Regulatory Authority, information as to if a gaming licence held by him and/or his family or associates has been revoked and, if so, indicate -
 - (i) when, and
 - (ii) if the said licence has been restored and, if so, when.

The Prime Minister: Madam Speaker, in regard to part (a) (i) of the question, I am informed by the Commissioner of Police that Mr V. L. was arrested by Police Officers of the Anti-Drug and Smuggling Unit (ADSU) on two occasions.

In a first instance, on 24 May 2007, during the course of an operation, ADSU personnel found 20.5 grams of Cannabis and equipment suspected to have been used for smoking of Cannabis in the house of Mr V. L. in Rivière du Rempart. A provisional charge of “Drug dealing – Possession of Cannabis for the purpose of distribution” was lodged

against him before Mapou District Court on 25 May 2007 and he was remanded to Police cell. He was released on bail on 30 May 2007.

On 26 December 2007, the Director of Public Prosecutions advised prosecution against him before the Intermediate Court for the following -

- (i) “Drug Dealing”- Possession of Cannabis for the purpose of Distribution;
- (ii) “Drug Dealing”- Possession of Cannabis Seeds for the purpose of Cultivation, and
- (iii) Possession of pipes used in connection with the smoking of cannabis.

Consequently, on 16 September 2008, he was sentenced as follows -

- (i) Rs 20,000 fine for the first charge.
- (ii) Found Guilty for “possession of cannabis seeds” only and a fine of Rs 2000.
- (iii) Rs 8,000 as fine and Rs 500 as costs.

Madam Speaker, on the second occasion, on 18 March 2011, during the course of another search operation conducted by ADSU in the house of Mr V. L., 10.3 grams of Cannabis were secured. He was arrested and charged for “Possession of Cannabis for the purpose of distribution” as per the Dangerous Drugs Act at Mapou District Court. He was remanded to Police cell. On 25 March 2011, he was released on bail. On 16 October 2013, the Director of Public Prosecutions advised prosecution against Mr V. L. before the Intermediate Court for “Drug dealing – Possession of Cannabis for the purpose of distribution”. The case has been fixed for trial on 14 February 2017.

In regard to part (a) (ii) of the question, I am informed by the Commissioner of Police that, on 25 May 2007, Police filed a Freezing Order pertaining to Mr V. L.’s assets in respect of the first provisional charge lodged against him before the District Court of Mapou. The District Magistrate ordered that Mr V. L should not dispose of his assets until the Supreme Court would decide otherwise.

Furthermore, on 21 March 2011, Police filed another Freezing Order pertaining to Mr V. L.’s assets in respect of the second provisional charge lodged against him. The District Magistrate of Mapou Court had ordered that he should not dispose of his assets. The Freezing Order is still valid.

I am informed that an investigation regarding the assets is being carried out at the level of ICAC.

Madam Speaker, as regards part (b) of the question, I am advised by the Gambling Regulatory Authority that no gaming licence has been issued to Mr V. L.

Any application for an operator's licence is processed strictly in accordance with the provisions prescribed in the Gambling Regulatory Authority Act and, as such, information on the family or associates of any applicant or licensee is neither the concern of, nor is it available at, the Gambling Regulatory Authority.

If the hon. Member needs any specific information, he should come up with a substantive question.

Mr Osman Mahomed: Can the Rt. hon. Prime Minister inform the House whether the former Drug Commissioner did refer the case to the FIU and, if so, what is the status of the matter that has been referred to the FIU so far?

The Prime Minister: Well, I have no information about that. I don't know whether it was referred to the FIU.

Mr Bhagwan: Can I know from the Rt. hon. Prime Minister whether he will inquire and inform the House whether Mr V. L. has benefitted access to the VIP Lounge at SSR Airport for one of his two trips abroad?

The Prime Minister: Well, I don't know whether he has access to VIP. The hon. Member should come with a question for that.

Mr Osman Mahomed: From information available to the Rt. hon. Prime Minister, can the Rt. hon. Prime Minister inform the House whether there is a link between Mr V. L. and the notorious '*roi du nord*'?

Madam Speaker: This is not related directly to this question. Please come with a substantive question on this matter.

(Interruptions)

Next question, hon. Shakeel Mohamed!

ICTA – BOARD MEMBERS – OVERSEAS MISSIONS

(No. B/1094) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Information Communication Technologies Authority, he will, for the benefit of the House, obtain therefrom, information as to the amount of *per diem* and other allowances paid out to the Board members thereof in respect of overseas missions undertaken since 01 January 2016 to date, indicating in each case the purpose and outcome thereof.

The Prime Minister: Madam Speaker, I am tabling the information, as obtained from the Information and Communication Technologies (ICT) Authority, in respect of overseas missions undertaken by Board members of the ICT Authority since 01 January 2016 to date.

Mr Mohamed: Can I have a look, Madam Speaker, at the list being tabled by the Rt. hon. Prime Minister for me to put my other questions? It will be relevant.

Madam Speaker: In the meantime, hon. Baloomoody!

Mr Baloomoody: Is the Rt. hon. Prime Minister aware that the Chairperson also received Rs100,000...

(Interruptions)

Madam Speaker: One second, hon. Baloomoody, just to give time to the Rt. hon. Prime Minister to lay the reply on the Table of the Assembly.

Mr Baloomoody: Is the Rt. hon. Prime Minister aware that the Chairman of that Authority was paid Rs100,000 just for a few hours to interview the ex-CEO, Professor Soyjaudah, and that the same Chairman sacked that Professor whom he interviewed a few weeks after, and he was paid Rs100,000 just to sit in a panel of interview for a few hours?

The Prime Minister: I am not aware of this.

Mr Bhagwan: On the same count, can I know from the Rt. hon. Prime Minister whether his representative on the Board of the ICTA has approved that payment?

The Prime Minister: Well, the Board must have taken its responsibility if they had to approve. I don't know whether they approved or not.

Mr Uteem: Weeks in weeks out, we are having problems with ICTA - questions are being asked on this side. Wouldn't the Rt. hon. Prime Minister find it fit, at this point in time,

to dismantle this Board and set up a new Board? Because there have been so many scandalous payments made by this Board, including the Rs19 m., and, today, we learn there are Rs100,000 just to hear a Committee.

The Prime Minister: Soon, there is going to be a new Board appointed.

Mr Mohamed: I have seen from the list that has been tabled by the Rt. hon. Prime Minister that several Board members have been travelling to several destinations in 2016 and have been paid *per diems*. Those meetings that have been attended to are technical meetings. Could the Rt. hon. Prime Minister tell us why is it that technicians of the ICTA were not sent to those meetings, as technicians? Why was it that Board members were chosen to go to those meetings instead of the technical officers who are expert in those technical meetings?

The Prime Minister: Well, this should be asked from the Board members. I can't answer it.

Madam Speaker: Last question!

Mr Mohamed: Maybe, since we do not have the benefit, Madam Speaker, of having the Board members in the safe seat of the Rt. hon. Prime Minister, and he is there, could he please answer that one question? What has been the outcome of all those travels?

Madam Speaker: The hon. Member should come with a substantive...

(Interruptions)

Mr Mohamed: What has been the outcome? Has he been benefited with a report? Has the representative of the Prime Minister's Office in that organisation, on that Board, been benefited with a report or has he briefed the Rt. hon. Prime Minister on the outcome of all those travels?

The Prime Minister: I have not been sitting on the Board.

Madam Speaker: Next question, hon. Dr. Sorefan!

YOUTH PARLIAMENT PROGRAMME & PARLIAMENTARY GENDER CAUCUS – SET UP

(No. B/1095) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to women and the youth, he will state if consideration will be given for the holding of mock parliamentary sittings during

parliamentary recesses with a view to encouraging the participation thereof in political activities, including standing as candidates for the National Assembly Elections.

The Prime Minister: Madam Speaker, as the House is aware, the Government already stands committed to strengthen our democracy through, *inter alia*, a better representation of women in Parliament. We believe that a greater participation of women and the youth in the political life of our country will lead to a stronger democracy.

A consultative and participative decision making structure, involving women and young people, is, indeed, more than necessary in meeting the varied ideas and aspirations of our diverse nation.

The Youth Parliament is a common feature in many countries. However, as far as women are concerned, Regional and International Parliamentary Organisations make mention of the setting up of Gender Caucuses for the promotion of Gender Equality. To that end, the existence of a Parliamentary Gender Caucus will soon become a reality.

Madam Speaker, insofar as the youth is concerned, I am informed that, since August 2016, the Ministry of Youth and Sports, in collaboration with your Office, is already planning a Youth Parliament Programme for young people between the age of 14 and 17. To that effect, young boys and girls will be trained by the Ministry of Youth and Sports in collaboration with the Ministry of Education and Human Resources, Tertiary Education and Scientific Research.

One of the objectives of the programme, Madam Speaker, is precisely to provide a national platform for young people to discuss issues that are important to them and for them to understand the functions and operations of the National Assembly. The training will allow young people to acquire the necessary knowledge and skills to participate in mock parliamentary sittings which will be held by the National Assembly.

Madam Speaker, I am further informed that the holding of Youth Parliaments requires an established protocol and that assistance to that effect will be sought by your Office from the Commonwealth Secretariat.

Madam Speaker: Hon. Dr. Sorefan!

Dr. Sorefan: Thank you, Madam Speaker. I thank the Rt. hon. Prime Minister for the answer. Can we have a time frame for all those training that the Rt. hon. Prime Minister has mentioned?

The Prime Minister: I have not worked on any time frame. It will take the time that it will take.

Madam Speaker: Next question, hon. Bhagwan!

MBC – NEWS COVERAGE

(No. B/1096) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the news items of the Mauritius Broadcasting Corporation, he will, for the benefit of the House, obtain from the Corporation, information as to if the –

- (a) 1800, 1900 and 1930 hours' editions thereof are being censored, and
- (b) interventions of Mr P. M. and Mr D. B., Senior Advisors of his Office, are regularly reported in the course thereof and, if so, state if consideration will be given for the above to be discussed with the Chairperson of the Corporation.

The Prime Minister: Madam Speaker, in regard to part (a) of the question, I wish to point out that in accordance with section 3(3) of the MBC Act, the Corporation shall be a principal medium for the dissemination of information, education and entertainment and shall, subject to the MBC Act and the Independent Broadcasting Authority Act, be independent in the conduct of its day-to-day business and other activities.

Section 4(e) of the MBC Act further provides that, the Corporation shall give adequate coverage in its broadcasting programmes to news items, both local and foreign, in different languages and ensure to the best of its ability that the news bulletins broadcast are accurate and presented in an impartial manner. In the circumstances, I am informed by the Director General of the Corporation that the question of censorship of news bulletins does not arise.

Madam Speaker, in regard to part (b) of the question, I am informed by the Director General that there is no intervention from Senior Advisers of my Office concerning news coverage or any other activities of the MBC. The question of discussing the matter with the Chairperson of the Corporation, therefore, does not arise.

Madam Speaker, I must add that anybody who feels aggrieved by MBC's news coverage may seek remedies or redress from the Independent Broadcasting Authority.

Mr Bhagwan: The IBA is a *bouledogue sans dents*, we won't go to the IBA, Madam Speaker. The Prime Minister has informed the House that according to which sections, the MBC is independent. Everybody who wants to know, the MBC/TV is not independent. Madam Speaker, is the Rt. hon. Prime Minister aware - and he is not aware of many things these days ...

(Interruptions)

...that his statements ...

The Prime Minister: The hon. Member is so much aware, that is why he is sitting there!

(Interruptions)

Madam Speaker: Hon. Bhagwan, please ask your question!

Mr Bhagwan: *Tout autour ou ena bann vampires !*

Madam Speaker: Ask your question, hon. Bhagwan!

Mr Bhagwan: *Bann vampires!* Is the Rt. hon. Prime Minister...

The Prime Minister: *Hey ale bwar Lysol do!*

(Interruptions)

Madam Speaker: Order!

Mr Bhagwan: *Ou bann remark la pas fer mwa peur!* Is the Prime Minister aware that his statements to the Press at numerous functions, which are also transmitted live by private radio at times, Madam Speaker, are being censored by the MBC/TV? We need to compare. So, it would be in the interest of the Rt. hon. Prime Minister to go and ask whether these two VDPs (Very Dangerous Persons) working there...

(Interruptions)

His advisers, Mr Maunthrooa and Mr Dev Beekharry are daily interfering in the affairs of the MBC/TV!

The Prime Minister: I have no time to listen to the radio!

Madam Speaker: Yes, last question.

Mr Bhagwan: Madam Speaker, nearly all the employees of the MBC/TV are aware of the regular interventions of this very dangerous person, Mr Beekharry, in the choice of the

persons, the cameramen and the reporters to go on official delegations accompanying the Prime Minister. Has the Rt. hon. Prime Minister received any representations against the interference of Mr Beekharry at the MBC/TV?

The Prime Minister: None!

Madam Speaker: Hon. Rutnah, next question!

JUDICIARY - JUDGES, MAGISTRATES & LAW OFFICERS - APPOINTMENT

(No. B/1097) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the proposed modernisation of the Judiciary, he will state if consideration will be given for a review of the mode of recruitment of Judges, Magistrates and Prosecutors respectively and, if so, indicate when.

The Prime Minister: Madam Speaker, as the House is aware, the appointment of Judges, Magistrates and Law Officers, including officers of the Office of the Director of Public Prosecutions, is governed by the provisions of sections 77, 85 and 86 of the Constitution. It is assumed that by the word “Prosecutors”, the hon. Member is referring to law officers of the Office of the DPP.

According to section 77 (1) of the Constitution, the Chief Justice is appointed by the President, acting after consultation with the Prime Minister, while section 77 (2) provides that the Senior Puisne Judge shall be appointed by the President, acting in accordance with the advice of the Chief Justice. The Puisne Judges are appointed by the President, acting in accordance with the advice of the Judicial and Legal Service Commission. The power to appoint Judicial and Legal Officers, including Magistrates, is vested in the Judicial and Legal Service Commission by virtue of section 86 of the Constitution.

Madam Speaker, the House will be aware that the mode of appointment obtains in many Commonwealth countries and has, so far, indisputably preserved the independence of our institutions such as the Judiciary, the Attorney General’s Office and the Office of the Director of Public Prosecutions.

Notwithstanding the fact that the Mackay Report suggested some reforms in the composition of the Judicial and Legal Service Commission, it is considered that the present arrangements with regard to the mode of appointment of Judges and Magistrates have stood the test of time and has served us well since independence.

Madam Speaker, Government therefore does not propose to bring any change concerning the composition of the Judicial and Legal Service Commission or to the mode of appointment of Judges and law officers without carrying out consultations with all the stakeholders, including the Judiciary.

Mr Rutnah: Is the Rt. hon. Prime Minister aware that Magistrates are appointed Magistrates only after having called to the Bar two years thereafter, and there has been a number of instances where those Magistrates have hardly any experience on defence work and they decide cases...

Madam Speaker: Don't make a statement, hon. Rutnah, ask your question!

Mr Rutnah: ... and they decide cases without having any experience at all of the defence Bar and...

Madam Speaker: So, what is your question?

Mr Rutnah: And that may be unfair to the...

Madam Speaker: Ask your question!

Mr Rutnah: ...society at large?

(Interruptions)

The Prime Minister: Well, Magistrates are appointed once they are called to the Bar, having two years' experience at the Bar. Well, this is the requirement.

Madam Speaker: Hon. Teeluckdharry!

(Interruptions)

Mr Teeluckdharry: A question to the Rt. hon. Prime Minister! The Constitution has not made any mention about career Judiciary, that is, one joins the State Law Office and is promoted on the basis of seniority to the post of Judge, Puisne Judge and then SPJ and then Chief Justice. Would the Government intend to review or to set up a commission to look into whether, as to date, do we need to have a career Judiciary or can we consider appointing members of the independent private practice to the post of Judges?

Madam Speaker: If you have finished, please sit down, hon. Teeluckdharry!

The Prime Minister: Madam Speaker, I have already answered that so far we are concerned, we have had satisfaction with what has been going on and we do not propose to intervene or to bring any change.

Madam Speaker: Last question, hon. Baloomoody!

Mr Baloomoody: With regard to the Magistrates, can I ask the Rt. hon. Prime Minister when we are going to have the *École de Magistrature* which has been mentioned so many times?

Madam Speaker: The question is on the mode of recruitment. I do not think the Rt. hon. Prime Minister will reply to this question.

The Prime Minister: *L'École de Magistrature* has nothing to do with recruitment.

Madam Speaker: Hon. Rutnah, next question!

BARRACUDA VESSEL - SEAWORTHINESS

(No. B/1099) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Barracuda vessel, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to —

- (a) who commissioned the procurement thereof;
- (b) if a report on the seaworthiness thereof is available;
- (c) if tests have been carried out as to the sailing capabilities thereof, and, if so, indicate where same were carried out;
- (d) if defects have been detected in the crane on board thereof;
- (e) if the modernisation thereof has been carried out in conformity with international safety standards keeping in view the age thereof, and
- (f) if same has recently been subject to an incident at sea whilst on patrol and, if so, indicate the nature thereof.

The Prime Minister: Madam Speaker, the acquisition of an Offshore Patrol Vessel for the National Coast Guard was one of the projects included in the list of projects financed under the Line of Credit of USD100 m. which the Government of India provided to the

Government of Mauritius following the 10th Session of the Indo-Mauritian Joint Commission in December 2007.

In that context, on 04 March 2011, a contract was signed by the Prime Minister's Office and the Indian firm Garden Reach Shipbuilders and Engineers Ltd, which is an Indian public sector undertaking, for the design, construction and delivery of an Offshore Patrol Vessel at a cost of USD58.5 m. The vessel, which was named Coast Guard Vessel Barracuda, was financed to the tune of USD48.5 m. under the Indian Line of Credit, and the remaining USD10 m. was made available from a one-time grant provided by the Indian Government.

In regard to part (a) of the question, I wish to refer the hon. Member to my reply to Parliamentary Question B/832 at the sitting of the National Assembly on 09 August 2016 wherein I stated that Coast Guard Ship Barracuda was commissioned on 12 March 2015 and came into operation on the same day.

Madam Speaker, in regard to parts (b) and (c) of the question, I am informed by the Commissioner of Police that prior to its coming into operation, Coast Guard Ship Barracuda went through different trials in India at the level of the constructor, Messrs Garden Reach Shipbuilders and Engineers under the supervision of representatives of the Indian Navy with a view to ascertaining, *inter alia*, its sailing capabilities. It was also checked and verified by the American Bureau of Shipping which is an international classification society having as primary responsibility to assess whether marine-related facilities are compliant with rules and standards insofar as design and construction of such facilities are concerned. A first interim certificate of classification was issued by the American Bureau of Shipping in favour of Coast Guard Ship Barracuda on 08 February 2015 and was valid up to 05 July 2015. The final certificate was issued by the same classification society on 26 March 2015 up to 05 February 2020.

As for part (d) of the question, I am informed by the Commissioner of Police that Coast Guard Ship Barracuda is equipped with two cranes of a capacity of 3 tons and 10 tons respectively. These cranes are used for loading and unloading of goods particularly for Outer Islands Support missions. On 23 September 2016, a slight vibration was noted on the 10-ton crane by crew members of the vessel. According to the Commandant of the National Coast Guard, the vibration might have been caused by the extensive use of the crane. Consequently, Police have recently approached one of the local representatives of the original

crane manufacturer based in Netherlands, with a view to concluding an annual contract for the maintenance of the cranes. It must, however, be pointed out that the two cranes are currently operational.

Madam Speaker, in regard to part (e) of the question, I am informed by the Commissioner of Police that Coast Guard Ship Barracuda is a state-of-the-art vessel fitted with modern equipment in conformity with International Safety Standards. The life span of the equipment on board the ship is expected to range from 15 to 20 years. I have requested the Commissioner of Police and the Commandant of the National Coast Guard to ensure proper servicing and maintenance of the vessel.

As for part (f) of the question, as I stated in my reply to Parliamentary Question B/832, whilst Coast Guard Ship Barracuda was on surveillance mission in the vicinity of Rodrigues on 09 July 2016, its deck plate bulged due to excessive water pressure and water had to be pumped in the ship in order to maintain its balance. Necessary repairs were carried out on the vessel in Rodrigues to enable it to sail back to Port Louis on 11 July 2016.

On 12 July 2016, a team from Garden Reach Shipbuilders and Engineers Ltd. came to Mauritius to examine the vessel. The team identified underwater repair works to be carried out in two phases. During the first phase, the vessel was dry-docked at Taylor Smith Limited from 22 to 25 July 2015 and essential repairs were carried out. The second phase is scheduled for mid-December 2016 in the course of which the vessel will be dry-docked anew for a period of 10 to 15 days and will undergo repair works. All the related costs will be met by Garden Reach Shipbuilders and Engineers Ltd.

I am further informed that on 26 September 2016, one Fishing Vessel '*Shandrani*' which was in Port- Louis harbour, collided against the right side rear of Coast Guard Ship Barracuda which was berthed along Quay B at Port Louis Harbour. This incident was reported to the National Coast Guard Post in the Harbour on the same day and an enquiry into circumstances which led to the incident has been initiated by the latter. The enquiry is in progress and I understand the case file will be referred shortly to the Office of the Director of Public Prosecutions.

I wish, however, to re-assure the House that Coast Guard Ship Barracuda is currently fully operational.

Mr Rutnah: Can the Rt. hon. Prime Minister enlighten the House whether the Government has been provided with a report from the Warship Overseeing Team that was

contracted to accept all trials on behalf of the Government of Mauritius in respect of the safety features of this vessel?

The Prime Minister: There was no contract between Government and the Warship Overseeing Team, that is, the Indian Navy. However, Government has requested the Indian Navy to participate in overseeing the project on our behalf. This was done to our satisfaction. The contract was between Government and the manufacturer, Garden Reach Shipbuilders & Engineers Ltd. The Warship Overseeing Team was only present at and supervised all the trials, including basin trial, constructor sea trial, ship builders' trials, etc., but also certified that the trials have been carried out satisfactorily. Similar arrangements have also been made for Coast Guard Ships "Victory" and "Valiant".

Madam Speaker: One last question, hon. Rutnah!

Mr Rutnah: Can the Rt. hon. Prime Minister confirm to the House whether there is a report to confirm that the ship was subject to trial at River Hooghly instead of the ocean and that trials of, at least, 15 to 20 times are required by the Indian Naval Ship Protocol and that its guns, canons and its electronic tracking and firing aids cleared the test?

The Prime Minister: I am informed by the Commissioner of Police that such trials were carried out and a report is available.

Madam Speaker: Time is over! PQ No. B/1119 in regard to the number of seats offered to Mauritian students in Pakistani colleges/universities under the Pakistan Technical Assistance Programme in respect of academic year 2016-2017 will be replied by the hon. Minister of Education and Human Resources, Tertiary Education and Scientific Research. PQ No. B/1125 in regard to street lighting system on the classified roads falling under the jurisdiction of the Municipal Council of Vacoas and Phoenix will be replied by the hon. Minister of Public Infrastructure and Land Transport. The Table has further been advised that PQ No. 1144 has been withdrawn. Hon. Shakeel Mohamed!

PAKISTAN – HIGH COMMISSIONER

(No. B/1108) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the office of 'Ambassador of the Republic of Pakistan' to the Republic of Mauritius, he will state the name of the incumbent thereof, indicating if any names proposed by the Government of the Republic of Pakistan therefor have been refused by the Government of the Republic of Mauritius.

The Minister of Health and Quality of Life (Mr A. Gayan): Madam Speaker, with your permission, I will reply to this question.

Madam Speaker, Pakistan is a friendly country with which we have always maintained excellent diplomatic relations at bilateral and multilateral levels since Independence.

Pakistan is one of the first countries to have opened a resident diplomatic mission in Port Louis. The Mauritius High Commission in Islamabad was established in June 1970. In the conduct of its diplomatic practice, Mauritius has always made due diligence and compliance with the Vienna Convention on diplomatic relations which entered into force on 24 April 1964.

According to the Vienna Convention on diplomatic relations, particularly Article 4 (1) and (2), which stipulates that a sending State must ensure that the *agrément* of the receiving State has been given for the person it proposes to accredit as Head of the mission to that State, and we comply strictly with that.

It is also not in conformity with diplomatic practice to mention any name proposed until the time come when the *agrément* has been duly granted by the receiving State.

The former High Commissioner for Pakistan, Major General (retired) Raza Muhammad presented his credentials on the 28 August 2015. Unfortunately, he had to leave Mauritius prematurely for personal reasons. The *agrément* for a new High Commissioner from Pakistan has already been granted and the arrival of the new High Commissioner is awaited.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: My question, Madam Speaker, was: if any name proposed by the Government of the Republic of Pakistan, therefore, had been refused by the Government of the Republic of Mauritius? The reason why I put this question - and it seems that the hon. Minister is not giving us an answer to that - is my information is that there was a name that was proposed initially by the Government of Pakistan and the name that was proposed was Major General Tariq Rashid Khan. This was proposed and no answer was emanating from the Government of Mauritius and it was finally simply refused.

Madam Speaker: Ask your question, hon. Shakeel Mohamed! Don't provide information!

Mr Mohamed: Is that correct?

Mr Gayan: Well, Madam Speaker, I did make mention of the Vienna Convention on Consular Relations and for the benefit of my friend, I'll refer to Article 4, paragraph 2 where it says –

“The receiving State is not obliged to give reasons to the sending State for a refusal of *agrément*.”

The diplomatic practice is as follows: a name can be submitted to the receiving State and if the *agrément* is not granted within a certain timeframe, then it is deemed to have lapsed and there is no formal refusal or rejection of any name that goes on in diplomatic circles. This is not what diplomacy is all about.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: The hon. Minister referred to Pakistan as being a friendly State. Now, my question is very straightforward: is it the reason why Major General Tariq Rashid Khan was simply refused because there was another friendly State that gave their point of view which the hon. Minister's colleague simply complied with to refuse that name because precisely he is a Major General retired from the Pakistani Army? He was refused following recommendation from another friendly State?

Mr Gayan: Well, that is totally untrue. In fact, Madam Speaker, I can sense from the question the likelihood of a bias against another country. Let me say that for former High Commissioner of Pakistan in Mauritius and the *chargé d'affaires*, we have had a Major General Siddiqui from 2010 to 2012. We had from 2012 to 2015 another Major General Ulfat Hussain. We had the previous one also. So, it is not true to say that Mauritius is guided by the wishes of another country. We are a sovereign country and we decide strictly in conformity with the Vienna Convention.

Madam Speaker: Next question. Hon. Rughoobur!

SPORTS PROMOTION & YOUTH EMPOWERMENT– FUNDS EARMARKED

(No. B/1109) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or) asked the Minister of Youth and Sports whether, in regard to the promotion of sports and the empowerment of the youth by his Ministry in collaboration with the local authorities, he will state the amount of funds earmarked therefor, since July 2015 to date.

Mr Sawmynaden: Madam Speaker, I have to inform the House that my Ministry does not provide any financial assistance to Local Authorities for the promotion of sports and the empowerment of the youth.

I am informed that funds allocated for development of sports and empowerment of the youth by Local Authorities are catered for under the budget of each of the Local Authority from grant provided by the Ministry of Local Government.

It is noted that my Ministry does provide technical assistance and other logistics to Local Authorities whenever such requests are made by them.

Madam Speaker: Yes, hon. Rughoobur!

Mr Rughoobur: There were recently the *Jeux du Nord* by the Rivière du Rempart District Council. May I know from the hon. Minister if he can elaborate on the participation of his Ministry and the support provided following the request from that specific Local Authority?

Mr Sawmynaden: As mentioned, we do give technical and logistic assistance if there is a request from them, but for this specific District, I have no answer. The hon. Member can come with a substantive question!

Madam Speaker: Next question, hon. Rughoobur!

NATIONAL YOUTH VOLUNTEER SCHEME – INITIATIVES

(No. B/1110) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or) asked the Minister of Youth and Sports whether, in regard to the National Youth Volunteer Scheme, he will state if initiatives have been undertaken thereunder for the promotion of the volunteering culture amongst the youth as at to date and, if so, give a list thereof and, if not, why not.

Mr Sawmynaden: Madam Speaker, I wish to inform the House that the National Young Volunteer Scheme was launched in December 2015 under the aegis of my Ministry with the aim to create opportunities for youth to engage in volunteering activities at regional and national levels.

The National Young Volunteer Scheme, also known as the Volunteer Mauritius, has an objective to promote a volunteering culture and spirit among young people and has, as main motto, '*Ansam Anou Konstrir Moris*'.

Prior to the launching, a Steering Committee comprising various stakeholders and representatives of related public bodies was set up. Subsequently, a Concept Paper and an Action Plan were elaborated. A dedicated website was also launched in October 2016.

Volunteer Mauritius has also published a handbook and a passport to record and monitor volunteering work. To date, 1037 volunteers have been registered and recruitment is ongoing.

I am circulating a list of the initiatives undertaken under the scheme.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: There was a proposal to train around 500 youths to constitute a pool of volunteers in order to work in those youth centres around the island. May I know from the hon. Minister the status to date, please?

Mr Sawmynaden: Actually, it is ongoing. As I have mentioned, 1037 volunteers have been recruited and it is still ongoing and we are promoting it furthermore.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Thank you, Madam Speaker. In regard to this proliferation of synthetic drugs around the island, may I know from the hon. Minister if he is contemplating - because this is a very laudable initiative - to put in place a strategy with these volunteers to see how he can fight this *fléau*?

Mr Sawmynaden: Madam Speaker, we have already started the *caravane de l'espoir* two weeks back at Roche Bois. All the volunteers are involved. In two weeks' time, it will be in another area. We will be going around the island with all the volunteers and all the young to make the youths aware of not only the problem of drugs, but also the problems of alcohol, cigarettes and *grossesses précoces*.

Madam Speaker: Next question, hon. Rughoobur!

NATIONAL YOUTH COUNCIL – COMPOSITION

(No. B/1111) **Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or)** asked the Minister of Youth and Sports whether, in regard to the National Youth Council, he will, for the benefit of the House, obtain therefrom –

- (a) information as to the composition thereof, and

- (b) a list of the activities carried out by the Council since 01 January to 30 June 2016.

Mr Sawmynaden: Madam Speaker, I am tabling the information regarding –

- (a) the composition of the National Youth Council, and
- (b) a list of activities carried out by the Council for the period January to 30 June 2016.

Mr Rughoobur: Madam Speaker, may I know from the hon. Minister, since we are speaking about the youth, whether he is coming forward with the elaboration of a National Youth Policy and, if not, what his Ministry is contemplating and what is the type of strategy that his Ministry has for the youth in terms of empowerment?

Mr Sawmynaden: Actually, the Rt. hon. Prime Minister himself launched the National Youth Policy, I think, two months back and we are also implementing the Smart Youth 2020.

Madam Speaker: Next question, hon. Rughoobur!

ROADS - SPEED CAMERAS

(No. B/1112) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the speed cameras, he will state the number thereof which are currently operational, indicating the -

- (a) criteria considered for the location thereof, and
- (b) composition of the team which is carrying out the management/supervision thereof.

Mr Bodha: Madam Speaker, I thank the hon. Member for the question. The contract for the supply, installation and commissioning of speed cameras was awarded to Proguard Ltd in the year 2012. From the year 2013 to 2015, speed cameras have been installed in 55 sites out of which today 53 are operational. The two speed cameras installed at Valton and Crève Coeur along Terre Rouge - Verdun Motorway M3, were switched off since January 2015, following the collapse of part of the motorway at the level of Crève Coeur. With the completion of the slope stabilisation works at this location, we opened the roads last week,

these two speed cameras will soon be reactivated and necessary tests are presently being carried out.

Madam Speaker, there have always been questions as to the rationale for the siting of the speed cameras. Personally, I am not satisfied of the locations of the speed cameras and when I came into office I even requested that a few speed cameras be relocated. At this stage, my Ministry is coming up with a full-fledged audit to review the whole speed cameras system.

As regards part (a) of the question, I am informed that the first criterion to decide on the siting of fixed speed cameras are accident prone areas which is determined by using an accident analysis package introduced in the year 2000, the MAAP software where a minimum of 5 collisions have occurred during the last five years resulting in either death or injury. 80% of the cameras are located in such areas.

Madam Speaker, the second criterion is on road safety where there is a real threat to road safety which include -

- (i) complaints of speeding vehicles received from members of the public;
- (ii) for safety in school zones;
- (iii) cases where there are evidence of over speeding causing threat to local inhabitants and pedestrians. This is substantiated by speed surveys based on the report from District Officers of the Traffic Management and Road Safety Unit of my Ministry and the Police;
- (iv) places where there is documented history of crashes;
- (v) cases of replacement of road humps or yellow mode rails, and
- (vi) cases where due to topographical reasons, there exist physical features of road geometry which requires the slowing down of vehicles to maximise road safety.

Madam Speaker, as regards part (b) of the question, I am informed that initially the management and operation of the speed camera system was awarded to Proguard Ltd in 2012. There was a big controversy then about the confidentiality of data for the processing of the speed violations when being managed by Proguard Ltd. Accordingly, the Ministry at that time decided to review the responsibilities and scope of works of the contractor and to transfer some of the contractual responsibilities from the contractor to the Police. A

Memorandum of Understanding was signed between the Police, the contractor, the Traffic Management and Road Safety Unit (TMRSU) and the Ministry in June 2013.

A maintenance contract has been entered with the Firm Proguard Ltd since August 2016 for a one-year period through a bidding exercise. The maintenance contract covers for calibration of the speed cameras, licence fees for the software used for the processing of speed violations as well as for technical support for any glitch in the system. The maintenance contractor can intervene on the system only to provide technical support in case of software and hardware malfunctioning.

Madam Speaker, the TMRSU is accountable for overall management and supervision of the system and the Police Photographic Enforcement Unit operates on the system to process speed violations.

Madam Speaker, the system was devised and designed by the contractor and the Ministry has no control on the hardware or the software as it is a licensed product. At this stage, my Ministry will undertake a complete audit of the system including the hardware and the software. The Terms of Reference are being finalised in consultation with the Central Informatics Bureau. The tender will be launched by January 2017. It is planned to come up with a new system of speed cameras in the light of the findings of the Audit. One of the possible options would be the introduction of what we call the average zone speeding system, that is, from one point to the other.

Mr Rughoobur: I thank the hon. Minister for his reply. He has been referring to the management of the system by the TMRSU today. May I request him - while he has also been mentioning the launching of tenders for the whole system - to look into the possibility of appointing specialists to monitor the whole system, as is the case in South Africa, for example?

Mr Bodha: The hon. Member is right, Madam Speaker. In fact, we have no control on the software or the hardware because of the licensing and the confidentiality. What we are trying to do now is to have an audit of the present system and to see whether it can be upgraded. The whole system costs about Rs180 m. and it has been used only for a few years. So, we will go for the audit, but we all know what happens with the speed cameras. Drivers come just in front of the camera, they slow down and then just after the camera, they speed again to save time. The solution is, in fact, what we call 'zone speeding', that is, you commit an offence if you go above the average speed over a sector of the road.

Mr Baloomoody: The hon. Minister just mentioned that Proguard collects the data and then it submits same for the Police to take action, to prosecute the driver, etc. Can I ask the hon. Minister whether he will confirm that for a certain time Proguard did not send the Police any data and thus, there has been no prosecution because the Government, on their side, did not honour part of the agreement?

Mr Bodha: No. In fact, what has happened is that the system was switched off for some time.

Mr Mohamed: Madam Speaker, the hon. Minister has talked about calibration and he also said that the Police have no control over this particular aspect which is calibration. Therefore, in the light of this, could he, please, inform the House what is the interval at which this calibration is done and if this calibration is done, what is the Standards Bureau that can approve the calibration methodology that is being done at the moment?

Mr Bodha: In fact, to have an international organisation, we oversee this. The calibration is done every year and we have to pay for it. That is why I said that we have no control on the hardware.

Mr Ramful: The hon. Minister mentioned that the contract for management has been renewed in August 2016. May I know the sum that is involved as well as the conditions and for the sake of transparency, would the hon. Minister table a copy of the contract?

Mr Bodha: Well, there was a management contract which has been signed for a period of time. As regards the maintenance, it was done every year. The calibration is done every year. I am going to submit all the details about what is being paid on a yearly basis.

Madam Speaker: One last question, hon. Lesjongard!

Mr Lesjongard: Thank you, Madam Speaker. From the reply of the hon. Minister, we understand that once the camera is put out of service, when put again back into service, it has to be calibrated. May we know where that calibration is done and whether it is done here, locally or it goes outside Mauritius?

Mr Bodha: The calibration is done by the South African company which holds the licence for the hardware and the experts come from South Africa to do it on site.

Madam Speaker: I suspend the sitting for one and a half hours.

At 1.00 p.m. the sitting was suspended.

On resuming at 2.28 p.m. with the Deputy Speaker in the Chair.

The Deputy Speaker: Hon. Osman Mahomed!

DR. A. G. JEETOO HOSPITAL – EMERGENCY ACCESS - REPRESENTATIONS

(No. B/1113) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Health and Quality of Life whether, in regard to the Dr. A. G. Jeetoo Hospital, he will state if his Ministry is in presence of representations against the opening of an emergency access thereof along the Dr. A. Rouget Street and, if so, indicate the actions taken in relation thereto, if any.

Mr Gayan: Mr Deputy Speaker, Sir, I wish to inform the House that the Master Plan for the Dr. A.G. Jeetoo Hospital provides for a through-road starting at De Courcy Street with an intended emergency access at the back of the hospital in Rouget Street. The Consultant designed the emergency access which was approved by this Ministry for implementation.

I am further informed that an emergency access at the Dr. Jeetoo Hospital has been operational since 19 October 2016 to date. The emergency access has never been used.

Concerning the other part of the question with regard to representations against the opening of the emergency access, yes, I have received representations, but the emergency access is vital for the hospital and the emergency access will continue.

The Deputy Speaker: Hon. Mahomed!

Mr Osman Mahomed: Dr. Auguste Rouget Street is a very narrow street, three meters wide with no pavements, with two schools there, an orphanage and a Mosque. Can the hon. Minister enlighten the House as to what emergency means because if there is excess movement there, it will cause major traffic flow thereby even endangering school students? Can the hon. Minister define emergency, please?

Mr Gayan: Well, it is very difficult, Mr Deputy Speaker, Sir, to define an emergency. An emergency is an emergency! I can understand that a public hospital needs to have an access which can be used in an emergency, for example, a fire breaking out in the hospital or a major catastrophe, then we need to have an access other than the main access. This is what the emergency will be for. It will be used only in emergency situations.

Mr Osman Mahomed: Fair enough it is for fire exit. But, will casualty patients be moving in and out from there?

Mr Gayan: I just said that it will be only used in emergencies. It will not be used for any other purposes other than an emergency, nothing for delivery, no patients, no ambulances except in an emergency.

The Deputy Speaker: Hon. Uteem!

Mr Uteem: Thank you, Mr Deputy Speaker, Sir. The opening of this road is causing a lot of pressure on the inhabitants. The hon. Minister just mentioned that it will be used for emergency purposes only. Can I know from the hon. Minister whether there has been a circular, a directive issued by the Ministry or at the level of Dr. Jeetoo Hospital to ensure that this access will really be used only in exceptional circumstances?

Mr Gayan: Well, I did say, Mr Deputy Speaker, Sir, that when the original drawings for Dr. Jeetoo Hospital were finalised, this emergency access was there. But, I understand that, for whatever obscure reason, that emergency access was not proceeded with, but now it is there, it is available since the month of October, but it has not been used because there has been no emergency.

The Deputy Speaker: Hon. Jhugroo, last supplementary!

Mr Jhugroo: Will the hon. Minister confirm whether this emergency access has not been opened in the past because there is a political agent who resides next to the access? The Labour Party?

The Deputy Speaker: Hon. Jhugroo, this is not...

(Interruptions)

Mr Gayan: Well, maybe the hon. Chief Whip knows more than I do about this.

The Deputy Speaker: Hon. Osman Mahomed, next question!

MEDICAL PRODUCTS (EXPIRED) - DISPOSAL

(No. B/1114) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Health and Quality of Life whether, in regard to the disposal of medical products by the public hospitals, private clinics, pharmacies and importers respectively, he will state the protocol established by his Ministry therefor, if any.

Mr Gayan: Mr Deputy Speaker, Sir, I am informed that the disposal of expired medical products, including expired medicines, in public hospitals, is undertaken in line with the Financial Instructions on disposal of unwanted goods issued on 14 December 2012.

With regard to the disposal of expired medicines, my Ministry contacts the Solid Waste Management Division of the Ministry of Environment, Sustainable Development, and Disaster and Beach Management for measures for disposal at landfill or other waste transfer station.

My Ministry also follows the World Health Organisation guidelines for disposal of medical products and these guidelines are for the safe disposal of unwanted pharmaceuticals in and after emergencies.

Mr Deputy Speaker, Sir, as for private clinics, pharmacies and importers, I am given to understand that there is need for them to seek prior authorisation from the Ministry of Environment, Sustainable Development, and Disaster and Beach Management before they can dispose of their medical products.

Mr Osman Mahomed: Last week, a private company disposed of expired medication and the hon. Minister made a statement in Parliament. But the journalist who wrote that article has mentioned that he had informed the Ministry of Health and Quality of Life more than 24 hours before, but no one from the Ministry responded until such time I went to Line Barracks and reported the case. Then only the Police came and took over the medicines which were expired five years ago and people were taking away this medication. Is there a dedicated department at the level of the Ministry that handles this kind of awkward situation?

Mr Gayan: Well, Mr Deputy Speaker, Sir, I made a statement in the House regarding those expired medicines. The expired medicines which were found on the street did not come from the public hospital. They came from the stock of an importer and he wrote a letter to me in which he said that an Indian national who is not familiar with the regulations in Mauritius simply placed the cartons on the street for them to be taken by the municipal waste lorries. I find that hard to understand and to accept. An enquiry is on, so we will wait for the outcome of the enquiry to see what other measures can be taken. I must also say that we have, within the public hospitals, the incinerators which are used for the disposal of medicines, but when we came into office in December 2014, I have myself been shocked by the amount of expired drugs that were in the stores amounting to about Rs1 billion. We have disposed of a large part of that, but there is still some to be disposed of. Measures are being taken now not to import all our requirements at one go, but to stagger the imports so that we don't need to stock so many for a long period of time.

Mr Osman Mahomed: Mr Deputy Speaker, Sir, when I was there, I had the chance to inspect those medications. On there, I found the chop of the Ministry of Health and Quality of Life. How does the hon. Minister reconcile the fact that it was a private importer, therefore, have

never gone into the system, and yet there is a chop of the Ministry of Health and Quality of Life on those flacons?

Mr Gayan: It sounds like a mystery, but there is no mystery. In fact, that particular importer obtained a tender for the supply of a certain quantity of medicine. Apparently, at that time, there was an epidemic of some kind and he thought that he could import more in order to sell more, but the manufacturer/supplier, whenever he sends to Mauritius, has to put the stamp of the Ministry. This is how in all the consignment there was the stamp of the Ministry of Health and Quality of Life. But the Ministry of Health and Quality of Life had only ordered 40,000 bottles and he had imported 180,000 bottles. So, this is what explains the discrepancy and also the presence of the stamp of the Ministry of Health and Quality of Life, because the supplier in India had to put it, thinking that everything would be sent to the public hospitals.

Dr. Sorefan: Mr Deputy Speaker, Sir, at one point in time, we were talking of having an incinerator at La Chaumière to dispose of all medical products. Will the hon. Minister tell us where matters stand?

Mr Gayan: Well, the land has been obtained for that incinerator. It is going to be a very state-of-the-art incinerator to be capable of disposing of all the medical wastes generated in the public hospitals and also in the private sector. I understand that a consultant is being looked for in order to process that particular file, but it is ongoing.

Mr Osman Mahomed: Since we are talking about Dr. Jeetoo Hospital and incinerator, may we know what is the latest with regard to the incinerator within Dr. Jeetoo Hospital, which is causing quite a lot of inconveniences to the inhabitants of the locality?

Mr Gayan: In fact, Mr Deputy Speaker, Sir, the incinerator in Dr. Jeetoo Hospital has been a source of nuisance for a number of years and this is one of the reasons why we are moving as fast as possible for having a new incinerator at La Chaumière that will dispose of all medical wastes. Unfortunately, whenever there is an oversupply of goods to be disposed of in the incinerator and if Dr. Jeetoo Hospital cannot handle that, we are sending part of it to the other hospitals to be disposed of.

The Deputy Speaker: Hon. Ameer Meea, next question, please!

AUTO/MOTOR CYCLES & CARS - NOISE EMISSIONS - CONTRAVENTIONS

(No. B/1115) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Civil Service and Administrative Reforms, Minister

of Environment, Sustainable Development, and Disaster and Beach Management whether, in regard to loud noise emissions, he will state the number of –

- (a) contraventions booked and convictions secured in respect of auto/motor cycles and cars therefor over the past seven months, division-wise, and
- (b) sound level meters presently available, indicating if they are operational and, if not, why not.

Mr Wong Yen Cheong: Mr Deputy Speaker, Sir, I am advised that, over the past seven months, a total of 525 contraventions, of which 78 for Port Louis South, 51 Port Louis North, 88 Northern, 71 Western, 65 Central, 85 Southern and 87 Eastern have been established in respect of auto/motor cycles for loud noise emissions. No contraventions have been established for cars.

As regards part (b) of the question, I am informed that no sound level meters are presently in use.

I am also informed that my Ministry funded the purchase of 10 sound level meters in September 2011. However, the equipment are not being utilised at the moment as they were not generating readings in a consistent manner.

Contraventions for loud noise emissions for vehicles are presently being established under section 83 (3) (a) and (b) of the Road Traffic (Construction and use of vehicles) Regulations 2010 for altering of silencer causing excessive noise.

Mr Ameer Meea: Mr Deputy Speaker, Sir, this issue of loud noise emission has been canvassed in this House by me since 2012 and, unfortunately, the problem is still here. The hon. Minister, in his reply, stated that the sound level meters which were purchased back in 2011 cannot be used. So, my question to the hon. Minister is: Why not scrapping all these sound level meters and replacing them by new ones so that something can be done? We can't continue keeping these meters and not using them.

Mr Wong Yen Cheong: I wish to point out that the legislation gives us the right to give contraventions. Once somebody has tampered - because this is obvious when there is the noise - with the exhaust pipe, then we can give contravention. In fact, it is true that we need to get new sound level machines.

Mr Ameer Meea: Mr Deputy Speaker, Sir, this problem is island wide. Everyone is affected by this loud noise emission and it is creating much discomfort in the society. I have

another request, if I can say it like this, to the hon. Minister, namely if he can consider amending the law because I remember, in the past, it was question of amending the law for the seizure of motorcycles so that they respect the law finally, as up to now this has not brought any good results.

Mr Wong Yen Cheong: I know that my colleague, hon. Dayal, has already mentioned that in the past, and there is an amendment to the Bill that will come very soon to Parliament.

Mr Osman Mahomed: I had the chance to ask questions on that subject before as well and hon. Dayal, predecessor to the hon. Minister, did mention that, in the spirit of prevention is better than cure, spot checks, *opération coup de poing* will be held at garages which do modify motorcycles so that they become more noisy. Has there been a follow-up on this so far, and how many inspections have been carried out in that *opération coup de poing*?

Mr Wong Yen Cheong: There are several actions of *coup de poing*, as the hon. Member has said, which have been carried out, but I do not have the figures with me right now.

The Deputy Speaker: Hon. Ameer Meea, next question!

FDI – GROSS DIRECT INVESTMENT

(No. B/1116) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Finance and Economic Development whether, in regard to Foreign Direct Investments, he will state the –

- (a) total amount thereof obtained in 2015 and for the period January 2016 to date
- (b) total percentage thereof invested in 2015 and estimated for 2016 in the construction sector and the real estate sector respectively and
- (c) estimated impact of a reduction therein on the balance of payments and on the economic growth rate for the years 2016 and 2017, respectively.

Mr Jugnauth: Mr Deputy Speaker, Sir, with regard to part (a) of the question, I am informed by the Bank of Mauritius that gross direct investment flows into Mauritius were Rs9.7 billion for the whole year 2015. According to published statistics, the flows amounted to Rs8 billion for the first semester of 2016, and they are estimated to be around Rs14 billion for the year 2016.

With regard to part (b) of the question, the share of gross direct investment flows directed into the construction and real estate sectors was 87% for 2015, and on the basis of data available as at to date, this ratio is estimated to be around 71% for 2016.

Regarding part (c) of the question, there has been no reduction in FDI during 2016. In fact, the trend indicates clearly that FDI into Mauritius will be significantly higher than that of last year.

Based on the current trends, the Bank of Mauritius projects a higher balance of payments surplus of around Rs22 billion for 2016 compared to Rs20 billion for 2015. For 2017, the Bank estimates that the country will record a balance of payments surplus.

The higher amount of FDI inflows would positively impact on real GDP growth rate, given spill-over effects on the rest of the economy. The Bank forecasts real GDP growth to be between 3.8% and 4% in 2017.

Mr Ameer Meea: Mr Deputy Speaker, Sir, in his reply, the hon. Minister gave the figures of Rs14 billion, if I am not wrong, for 2016. May we have a breakdown of how this Rs14 billion is arrived at and whether it includes the grant that we received from India?

Mr Jugnauth: Well, I can give a breakdown of what we have already noticed from January to September. It is about Rs10,592,000,000, that is, the different sectors which have recorded an inflow of Foreign Direct Investment, but the rest would be about the forecast of the Bank of Mauritius. So, that, I suppose, will have to wait till the end of the year in order to be able to give the exact figures with regard to which sectors have benefitted from FDI. But I can, of course, table a list of the different sectors whereby there has been an inflow of foreign capital.

The Deputy Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Mr Deputy Speaker, Sir, despite this figure of FDI of Rs9.7 billion in 2015 and the estimated one of Rs14 billion this year, we have noted that this has not increased our growth rate. It has not increased our export potential, and also unemployment is still on the rise. Therefore, can I ask the hon. Minister whether more emphasis should not be laid upon other types of FDI, for instance, in the manufacturing sectors, that would bring added value to the economy?

Mr Jugnauth: Well, it is not correct to say that this has not had any effect on the growth because this is what we are saying; the growth rate is increasing and the forecast, not

only of the Bank of Mauritius, but also for MCB Focus. In fact, MCB Focus is more optimistic because they have forecast a growth rate of 4%, whereas Bank of Mauritius forecast is between 3.8% and 4%. So, it is not correct to say that there has not been an effect of Foreign Direct Investment on the growth rate.

With regard to the manufacturing sector, I can say that there has been a marked increase, in fact, in FDI as compared to 2015; it was Rs91 m. For this year up to now, it is Rs497 m. Again, of course, I would have wished that it could have been a much bigger figure. Therefore, Government is addressing this issue. We would wish that apart from the fact that we have noticed an increase in FDI for this year, we will be, of course, addressing the issue so that necessary measures are taken also for next year's FDI to be on the increase again.

Mr Osman Mahomed: The Rt. hon. Prime Minister – I am not too sure whether he was Minister of Finance or before that – did make a statement to say that the real estate sector is not a very productive sector or may not necessarily be the most productive sector we should go for. Now, standing from that statement, may I know from the hon. Minister of Finance whether there is a diversification at the level of his Ministry or the Board of Investment so that we have other types of investment that we should focus on rather than specifically on real estate which, at some point in time, will reach the point of saturation and not be productive anymore?

Mr Jugnauth: Well, let me say, first of all, Mr Deputy Speaker, Sir, that it is better to have an increase in investment with regard to the construction and the real estate sector than to have a lower figure. Secondly, we are totally agreeable with what the Rt. hon. Prime Minister has said, that we should see to it that other sectors bring in as much FDI as possible. And in that context, as I have said, the budgetary measures that have been voted and taken, will, I am sure, contribute to a large extent to diversifying our economy. But if I give another example with regard to the Financial and Insurance activities, in 2015, FDI was to the amount of Rs229 m. and for this year, January to September, it is Rs2,046,000,000. So, that shows - I can mention other sectors also - that we are doing whatever we can in order to see to it that other sectors of the economy bring in as much as FDI as possible.

The Deputy Speaker: Hon. Uteem, last supplementary!

Mr Uteem: Thank you, Mr Deputy Speaker, Sir. Will the hon. Minister of Finance and Economic Development agree that, compared to previous years, especially 2014, the

level of FDI is still relatively modest and certainly below what was forecasted last year when the then Minister of Finance and Economic Development talked about massive investment and Mauritius being a *chantier* with all the smart cities, but we still haven't got any smart city off the ground up to now?

Mr Jugnauth: The hon. Member is talking about 'as compared to other years'. Fair enough! If I compare to 2014, the total FDI was Rs18,497,000,000. For this year up to September, we are at Rs10,592,000,000 and the forecast is Rs14 billion. So, we are not far. But if we want to compare, let us compare! In 2000, the total FDI was Rs7,265,000,000; in 2001, it was Rs936 m.; in 2002, Rs979 m.. So, if we want to compare, we can also learn from previous experiences and try to compare, relatively speaking, what has been obtained in the past.

The Deputy Speaker: Hon. Ameer Meea, next question, please!

HAWKERS – RELOCATION

(No. B/1117) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Local Government whether, in regard to the proposed relocation of the hawkers, he will state where matters stand.

Dr. Husnoo: Mr Deputy Speaker, Sir, I wish to inform the House that following the Government decision, 1,592 hawkers have been temporarily relocated by the Municipal Council of Port Louis as at date to the following sites –

- 1,155 hawkers at Decaen Market Fair and Transportation Centre Fair, Immigration, and
- 437 hawkers at Monneron fair, Monneron 'La Case Cassée' and Ruisseau du Pouce.

The House may wish to note that it is envisaged as a long-term measure to relocate the hawkers permanently at Victoria and Immigration Bus Station in the context of the Road Decongestion Programme.

The Deputy Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Mr Deputy Speaker, Sir, the hon. Minister, after assuming Office, said in the House that it was his priority to relocate all the hawkers. Now, it is almost two years and nothing has been done. Answering to a PQ in April 2016, the hon. Minister stated to the House, I quote –

“The project at Victoria Bus Station will start in a few months’ time.”

Therefore, can I ask the hon. Minister where matters stand? Has there been any tender exercise that has been done? When will this project of accommodating the hawkers in Immigration Square bus station start? It is almost two years now that the hon. Minister is in Office.

Dr. Husnoo: Yes, I did say that the project is going to start soon. But, since then, there have been some changes in the project. As we know, they are going to be at Decaen Market Fair and at the same time there will be the Metro Express on the other side of the motorway. So, there have been some changes in the project. But the request for proposal is going to be launched soon. When I say ‘soon’, it is the next month or so; the project will hopefully start by mid-2017.

Mr Ameer Meea: I hope the hon. Minister means what he said. Last time he said: “few months”. Now, he is saying: “next month”. Okay, we will wait for next month.

The Deputy Speaker: What is your question, hon. Ameer Meea!

Mr Ameer Meea: Yes, it’s coming. Can I ask the hon. Minister how many hawkers have not yet been allocated a stall?

Dr. Husnoo: In the City of Port Louis, as far as I know, most of them.

Mr Osman Mahomed: In an interview which the hon. Minister gave last Sunday, he said that in Mahebourg the case is being treated as isolated when hon. Jhugroo had words with the Police. ‘*Croiser le fer*’, these are the words.

The Deputy Speaker: Don’t mention the name! Just go to your question!

(Interruptions)

Mr Osman Mahomed: The question is not about Port Louis, it is about hawkers. Now, is there a general policy in the country to eradicate the whole country from hawkers or is it in Port Louis only? Because there does not seem to be a *politique de collectivité* on this subject, but it appears to be only in Port Louis at the moment. In Mahebourg, hawkers are being allowed to sell.

Dr. Husnoo: I am sorry, you are completely wrong. This policy is across the island. As I mentioned, in fact, across the island, you have 2,659 hawkers and 2,221 have been relocated. Yes, there was some problem. I know the problem in Mahebourg and we were

trying to get a plot of land. We have got that plot of land. We are going to eventually accommodate it and transfer the hawkers there. That was what I meant.

Mr Mohamed: It is clear that whilst we are not in agreement as to how this dossier has been tackled, we can put that aside. In the spirit of being constructive, could the hon. Minister - until the project that is referred to sees the light of day - in the meantime, consider the possibility of using, at least, two or three of the *axes* of the capital city in Port Louis, in the afternoon, so, in the early evening, in order to give the possibility to those hawkers to ply their trade, as is the case in the capital cities of Malaysia, Singapore and other countries worldwide, and to obtain the collaboration of the Commissioner of Police in this respect, in the name of allowing them to live pending this construction seeing the light of day?

Dr. Husnoo: Mr Deputy Speaker, Sir, that is what the policy has been. We have managed to get four sites for them. Before, we had only two sites. We managed to get four sites for them. They are working there now. In fact, in the spirit of trying to help them, for the Christmas period, we are going to allow them to work until midnight; we are going to provide them all the facilities to work up till midnight. We understand the problem, we care as much as you do as well and we are looking for solution, temporary and permanent solution.

Mr Uteem: The hon. Minister again repeated what was said before that there is going to be a new project to house the hawkers and that is coming next year. May I know from the hon. Minister whether money has been earmarked for this project and where that money will come from?

Dr. Husnoo: It is just going to be financed by the private sector. We are going to launch...

(Interruptions)

Okay, you can laugh! But when it comes, we will see who is going to have the last laugh. The RFP is going to be launched soon and it is going to cater for the Design-Build-Finance-Operate-Maintain.

The Deputy Speaker: Hon. Ameer Meea, one last supplementary on this!

Mr Ameer Meea: Mr Deputy Speaker, Sir, the hon. Minister is still in the habit of electoral campaign, of selling dreams.

(Interruptions)

My question to the hon. Minister is what is the timeframe we are looking at? Because I don't take you seriously...

The Deputy Speaker: Hon. Ameer Meea!

Mr Ameer Meea:...when you said next month...

The Deputy Speaker: Hon. Ameer Meea, you have asked this question earlier. You had the reply to this question.

(Interruptions)

You have! He had said very soon! Therefore, if you don't have any supplementary question...

(Interruptions)

Do you have any other supplementary question?

Mr Ameer Meea: Which date are we talking about? Are we talking of 2016, 2017, 2018 or after you are gone?

Dr. Husnoo: Who is talking?

(Interruptions)

Who is talking? What have you done for the hawkers? For 15 years, you have been sitting here!

(Interruptions)

10 years! What have you done? Nothing! Just criticising! Just big talk!

(Interruptions)

The Deputy Speaker: Hon. Minister!

(Interruptions)

Dr. Husnoo: But we are going to do it!

The Deputy Speaker: Hon. Minister! No more supplementary!

Mr Ameer Meea: On a point of personal explanation!

The Deputy Speaker: Hon. Ameer Meea!

(Interruptions)

Hon. Ameer Meea, I am on my feet!

(Interruptions)

Hon. Ameer Meea, order!

(Interruptions)

I am on my feet!

(Interruptions)

I am ordering you to sit down!

(Interruptions)

Hon. Ameer Meea!

(Interruptions)

Hon. Ameer Meea, you are disrupting!

(Interruptions)

Hon. Shakeel Mohamed!

(Interruptions)

Hon. Shakeel Mohamed, next question!

Mr Mohamed: I am now standing.

(Interruptions)

The Deputy Speaker: Hon. Ameer Meea!

(Interruptions)

Hon. Ameer Meea!

(Interruptions)

Hon. Ameer Meea, first of all, I have called you to order!

(Interruptions)

I have called you to order earlier!

(Interruptions)

Hon. Ameer Meea, I am warning you. Hon. Minister Husnoo, the same applies to you!

(Interruptions)

Hon. Ameer Meea, you are now testing me! You will stop disrupting or I am threatening you to order you out!

Mr Mohamed: May I ask the next question! Therefore, it is B/1118.

MILITARY ROAD, PLAINE VERTE – SQUATTERS - RELOCATION

(No. B/1118) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the squatters of Military Road, in Plaine Verte, he will state where matters stand as to the proposed allocation of State land to each one of them, indicating the solution proposed thereto for the building of houses on land that needs to be allocated thereto.

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun): Mr Deputy Speaker, Sir, my Ministry initially identified land near the Islamic Centre for Disabled Children situated in Military Road for the squatters of Military Road.

However, the site has been found to be too costly in terms of investment costs and buildability of housing units.

Due to scarcity of land within the district of Port Louis, it is proposed to relocate them at Riche Terre and needful is being done to that effect.

Mr Mohamed: Mr Deputy Speaker, Sir, I have just heard the hon. Vice-Prime Minister say something which my ears cannot believe. He is trying to send them to the cemetery. Well, fair enough!

(Interruptions)

I recall here, the hon. Vice-Prime Minister initially had decided to send those squatters to Pointe-aux-Sables first and after my intervention, he decided to send them to Vallée des Prêtres and then, I intervened with him again...

(Interruptions)

I intervene a lot.

The Deputy Speaker: Put your question!

Mr Mohamed: And he, finally, said in a spirit of good faith because he does not in any way want to be hard upon those old people who live on those State lands, he was going to leave them where they are, behind the Islamic Centre for Disabled Children. Now, could he consider if Government cannot afford - we are not asking them to build houses for them, but only to give them the land because the private sector...

The Deputy Speaker: Put your question!

Mr Mohamed: ...has already identified to build houses there and to put up infrastructure - could he, therefore, in light of what I have just said, in a spirit of good faith again...

The Deputy Speaker: Yes, put your question, hon. Mohamed!

Mr Mohamed: ...could he consider giving them the same plots that he had committed to in a statement in this House?

Mr Soodhun: Yes, Mr Deputy Speaker, Sir, I have taken all these aspects into consideration, but we have set up a committee under my colleague of the Ministry of Local Government and all the technicians, and finally, we came to the conclusion that it is very costly, more than Rs25 m. only for the infrastructure, but only for certain people. On top of that, we are not sure that with the problem that we have – you know the Canal Anglais and so on. So, if we can have the possibility at Vallée des Prêtres, I am going to reconsider it, but it is not at the cemetery, I can assure you.

(Interruptions)

No, not at all! I am not going to do that.

The Deputy Speaker: Next question, hon. Mohamed!

PAKISTAN TECHNICAL ASSISTANCE PROGRAMME – SCHOLARSHIPS

(No. B/1119) Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to the Pakistan Technical Assistance Programme of the Government of the Republic of Pakistan to Mauritius, he will state the number of seats in Pakistani colleges/universities offered to the Mauritian students thereunder in respect of academic year 2016-2017, indicating the number thereof allocated and, if not, why not.

The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. D. Dookun-Luchoomun): Mr Deputy Speaker, Sir, I am informed that on 24 June 2016, the Ministry of Education and Human Resources, Tertiary Education and Scientific Research received an offer of 16 undergraduate scholarships within the Pakistan Technical Assistance Programme in respect of Academic Year 2016-2017.

In this context, the High-Powered Committee, our Scholarship Committee of my Ministry met on 11 July 2016, in presence of the representative of the Pakistan High Commission. The offer of scholarship was advertised on the local Press and on the website of the Ministry for subjects that are in line with the list of indicative priority fields of study emanating from the TEC at the undergraduate level.

Following advertisement issued on 13 July, only two applications were received at the Scholarship Section by the closing date of 26 August 2016. Consequently, the scholarship was re-advertised with the closing date of 30 September 2016. No new applications were received. Of the initial two applications, only one candidate was eligible and was nominated for the B Engineering course. However, the candidate has declined the offer.

In conclusion, no Mauritian students accepted a seat under the PTAP for academic year 2016-2017.

Mr Mohamed: Mr Deputy Speaker, Sir, I have heard the hon. Minister and the answer she has given. How does she reconcile the fact that, therefore, on 14 July 2016, the Ministry of Education, through the Tertiary Education Commission, following several meetings held between the High Commission of Pakistan in relation to this particular scheme, gave a formal reply to the High Commission of Pakistan that the eight scholarships for MBBS were not to be taken up by the Government of Mauritius because there are too many doctors in Mauritius?

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, on the indicative priority list, MBBS has been removed, in fact, because of the large number of doctors in Mauritius and this does not apply only to Pakistan but to all other countries offering us scholarships. The same applies to India and China, and we have requested these countries to instead offer to our students scholarships for post-graduate courses in medicine.

The Deputy Speaker: Hon. Mohamed!

Mr Mohamed: The eight scholarships for MBBS that have been refused by the Government in total would be approximately of Rs16 m. including the deposit, Rs18 m.

refused for eight students. The Minister now says that even for India or China the equivalent of MBBS has also been refused because there are too many doctors in Mauritius. If that is the reason, can the hon. Minister give us a document whereby the Ministry of Education has refused from China and from India MBBS equivalence and table that letter in the National Assembly?

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, we do not have letters sent to different missions. What we have said is that, as from last year, no scholarships for MBBS courses have been accepted instead all these different foreign missions have been asked to replace these scholarships for postgraduate courses in medicine. This is how we have proceeded but, in case there is any such written communication; I have no problem in tabling it in the National Assembly.

The Deputy Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: The hon. Minister has mentioned about a list of priority areas. Is that list country specific or is it used across the board? I guess my specific question is as follows: is the same list being used for Pakistan and for other donor countries in advertising for people to come forward to apply for these scholarships?

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, for all scholarships that are offered through the Ministry of Education the same principle applies. I do understand that there are certain missions that offer scholarships on their own without the support of the Ministry, I cannot speak for that. But, as far as the Ministry is concerned, all scholarships offered through the Ministry follow the same principle and we go according to the same list (indicate priority list).

The Deputy Speaker: Hon. Mohamed, last supplementary!

Mr Mohamed: Can the hon. Minister tell us how many MBBS equivalent which the Government of Mauritius has decided not to take up because there are too many doctors in Mauritius from India? How many are offered to Mauritius from India? How many are offered from all the other countries which the Government has decided, as a matter of policy, not to accept?

Mrs Dookun-Luchoomun: Mr Deputy Speaker, Sir, I may not have the number for all the various countries but I can mention that for India there were - I will talk about all the slots - for India this year there were 97 scholarships offered but none for medicine and for Egypt again 10 scholarships offered...

(Interruptions)

The Deputy Speaker: No crosstalking, hon. Mohamed...

Mrs Dookun-Luchoomun:... but none for medicine and the same applies to China. All those that are advertised through the Ministry...

The Deputy Speaker: No crosstalking hon. Mohamed, you had the time to ask your question!

Mrs Dookun-Luchoomun: At least I'll have to mention one thing, Mr Deputy Speaker, Sir, we have gone according to the indicative list sent to us by the TEC. It is not a question of having more doctors or fewer doctors. I suppose the TEC deals with the various departments and the Ministry of Education applies the list that is sent to us by the Tertiary Education Commission.

The Deputy Speaker: Hon. Bhagwan, next question, please!

TERRE ROUGE VERDUN LINK ROAD & RING ROAD - OPERATIONAL

(No. B/1120) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Terre Rouge Verdun Link Road and the Ring Road at Port Louis respectively, he will state where matters stand as to the works being carried out thereat, indicating –

- (a) the total amount of money spent in relation thereto as at to date, and
- (b) when same will be fully operational.

Mr Bodha: Mr Deputy Speaker, Sir, if you will allow me, I will answer Parliamentary Questions B/1120 and B/1123 together as they are related to the same matter.

Mr Deputy Speaker, Sir, I wish to remind Members of the House that both projects, that is, the Terre Rouge Verdun Link Road and the Ring Road at Port Louis were inadequately managed and had three major weaknesses namely –

- (a) massive budget overrun;
- (b) poor quality of work; and
- (c) considerable delay in implementation of the works.

Mr Deputy Speaker, Sir, moreover, both projects demonstrated structural deficiencies soon after their construction. In fact, the Terre Rouge Verdun Link Road suffered from embankment failure and landslide problems at several locations, while the Ring Road failed

at one section due to weak layer located deep in the ground. The problems in both projects, Mr Deputy Speaker, Sir, were attributable to inadequate testing and supervision at design and implementation stage.

The landslide problems at the Terre Rouge Verdun Link Road occurred during the period 2010 to 2013 in four specific zones of cuts, namely what we call D4, D5, D6 and D7 which prevented the completion of the project over a length of 2.7 km along the southbound carriageway from Crève Coeur towards Ripailles, There were several attempts to reprofile the slopes at that time, that is, in 2012, but the works could not be carried out due to the complexity of the terrain and the high water table.

Mr Deputy Speaker, Sir, consequently, a new tender exercise was carried out in respect of the treatment of landslides and, in October 2014, a contract was awarded to Synohydro Corporation Limited. Additionally a contract for consultancy services was awarded to GETS, a geotechnical expert firm for intensive geotechnical investigations, profiling of each zones of cuts and design of proposed remedial works for each segment.

Following the embankment failure, the works were stopped for 3 months so as to carry out extensive geotechnical tests to ensure that the design and technical measures on this project were appropriate. In this respect, ARQ (Pty) Ltd from South Africa was appointed in March 2015 to carry out the additional investigations and tests to advise on the suitability of the designs which were proposed by GETS Ltd.

In my reply to PQ B/413 on 17 May 2016, I gave a full status report on the treatment of the landslides project.

I am informed, Mr Deputy Speaker, Sir, that works are already completed along D4 and D5 and the completion of the whole segment of the road was scheduled for the end of this year.

I am pleased to inform, Mr Deputy Speaker, Sir, that the rehabilitation works have already been completed along D5 in June 2016; D6 and D7 on 01 December. The road is fully operational from the temporary bypass at the embankment failure up to the Ripailles Roundabout on a 24-hour basis as from 02 December 2016.

In regard to the total amount paid as at date for treatment of landslides, the information is as follows –

- Contractor

Sinohydro Corporation Ltd.

Contract amount: Rs762,262,031.

Amount which has been paid as to date is Rs637,836,913.

- Consultancy Services

Geotechnical Services Ltd (GETS)

Contract amount: Rs9.7 m.

Amount paid as at date is Rs9.5 m.

- Contract

ARQ (Pvt. Ltd.)

Contract amount was Rand561,475.

Payment not yet effected as we are expecting supporting documents for expenses incurred which are still being awaited.

Mr Deputy Speaker, Sir, regarding the embankment failure at Terre Rouge Verdun Link Road (M3), I wish to inform the House that it involves many complex and technical issues and has to be addressed in a very sustainable manner for the safety of the population. The decision relating to the most appropriate and cost effective remedial works cannot be taken lightly since it requires utmost care and consideration of all the technical aspects.

Following the cracks observed between Ripailles and Valton roundabouts in January 2015, I had numerous working sessions with parties concerned including the Road Development Authority (RDA), the contractor as well as Mr K. Ichikawa, from the Japanese Cooperation Agency (JICA) Expert, who was at that time working on a project relating to the landslide management, with a view to establishing the cause and the responsibility for the embankment failure and to have an indication of the remedial works that needed to be carried out as well as the cost and duration involved.

The preliminary findings of the JICA Expert, based on tests and analysis carried out indicated the inadequacy of the geotechnical tests carried out prior to the design of the road and the inappropriateness of the design used to support the embankment structure, on account of the specific characteristics of the site and of the soil conditions.

Thereafter, the RDA requested ARQ (Pty) Ltd. from South Africa to carry out a geotechnical investigation to determine the causes of the failure. According to the report

which was submitted by ARQ (Pty) Ltd. on 11 September 2015, the cause of the embankment failure was due to inadequacy of bearing capacity of an underlying layer of soft colluvium and residual breccia.

To address the above issue, ARQ (Pty) Ltd. recommended a vertical repair solution with the construction of over 1300 stone columns over a length of 160 metres. During the same period, the assistance of the Korean Expressway Corporation (KEC), which was in Mauritius on an assignment in connection with the Road Decongestion Programme, was sought to carry out a counter expertise on the design solution proposed by ARQ. The Korean Expressway Corporation (KEC) submitted its own design report in July 2016 with an alternative solution comprising a horizontal replacement of the unsuitable materials by a proper fill.

According to the KEC, the horizontal replacement is the preferred solution for the following reasons -

- (i) the construction of the stone columns requires specialised technique, knowhow and equipment; which are unavailable in Mauritius and in the region, that is, in Southern Africa;
- (ii) the horizontal solution proposed by KEC can be implemented by local contractors whereas the vertical solution (ARQ) requires specialist contractors from abroad;
- (iii) it is difficult to assess the risks associated with the vertical solution;
- (iv) the drilling of the stone columns into the existing breccia layer is considered to be difficult;
- (v) the horizontal solution allows visual inspection to be made at each stage of works, and
- (vi) the horizontal solution is less costly than the vertical one.

Mr Deputy Speaker, Sir, in light of the reasons enumerated above, ...

The Deputy Speaker: Hon. Minister, I am sorry to interrupt. Will your answer be much longer? I am well aware that you are answering two questions.

Mr Bodha: I am answering two questions, Mr Deputy Speaker, Sir.

The Deputy Speaker: I am well aware. You have already taken 8 minutes.

Mr Bodha: I have one minute more. In the light of the reasons enumerated, the RDA concurred with the proposal of the KEC. Bidding documents in consultation with the KEC

based on the design, specifications and drawings have accordingly been prepared. I am informed that tenders have been launched and the closing date for the bids is 22 December this year. Works are expected to start in February 2017 and completed in a period of 10 months. I am going to table a copy of the two reports.

Mr Deputy Speaker, Sir, I am finally answering on the Ring Road. As regards the Ring Road Project, I wish to refer the hon. Member to my reply on 29 November 2016. I informed the House that substantial progress had been made in the remedial works which consisted of erection of piles, fixing and stressing of anchors, construction of reinforced earth walls and top embankment as well as structural road works. This has never been done here in this country, Mr Deputy Speaker, Sir.

I am now informed by the RDA that 75 % of the works have been completed.

I wish to point out that no additional cost is involved in the remedial works being carried out on the defects because they occurred during, what we call, the Defects Liability Period of one year.

Mr Bhagwan: Mr Deputy Speaker, Sir, I have two supplementary questions for the time being. We have been informed about the installation of *filet de protection en métal* where there have been landslides. Can the hon. Minister give us an idea about the length of this *filet de protection en métal qui a été fixé*, what has been the outcome and whether there has been any test carried out afterwards?

Mr Bodha: Let me explain what happened, Mr Deputy Speaker, Sir. The problem is the mountain cuts were so complicated that there are four cuts and they had to be analysed and the proper measures designed. On some areas, you have the bare rocks which have now been laid bare, and that is where we have put, what we call, the *filet de protection*. This is the first time this has been established in Mauritius. We had some experts from Reunion Island to prevent any rocks from falling on the road. We have the netting and, I think, the cost of the netting is about Rs20 m.

Mr Bhagwan: What about the Sinohydro Company? We have heard, in the past, about the problems of that company. Can the hon. Minister inform the House whether he is satisfied - through this consultant - and whether the works carried out by Sinohydro is to the satisfaction of the Road Development Authority and that we won't turn up in another problem like we have had in the past?

Mr Bodha: We really do not wish to have other problems. Well, Sinohydro had already been given the tender before we came and that was in 2014. In fact, we stopped the works for three months to carry out the test again and to redesign all the profiles. The works have been carried out and the road was opened on the segment from Crève Coeur to Ripailles. We have one year what we call the Defects Liability Period. From all what we have had, I have been advised from the consultant's reports that the works have been done according to the design.

Dr. Sorefan: The hon. Minister had mentioned vertical and horizontal constructions, saying that the horizontal is relatively cheaper. In safety, money does not come into play. May we know from the hon. Minister whether there is a huge difference and which one is the best? If the vertical is the best, why don't we go for the vertical type?

Mr Bodha: I do not think that the cost element has been the determining factor. The solution which was proposed was to force the columns into the embankment, but the columns did not go to the base of the rock structure. What we are doing, in fact, with the horizontal solution is scrapping 30 metres of all the materials and filling them in such a manner that it can support the road.

Mr Osman Mahomed: Now that the Ring Road will be repaired at no cost because it is under defects liability period and now that we are going to start relocating squatters - hon. Minister Soodhun mentioned squatters have been given their keys - may we know from the hon. Minister when the construction of the second phase of the Ring Road will concretely start because at the moment it is not a Ring Road, it is only a part of the road.

Mr Bodha: The Ring Road is going to be repaired and we have to dig the tunnel. The Road Development Programme, in fact, has four components -

- (i) the Jumbo/Phoenix Roundabout;
- (ii) the A1/M1 Bridge to link the west *via* Sorèze to the Ring Road;
- (iii) the Ring Road Phase II which is the tunnel, and
- (iv) the Ring Road Phase III which goes up the hills and will connect with the motorway in the North.

This year, a budget has been provided for the Jumbo/Phoenix Roundabout. In fact, tenders are going to be launched in about two months and works are supposed to start on the first semester of 2016. We have a budget for the Jumbo/Phoenix Roundabout. We have another budget for the A1/M1, one km bridge over Grande River. We are looking forward, in the next

budget, to have the Ring Road Phase II so that once we dig the tunnel, we would be already in Port Louis.

I understand that we have problems with the squatters, but we have been able to have an alignment, in fact, now which will not at all create any problem for the squatters.

Mr Jhugroo: With regard to the large amount of money involved, hundred thousands or millions in both Terre Rouge/Verdun and the Link Road, would the hon. Minister consider setting up a Commission of Enquiry to look into the matter?

Mr Bodha: Well, when it comes to the amount of money spent, the project was, in fact, estimated at Rs2.1 billion. Now, it is going to cost us Rs4 billion with all the problems that we have had. As regards a Fact Finding Committee or a Commission of Enquiry as to who is responsible for what happened, I will raise the matter with the Rt. hon. Prime Minister.

The Deputy Speaker: Hon. Dr. Sorefan, last supplementary!

Dr. Sorefan: Thank you, Mr Deputy Speaker, Sir. The hon. Minister has mentioned netting to the tune of about Rs20 m. on the side where Sino-Hydro is doing the work....

The Deputy Speaker: Hon. Dr. Sorefan, address the Chair! Put your question, please!

(Interruptions)

Dr. Sorefan: Will the hon. Minister confirm to the House that the Sino-Hydro has put a lot of rocks on the slope and there is no netting on this side and whether it is safe when we have a heavy rain?

Mr Bodha: From what I have been told; what they have done is that they have come to a slope which is a natural one so that there is no disturbance on the drainage pattern. The netting is on the bare rock, not where we have had the rocks filled.

The Deputy Speaker: Hon. Bhagwan, next question, please!

MINISTERS & DELEGATIONS – OVERSEAS MISSIONS – EXPENDITURE INCURRED

(No. B/1121) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Finance and Economic Development whether, in regard to the overseas

missions undertaken by the Honourable Ministers since 01 July 2016 to date, he will give a list thereof, indicating in each case the –

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

Mr Jugnauth: Mr Deputy Speaker, Sir, the information requested is being tabled. In fact, for the period 01 July to 30 November 2016, my Ministry has granted financial clearance of approximately Rs15.3 m. in respect of hon. Ministers of which Rs6.7 m. relates to airfares, Rs7 m. for *per diem* and Rs1.6 m. as other allowances.

With regard to the accompanying delegates, total financial clearance amounted to Rs16.5 m. wherein Rs8.7 m. relates to airfares and Rs6.9 m. and Rs0.9 m. as *per diem* and other allowances, respectively.

The *per diem* and other allowances payable to the Ministers and other delegates were in accordance with the established policies and rules.

The House may wish to note that a provision of Rs150m. has been made in the Budget Estimates for the year 2016-2017 under item 22180 Mission Expenses (Ministers, Delegates and Officials) of Vote 27-01 ‘Centrally Managed Expenses of Government’.

Mr Bhagwan: Mr Deputy Speaker, Sir, in a last reply to a similar question, the hon. Minister informed the House that there were some abuses on the part of certain Ministers with regard to overseas missions. He informed us that he was going to set up a mechanism to control these abuses. Can the hon. Minister inform the House whether such mechanism has been set up and whether he can give us the number of missions which have been turned down by him?

Mr Jugnauth: Well, I must say the number of missions has been reduced, in fact, overall. But as for the number of missions which has been turned down, I don’t have any figure right now. The hon. Member can rest assured that both the Prime Minister’s Office and my Ministry, of course, have a very serious look at all the requests and we see to it that, as far as possible, missions which are important and in the interest of the country, of course, are being allowed. I can say that with regard to a number of missions, there have been, in fact, very good dividends. I can recall my missions to India, to China. I don’t need to go into the details of it. In fact, from Brussels we have, just now, received a grant - I won’t say the

amount because I don't want to say something which is not exact, but we have received a grant. Therefore, with regard to other Ministers' missions also, there have been good fall backs. So, I believe that, of course, missions in the interest of the country will be allowed.

Mr Jhugroo: Would the hon. Minister of Finance and Economic Development consider, in the same line as the Opposition Whip, to give a list of all MPs since 03 July 2005 to-date who travelled *per diem*...

(Interruptions)

The Deputy Speaker: Hon. Jhugroo, this question concerns Ministers since July. Therefore, come with a specific question! Hon. Shakeel Mohamed!

Mr Mohamed: Could the hon. Minister inform the House, out of all these travels referred to in his answer, how many of them are study tours? They were not conferences where the Ministers were particularly invited, but how many are study tours?

The Deputy Speaker: Hon. Mohamed, the hon. Minister has tabled the list already.

Mr Mohamed: It does not describe it!

Mr Jugnauth: I have to check, but I believe that none of them are study tours. I believe! They are not study tours. They are missions. I believe they are information about which country. Of course, I can also have a look and state for what purpose Ministers have been travelling to those countries.

The Deputy Speaker: Hon. Mahomed!

Mr Osman Mahomed: Thank you, Mr Deputy Speaker, Sir. The subject of overseas mission has been the subject of several PQs and many attempts to press articles as well. Now, in the days of modern technology, is it a policy at the Ministry of Finance to try and streamline and reduce because a lot of discussions can be held through video conferencing, Skype and all these kinds of technologies? Is there such an attempt at the Ministry of Finance and Economic Development to resort to these kinds of avenues rather than proceeding information?

Mr Jugnauth: Of course, we should use all possible means to try to avoid expenses from public funds. In fact, I have participated in a conference where BOI had organised, I believe, with regard to the Technology and Communication and innovation theme and I had intervened from Mauritius. So, I believe, we will encourage, not only Ministers, and I hope also for all Members of Parliament whenever we can intervene from here instead of going to

attend conferences; if we can, we will surely do that. But I must also say that these technologies do not exist for the past two years. They have been in existence for quite a number of years.

Mr Bhagwan: Can the hon. Minister of Finance and Economic Development inform the House whether he has been made aware that there is trick which has been used by certain Ministers who have their missions be paid by the parastatal or Government-owned companies which fall under their responsibility? I think we have obtained figures which have been spent through the Ministry of Finance and Economic Development. So, can the Ministry of Finance and Economic Development look into the mission which has been effected and paid by the parastatal bodies which fall under their responsibility...

The Deputy Speaker: This question does not fall under the responsibility of the hon. Minister, hon. Bhagwan! This question has to be addressed to specific Ministers who are answerable to their parastatals.

Mr Bhagwan: He is the Minister of Finance and Economic Development, so I am asking him. I would have asked other Ministers.

(Interruptions)

You don't have to be angry. This is my right to ask questions!

(Interruptions)

The Deputy Speaker: Hon. Bhagwan, you have asked your question, thank you. Please, resume your seat!

(Interruptions)

Mr Bhagwan: Can I ask the hon. Minister of Finance to inform the House later on, if he can circulate a list of all Ministers who have travelled through the amount paid by Government owned companies, commissions? Already these funds come from Government funds.

Mr Jugnauth: Well, Mr Deputy Speaker, Sir, I have given this list with regard to overseas missions whereby the Government, that is, the Ministry of Finance and Economic Development has made payments. Now, first of all, I do not believe that there have been instances where a Minister has travelled on behalf of a parastatal body. I say that with caution because I need to check.

(Interruptions)

I will check, then I will report to the House if there has been any instance.

The Deputy Speaker: Hon. Bhagwan, next question, please!

DBM LTD. – DELEGATION – MISSION TO RODRIGUES

(No. B/1122) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Minister of Finance and Economic Development whether, in regard to the Development Bank of Mauritius Ltd., he will, for the benefit of the House, obtain therefrom, information as to if a delegation of the Board thereof visited Rodrigues recently and, if so, indicate –

- (a) the purpose thereof;
- (b) the composition thereof, and
- (c) if any *per diem* or other allowance has been paid thereto and, if so, indicate the quantum thereof.

Mr Jugnauth: Mr Deputy Speaker, Sir, with regard to parts (a) and (b) of the question, I am informed that a delegation led by Mr Bhadain, Chairperson, and comprising Mr Henry and Mr Goojha, both Board Directors and members of the Recovery Committee and Mr Jokhoo, Ag. Managing Director, proceeded to Rodrigues on mission from 13 November to 21 November 2016.

I am further informed that the purpose of the mission was –

- (i) to disseminate the new Micro Credit Scheme and other facilities announced in the Budget 2016-2017, as well as to convince the Rodriguan Business Community to diversify their industrial activities;
- (ii) to review the operations of the DBM branch in Rodrigues, and
- (iii) to meet some 100 DBM clients individually who had long outstanding arrears and to agree with them on the new repayment terms of their debts.

With regard to part (c) of the question, I am further informed by the DBM that each member who proceeded on mission to Rodrigues was paid a total amount of Rs90,000 to meet expenses in terms of board, lodging and sundry expenses.

Mr Bhagwan: Can the hon. Minister of Finance and Economic Development check and inform the House whether any of the members of the delegation have been paid *per diem* in dollars? I don't know what they would have done with dollars; purchasing lemons in

Rodrigues with dollars. So, can the hon. Minister of Finance and Economic Development check and later on inform the House whether these members of the delegation have been receiving money in American dollars, and if yes, give us the information and the purpose? To buy lemons in Rodrigues with dollars, I don't know!

Mr Jugnauth: Mr Deputy Speaker, Sir, I know that the value of the dollar is appreciating right now. In fact, it did not even come to my mind to check whether they have been paid in any foreign currency, but from what I have been informed, I believe that they have been paid in rupees.

(Interruptions)

Well, I'll check.

Mr Uteem: Mr Deputy Speaker, Sir, one of the predecessors of the hon. Minister of Finance and Economic Development, last year, mentioned that, in respect of the Development Bank of Mauritius, there was a consultant appointed to restructure. Now we know, following this question, that the ...

The Deputy Speaker: Hon. Uteem!

Mr Uteem: ...Bank is going on missions, which is ongoing. So, may I know from the hon. Minister whether any decision has been taken about the future of the DBM?

Mr Jugnauth: Mr Deputy Speaker, Sir, this issue is not related to this question. So, if the hon. Member will come with a substantive question, I will, of course, answer.

The Deputy Speaker: Hon. Dr. Sorefan, next question, please!

RIPAILLES – M3 MOTORWAY – REPAIRS

(No. B/1123) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the repair of the northbound carriage M3 Motorway at Ripailles, he will state the number of proposed designs and reports that have been received in respect thereof and –

- (a) indicate the reasons why the Korean's design has been selected, and
- (b) table copy of the said reports.

(Vide reply to PQ No. B/1120)

MINISTRY OF HEALTH AND QUALITY OF LIFE – SPECIALISTS/SENIOR SPECIALISTS – VACANCIES

(No. B/1124) **Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Health and Quality of Life whether, in regard to the posts of Specialists/Senior Specialists, Consultants and Consultants-in-Charge in his Ministry, he will –

- (a) give a list of the incumbents thereof, indicating in each case the –
 - (i) posting, and
 - (ii) field of specialisation thereof, and
- (b) state the number of existing vacancies therefor, indicating in each case –
 - (i) the field of specialisation thereof, and
 - (ii) when same will be filled.

Mr Gayan: Mr Deputy Speaker, with regard to this question, I am laying on the Table of the Assembly the information sought.

Dr. Sorefan: Can the hon. Minister at least give us an idea, how many vacancies there are and whether he is going to fill these vacancies very soon?

Mr Gayan: All the information is contained here.

The Deputy Speaker: Hon. Dr. Sorefan, next question, please!

STREET LIGHTING – LED LIGHTS

(No. B/1125) **Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Local Government whether, in regard to the street lighting system found on the classified roads falling under the jurisdiction of the Municipal Council of Vacoas and Phoenix, he will, for the benefit of the House, obtain from the Council, information as to if consideration will be given for the –

- (a) replacement thereof by LED lights with a view to increasing the lighting capacity thereof at night, and
- (b) installation of additional LED lights at dark spots and, if so, when and, if not, why not.

The Minister of Public Infrastructure and Land Transport (Mr N. Bodha): With your permission, Mr Deputy Speaker, I shall answer this question.

I am informed by the Municipal Council of Vacoas-Phoenix that there are 2,510 sodium high pressure lanterns along classified roads within the township, and the cost of replacing same with LED ones will amount to Rs18,825,000 at the rate of Rs7,500 each.

Mr Deputy Speaker, in view of the high cost involved, the Council is proceeding with the replacement of the existing sodium high-pressure lanterns with LED lanterns on a phase-wise basis.

Action has already been initiated to replace the lanterns along St Paul Road, which is a classified road, and same will be extended to all the classified roads upon availability of funds. The Council will, in the meantime, as a temporary measure, replace only the bulbs of the existing street lanterns with LED ones.

Regarding part (b) of the question, I am informed by the Municipal Council of Vacoas-Phoenix that the Council is already fixing additional lanterns wherever necessary with a view to avoiding any dark spots.

However, there could be some dark spots due to the absence of CEB poles in some places or some poles having transformers thereon. In this regard, a fresh survey will be carried out to identify dark spots, if any, and the matter will be taken up with the CEB for the installation of additional poles to enable the fixing of the required lanterns.

Mr Deputy Speaker, I wish to inform the House that Government wishes to address the issue of street lighting in a holistic manner on a national basis. The CEB has been entrusted the responsibility for the street lighting on motorways and we are studying the possibility to extend this facility to street lighting along the classified roads as well.

Dr. Sorefan: Can the hon. Minister inform the House the cost saving of changing the sodium lamps to LED lamps? The Minister has mentioned Rs18 m. Well, for safety reasons, I think Rs18 m. is *une goutte d'eau dans la mer*.

The Deputy Speaker: Don't state your opinion!

Dr. Sorefan: Will the hon. Minister tell us if there is a study on the saving on electricity by replacing those lamps by LED lamps?

Mr Bodha: Well, there is no study being carried out. From the information I have, the municipality is trying to gradually move on to LED lanterns. I don't have the figures as regards the actual savings, but I will definitely talk to the Municipal Council of Vacoas-

Phoenix, and we are also working with the Ministry of Public Utilities to see how to move on to LED lanterns and also to solar systems.

Mr Osman Mahomed: The original question was addressed to the Minister of Local Government. It is being replied by the Minister of Public Infrastructure and it will be implemented by the CEB, which is under the Minister of Public Utilities...

(Interruptions)

May we know who does what in this set-up?

Mr Bodha: That's why I said that we are addressing this issue of street lighting in a very holistic and national manner. We have done it for the motorways and the payment for electricity is done by the Ministry of Local Government and the RDA is implementing the whole system together with the CEB. So, we are working on a national network where the service provider will be the CEB...

(Interruptions)

The Deputy Speaker: No interruptions!

Mr Bodha: ...and the CEB has the technology and the equipment.

The Deputy Speaker: Hon. Jhugroo, no interruptions, please! Hon. Uteem, next question, please!

APOLLO BRAMWELL HOSPITAL – BIDDERS

(No. B/1126) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Finance and Economic Development whether, in regard to the Apollo Bramwell Hospital, he will, for the benefit of the House, obtain from the NIC Healthcare Ltd., information as to –

- (a) if the contract for the sale of the hospital business thereof has been awarded, and, if so, indicate –
 - (i) to whom;
 - (ii) the terms and conditions thereof, and
 - (iii) the procurement procedure followed therefor, and
- (b) why the deed of sale thereof was not signed with Omega Ark.

Mr Jugnauth: Mr Deputy Speaker, Sir, I am informed that the contract for the sale of the Apollo Bramwell Hospital business has not yet been awarded. On 24 October 2016, the

NIC Healthcare Ltd. invited Lenmed Health Africa Ltd and CIEL Healthcare Africa Ltd, the two reserved bidders from the previous procurement exercise carried out by the firm BDO to submit their improved offers. By the closing date of 01 November 2016, both bidders submitted their proposals. As negotiations are still ongoing at the level of the Board of the NICHL, it is not appropriate to disclose any information at this stage, as it may prejudice the exercise.

Mr Deputy Speaker, Sir, regarding part (b) of the question, I am informed that the deed of sale with Omega Ark was not concluded because the latter did not transfer the required funds to Mauritius by the agreed date.

Mr Uteem: Mr Deputy Speaker, Sir, answering a PNQ on 30 August 2016, the hon. Minister of Finance and Economic Development defended *bec et ongles* the decision to sell the hospital business of NIC Healthcare Ltd. to Omega Ark. May I know from the hon. Minister whether he would agree that, either he has been misled or NIC has been misled or everybody has been misled by Omega Ark from the start, and as a result we have lost a lot of money and a lot of time?

Mr Jugnauth: No, it is not a question of having been misled. It is a question of when we looked at what was being proposed when it was considered by NICHL to be the best offer, then NICHL engaged...

(Interruptions)

Let me answer! Mr Deputy Speaker, Sir,...

The Deputy Speaker: Please, answer!

Mr Jugnauth: Do I answer or should I listen to stupid comments made from sitting positions?

(Interruptions)

The Deputy Speaker: Please answer, hon. Minister of Finance and Economic Development!

(Interruptions)

Mr Jugnauth: *Be cozer to mem! Cozer!*

(Interruptions)

The Deputy Speaker: Hon. Leader of the Opposition!

(Interruptions)

Order, please! Hon. Leader of the Opposition, allow the hon. Minister to answer, please!

(Interruptions)

Hon. Minister of Finance and Economic Development...

(Interruptions)

I heard disruptions from this side. This is why I am asking!

Mr Jugnauth: Then there were discussions with Omega Ark with regard to a number of conditions that both NICHL and Government had to fulfill.

On the side of NICHL all the conditions and this is as per the legal advice that had been obtained, that NICHL had to undergo and undertake all the obligations on its side in order not to give any reason for Omega Ark in the event that the deal falls through that they would have a case against Government.

Therefore, when that was done it was requested from Omega Ark to transfer their money and they were given a delay for that which they did not respect. A *mise en demeure* was therefore served on them. They could not respect that delay and, therefore, the deal did not go through.

Then, we proceeded with the two other bidders that were on the list that were retained by BDO at that time and NICHL, in fact, asked them to renew their bid, which they have done both of them and these bids are now being analysed and being looked into.

The Deputy Speaker: Hon. Uteem!

Mr Uteem: Mr Deputy Speaker, Sir, answering to that PNQ in August, the hon. Minister of Finance and Economic Development even went as far as saying that Omega Ark had already advanced an amount of 225,000 dollars. Now we are told that they did not complete the sale. So, has NIC Healthcare decided to take any legal action against Omega Ark for breach of contract?

Mr Jugnauth: Well, NIC Healthcare has taken the action in not going ahead with the deal because they were not able to abide by their undertaking to pay the amount of money which they had proposed.

The Deputy Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Yes, according to public information which was in the Press, employees of Apollo Bramwell have already signed contracts with Omega Ark. So, now that Omega Ark has defaulted, what will happen to these employees and to these signed contracts?

Mr Jugnauth: These contracts are void. In the event that there is going to be a new company that takes over, then there will be new contracts between those employees and the new company.

The Deputy Speaker: Hon. Ganoo!

Mr Ganoo: With regard to these two new bidders, has the hon. Minister of Finance and Economic Development received representations or has he seen it in the Press that one of the bidders has been complaining that after the closing date the other bidder has been allowed to amend his proposal to better his proposal and he made allegations that this was a cause of prejudice to his offer?

Mr Jugnauth: I must say this is not correct, Mr Deputy Speaker, Sir. In fact, I caused my Ministry to request the person who has made such a statement to meet with an officer of my Ministry to substantiate what he has been saying and he was not able to substantiate. Therefore, this is not correct and we should not also take for granted whatever we hear *à gauche et à droite*.

The Deputy Speaker: Hon. Uteem, next question, please!

WATER & WASTEWATER TARIFFS

(No. B/1128) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the water tariff and the wastewater tariff respectively, he will state if an increase thereof is being envisaged and, if so, indicate in each case the –

- (a) expected date of coming into effect thereof, and
- (b) quantum of the proposed increase thereof.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo): Mr Deputy Speaker, Sir, the financial situation of the Central Water Authority is precarious and currently not sustainable. It has unpaid debts of about Rs2 billion and its deficit is expected to increase steadily as from next year.

The revenue from water and other charges cover the cost of basic operations and maintenance with minimal rehabilitation and replacement, but cannot finance the rehabilitation of pipes, streets and plants and other much needed capital investments. With this situation, the CWA is not considered as being creditworthy by lending agencies and thus it cannot raise commercial finance.

The CWA has submitted a turnaround plan which includes a recommendation for an increase in its tariffs. The matter is still being examined.

As for wastewater tariffs, no increase is being envisaged at this stage.

The Deputy Speaker: Hon. Uteem!

Mr Uteem: Mr Deputy Speaker, Sir, the hon. Vice-Prime Minister mentioned that there is a shortage of funds at the level of the CWA. But, is it not a fact that there have been around Rs4 billion in Build Mauritius Fund that have been levied through the sale of petroleum products and this money was supposed to be used precisely to replace defective pipes?

Mr Collendavelloo: Yes, Mr Deputy Speaker, Sir.

The Deputy Speaker: Hon. Uteem!

Mr Uteem: So, is the hon. Vice-Prime Minister saying that even though there are Rs4 billion available to replace pipes, there still needs to be further money injected in CWA?

Mr Collendavelloo: The money from the Build Mauritius Fund is earmarked for pipes replacement projects only. But then, there are all other operations. If a question is asked on the management accounts of the CWA, I will give all the information.

The Deputy Speaker: Next question, hon. Uteem!

MAURITIUS TELECOM - THIRD UNDERSEA CABLE PROJECT

(No. B/1129) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Technology, Communication and Innovation whether, in regard to the implementation of the third international gateway through the installation of a new submarine cable for both mainland Mauritius and Rodrigues, he will state where matters stand.

Mr Sinatambou: Mr Deputy Speaker, Sir, as the House is aware, in the Budget Speech 2016/17, the hon. Minister of Finance and Economic Development has stated at

paragraph 146 that there will be an investment in a Third Undersea Cable project by a Consortium led by Mauritius Telecom.

I am informed by Mauritius Telecom that it has carried out a study on all the current submarine cable initiatives in the Indian Ocean region which can be connected to Mauritius. In this respect, I am also informed that four cable system initiatives have been retained for further detailed study and eventual decision, namely -

- AFRICA-1 Submarine Cable;
- Australia West Express Submarine Cable (AWE);
- Indian Ocean Exchange Submarine Cable (IOX), and finally
- MERCURY Submarine Cable.

Mr Deputy Speaker, Sir, I understand that discussion is still in progress with the different cable initiatives and a decision is expected to be taken by the end of the first quarter 2017.

For its part, Government will launch a tender in the very near future for the purchase of capacity on a submarine cable linking Mauritius to Rodrigues. The tender documents for this leg are expected to be finalised this month and the tender exercise launched before the end of the first quarter of 2017.

The Deputy Speaker: Hon. Uteem!

Mr Uteem: On 08 October 2015, the Ministry of Technology Communication and Innovation issued an invitation of interest for market sounding exercise in connection with this third submarine cable. There was a Bid Evaluation Committee set up. May I know from the hon. Minister if he is prepared to lay a copy of that Bid Evaluation Committee in the Assembly and tell us what was the outcome? Who was the preferred operator chosen?

Mr Sinatambou: Mr Deputy Speaker, Sir, as a matter of fact, this exercise was launched prior to my being appointed Minister of Technology, Communication and Innovation and I looked into the matter. That expression of interest was about companies who would or might be prepared to invest in a third cable. I understand that there were 13 applicants out of which 11 were retained. However, following advice from the State Law Office and the Public Procurement Office, it was decided by a Ministerial Committee that we would do away with that exercise because it might just take us too long. So, as it is now, I have no problem communicating the list of the 11 retained companies or entities subsequent to that expression of interest, but to all intents and purposes, this exercise is *caduc* following

the decision of the Ministerial Committee to go through what has been stated at paragraph 146 of the Budget Speech of 29 July of this year.

Mr Uteem: Mauritius Telecom already is the operator of SAFE and LION, the two existing under cables. Now, for the third cable, why is it still Mauritius Telecom that will have the monopoly? Since the Government is going to fund and finance the third cable, why shouldn't it be the Government who is the operator of that base station?

Mr Sinatambou: Mr Deputy Speaker, Sir, I am afraid that the hon. Member is mistaken here. The third cable is going to be financed by a consortium. Mauritius Telecom is only leading it to make sure that we actually have it on time. Now, this being said, we must realise that we need capacity and if Mauritius Telecom is bringing the result, the Ministerial Committee, which is overseeing this process decided that we should go in that direction. We are hoping that with that decision, we will have the third cable by the end of 2019. Mr Deputy Speaker, Sir, it is also not accurate to think that there is only a third submarine cable because we have a fourth initiative which is led by the Indian Ocean Commission known as the METISS project.

The Deputy Speaker: Last Supplementary, hon. Uteem!

Mr Uteem: Thank you, Mr Deputy Speaker, Sir. Precisely on this METISS, is the hon. Minister aware that there has already been a communiqué to the effect that the Indian Ocean Exchange Cable has entered into an agreement with Mauritius Telecom whereas the Minister has just said that it is still ongoing, that the agreement has already been reached? Why is it that IOX is being favoured instead of METISS?

Mr Sinatambou: No, that is not accurate again. IOX is not being favoured. The four cable initiatives have been studied and they are all under consideration. In fact, I have also been informed about an article which appeared in the press about a signature of a document with IOX. When I inquired, it was explained to me that, in fact, documents have been signed with all four initiatives. So, it is totally inaccurate to say that IOX is being preferred. It's going to be an exercise where the best cable is going to be chosen.

JUDICIAL COMPLAINTS COMMISSION & SENTENCING GUIDELINE COMMISSION - SETTING UP

(No. B/1130) Mr S. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Attorney-General whether, in regard to the Judiciary, he will state if consideration is being given for the setting up of a –

- (a) Judicial Complaints Commission, and
- (b) Sentencing Guideline Commission and, if so, when.

Mr Yerrigadoo: Mr Deputy Speaker, Sir, given the concept of separation of powers, I propose to take up the matter with the hon. Chief Justice.

The Deputy Speaker: Hon. Oree, next question, please!

CITÉ LA CURE, VALLÉE DES PRETRES & LE HOCHET - FOOTBALL GROUNDS

(No. B/1131) Mr G. Oree (Second Member for Port Louis North & Montagne Longue) asked the Minister of Local Government whether he will state if he is aware that the football playgrounds located in Cité La Cure, in Vallée des Prêtres and in Le Hochet respectively, in Constituency No. 4, Port Louis North and Montagne Longue, are not being optimally utilised by the intended beneficiaries thereof due to a lack of adequate caretaking thereof and, if so, indicate if remedial measures will be taken in relation thereto.

Dr. Husnoo: Mr Deputy Speaker, Sir, I am informed by the Municipal Council of Port Louis that the municipal football grounds at Vallée des Prêtres and Cité La Cure are being used daily. Seven football clubs use the Vallée des Prêtres football ground from 16.00 hrs to 19.00 hrs, whereas six football clubs use the Cité La Cure football ground from 16.00 hrs to 21.00 hrs.

I am informed that regular maintenance of these football grounds is carried out by the Council and levelling works with top soil have recently been undertaken following requests received from the football clubs. However, due to the dry summer season and the new water distribution schedule coupled with reduced water pressure, it has become difficult to water these grounds regularly. To address this problem, the municipal water bowser is being used to water the football grounds.

As regards the football grounds at Le Hochet and Montagne Longue, I am informed by the District Council of Pamplemousses that there are two football grounds at Le Hochet, namely at Cité Dool, Morc. Raffray and one at Montagne Longue. These football grounds are regularly maintained by the Council except that the cloakroom of the football ground at Cité Dool has been vandalised with all openings and accessories stolen. The Council will earmark necessary funds in the next budget for repairs to be effected to the cloakroom.

I am also informed that these football grounds are provided with lighting facilities to allow the youngsters of these regions to use same at night.

The Deputy Speaker: Hon Quirin, next question, please!

NATIONAL PARALYMPIC COMMITTEE - MANAGING COMMITTEE - COMPOSITION

(No. B/1132) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the National Paralympic Committee, he will, for the benefit of the House, obtain therefrom –

- (a) information as to the composition of the Managing Committee thereof, indicating if it is legally constituted and, if not, why not, and
- (b) and table copy of the Rules and Regulations thereof.

Mr Sawmynaden: Mr Deputy Speaker, Sir, I am circulating the composition of the Managing Committee of the Mauritius Paralympic Committee.

I have to inform the House that the Managing Committee has been constituted as required under section 16(2) of the Sports Act 2013. In fact, since its election, the Managing Committee was made up of 3 representatives from each of the following four multisport organisations –

- the Mauritius Visually Impaired Persons Sports Federation;
- the Mauritius Aurally Impaired Persons Sports Federation;
- the Mauritius Physically Disabled Persons Sports Federation, and
- the Mauritius Mentally Disabled Persons Sports Federation.

I am informed that it was only on 15 October 2016 that the 3 representatives of the Mauritius Mentally Disabled Persons Sports Federation have resigned as members of the Managing Committee of the Mauritius Paralympic Committee.

I am further informed that since this, actions are being initiated to conduct fresh election with a view to constituting a new Managing Committee. I understand that the election is expected early next year.

Mr Deputy Speaker, Sir, as regards part (b) of the question, I am tabling a copy of the Rules and Regulations of the Committee.

**MAURITIUS FOOTBALL ASSOCIATION - NATIONAL TECHNICAL DIRECTOR
- RECRUITMENT**

(No. B/1133) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to football, he will, for the benefit of the House, obtain from the Mauritius Football Association, information as to if it has recently recruited a National Technical Director therefor and, if so –

- (a) indicate the terms and conditions of appointment thereof, including the salary and other benefits drawn, and
- (b) table copy of his curriculum vitae and work plan respectively.

Mr Sawmynaden: Mr Deputy Speaker, Sir, I have been informed by the Mauritius Football Association that Mr S. S. has been recruited as National Technical Director with effect from 01 September 2016.

I am circulating a copy of his contract which spells out the terms and conditions of his employment including the salary and other benefits drawn. I am also circulating a copy of his CV and work plan.

Mr Quirin: Peut-on savoir si le ministère des Sports et en particulier l'honorable ministre a été partie prenante dans le recrutement du DTN de football?

Mr Sawmynaden: Actually his name was proposed by the Mauritius Football Association and he is being employed directly by the Mauritius Football Association. So, his contract is between him and the Mauritius Football Association and paid by them as well.

Mr Quirin: Peut-on savoir dans ce cas précis, c'est-à-dire concernant le football, la semaine dernière, j'avais posé une question concernant l'embauche d'un DTN pour le cyclisme et j'avais demandé dans une question supplémentaire au ministre, quelle était la politique de son ministère par rapport à l'embauche d'un DTN et il m'avait bien fait comprendre que c'était en accord avec son ministère. Si une fédération a l'intention de recruter un DTN, bien-sûr que cela doit se faire en accord avec son ministère et s'ils arrivent à s'entendre par rapport au salaire, etc., le DTN est recruté. Pourquoi cette fois-ci dans le cas du football, c'est seule la MFA qui décide et que son ministère – je ne dis pas qu'il faut s'ingérer, mais au moins qu'il y ait une entente parce que c'est le football

The Deputy Speaker: Hon. Quirin, put your question!

Mr Quirin: C'est la discipline que tout le monde aime. Pourquoi dans ce cas, il y a une différence?

Mr Sawmynaden: Non, laissez-moi préciser quelque chose. Concernant le DTN de football, si mon ministère était informé. Vu que la MFA était d'accord et au niveau des officiers, il n'y avait pas souci. Dans ce cas précis, le salaire du DTN est payé par la MFA. Dans l'autre cas, le salaire allait être payé par mon ministère. Alors, vu au niveau technique il n'y avait pas soucis et au niveau salaire, c'était à la MFA de régler son problème et c'était *okay*.

The Deputy Speaker: Last supplementary!

Mr Quirin: Est-ce que cela veut dire qu'en ce qui concerne le plan de travail du DTN, le ministère n'a aucun droit de regard? Est-ce que le ministère n'est pas en possession d'un plan travail du DTN en question?

Mr Sawmynaden: I have just mentioned that I am tabling the working plan and it is not a question of *droit de regard*. We are working *en étroite collaboration pour faire promouvoir le football*.

The Deputy Speaker: Next question, hon. Quirin!

DRUGS PROLIFERATION – STRATEGIC PLAN

(No. B/1134) **Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Gender Equality, Child Development and Family Welfare whether, in regard to the Round Table organized by her Ministry on 16 November 2016 for the setting up of a Strategic Plan to fight against the proliferation of drugs amongst the youth, she will state the names of the Non-Governmental Organisations and the Ministries which participated therein, indicating the outcome thereof.

The Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management (Mr A. Wong Yen Cheong): Mr Deputy Speaker, Sir, with your permission, I shall reply to PQ B/1134.

I am informed that a meeting was held on 16 November 2016 at the Municipal Council of Port Louis under the Chairpersonship of hon. Mrs Perraud to facilitate the

consolidation of partnership among the various stakeholders in the fight against the proliferation of drugs amongst children up to 18 years.

- 14 NGOs were invited, and 10 of them attended the meeting.
- 10 Ministries/Departments were invited and 8 attended.

The list of NGOs and Ministries/Departments which were convened and participated in the meeting are being tabled.

As regards the outcome of the meeting, the NGOs stated that there is lack of collaboration and concerted approach among stakeholders to work towards a common cause to fight drugs especially among children. They also highlighted the need for reinforcement of competencies to work with children.

The NGOs present were informed that consideration would have to be given to the recommendations of the National Drug Control Master Plan and as well as the outcome of the Commission of Enquiry on Drug Trafficking. They were also advised to avail themselves of the facilities available at my Ministry for projects in connection with treatment and rehabilitation for children taking drugs. There are some technical issues that will have to be looked into so that the Strategic Plan does not become a stand-alone project. For instance, the Strategic Plan should be harmonised with other initiatives being taken by Government and its partners in fight against drug abuse by children.

Mr Deputy Speaker, Sir, I also would wish to point out that, in reply to PQ B/1014 last week, the Rt. hon. Prime Minister had informed the House that his Office would approach the United Nations Office on Drugs and Crime with a view to elaborating a new National Drug Control Master Plan in consultation with all the stakeholders. Thank you.

The Deputy Speaker: Hon. Quirin, one supplementary question as time is running out.

Mr Quirin: Oui, M. le président, rapidement. Le fait que l'honorable ministre de l'égalité du genre ait pris les devants sur ce dossier, n'est-ce pas là un blâme déguisé par rapport aux autres collègues ministres qui normalement ont la responsabilité de ce dossier, c'est-dire le combat contre la prolifération des drogues parmi les jeunes...

(Interruptions)

The Deputy Speaker: Hon. Quirin, this is not a question...

(Interruptions)

Mr Quirin: Et en particulier l'honorable ministre de la santé? N'est-ce pas là un blâme vis-à-vis des autres?

The Deputy Speaker: Hon. Quirin, rephrase your question! This is an opinion!

Mr Quirin: C'est une question, M. le président! Ma question est le fait que la ministre de l'égalité du genre ait pris les devants en organisant une table ronde concernant la prolifération des drogues parmi les jeunes, n'est-ce pas là un blâme par rapport au travail qu'effectuent les autres ministres qui ont la responsabilité de ce dossier...

(Interruptions)

Et en particulier l'honorable ministre de la santé?

The Deputy Speaker: Order!

(Interruptions)

Order!

Mr Wong Yen Cheong: May I reply, please!

The Deputy Speaker: Allow the hon. Minister to reply!

Mr Wong Yen Cheong: I believe we are a Government in a teamwork and it concerns about children that is why the Minister of Gender Equality, Child Development and Family Welfare...

(Interruptions)

Okay. We are a teamwork.

The Deputy Speaker: The Table has been advised that the following PQs have been withdrawn: PQ B/1156, PQ B/1157 and PQ B/1161. Madam Speaker is now resuming the Chair.

At this stage, Madam Speaker took the Chair.

MOTION

SUSPENSION OF S.O. 10(2)

The 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.

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun) rose and seconded.

Question put and agreed to.

PUBLIC BILLS

First Reading

On motion made and seconded, the following Bills were read a first time –

- (i) The Rodrigues Regional Assembly (Amendment) Bill (No. XXIX of 2016)
- (ii) The Constitution (Amendment No. 2) Bill (No. XXX of 2016)

MOTION

STANDING ORDERS AND RULES OF THE NATIONAL ASSEMBLY (1995) - AMENDMENT

The Prime Minister: Madam Speaker, I beg leave to move the motion standing in my name and which reads as follows –

“This Assembly resolves that the Third Report of the Standing Orders Committee in regard to the amendments to the Standing Orders and Rules of the National Assembly (1995), presently in force, more specifically Standing Order 69, which was laid on the Table of the National Assembly on Tuesday 22 November 2016 be approved, and that the amendments contained therein come into operation forthwith.”

Madam Speaker, the House will recall that, on 15 November 2016, the acting Prime Minister presented the motion for the Standing Orders Committee to be empowered to look into the Standing Orders and Rules of the National Assembly presently in force more specifically Standing Order 69 to make recommendations for the setting up of a Committee to be known as the Parliamentary Gender Caucus and matters ancillary thereto.

Madam Speaker, while presenting the Motion, the acting Prime Minister explained that the purpose of the amendment sought to Standing Order 69 is to make provision for a mechanism for the promotion of gender equality.

Madam Speaker, as the House is already aware, the Standing Orders Committee has completed its assignment and has submitted its report which was tabled on 22 November last.

The Committee which was assisted by representatives of the Attorney-General's Office has reviewed the draft of the proposed amendments to the Standing Orders which had been circulated to hon. Members on 15 November 2016 with the Notice of Motion.

Madam Speaker, I would like, at this stage, to thank the Members of the Standing Orders Committee for having acted with diligence and produced the report within such a short delay.

Madam Speaker, the Standing Orders Committee has recommended that Standing Order 69 be amended by adding a new paragraph 69 (6) providing for the setting up of the Committee to be known as the Parliamentary Gender Caucus.

Madam Speaker, I need not dwell on each and every provision of the new proposed Standing Order, but suffice it for me to highlight that the provisions relating to the membership, duties and powers clearly show the determination with which the Caucus proposes to address the subject matter.

Madam Speaker, we all know that the idea of setting up of the Caucus is a personal initiative of yours. May I, as Leader of the House, be allowed to congratulate you on this laudable initiative.

Madam Speaker, it is good to remind ourselves that the gender issue is one which cuts across political partisanship and which rises above political affiliations. Moreover, it arouses great interest from civil society.

In this context, I would like to seize this opportunity to thank the hon. Leader of the Opposition and other political leaders represented in Parliament who have extended their collaboration to you in designating members of their respective parties to actively participate in all the preparatory meetings held under your initiative.

I would also like to thank the hon. Minister of Gender Equality, Child Development and Family Welfare for fully supporting the Caucus.

Last but not least, Madam Speaker, I would like to thank all the members of the civil society who responded to your invitation to contribute to the project and, who, I have been informed, participated actively in the awareness raising session.

Madam Speaker, it is clear that the support for the Caucus among political leaders is essential as it will ensure its functional effectiveness and sustainability. So is the permanent support of the civil society to the Caucus.

Madam Speaker, in that context your option for a formal caucus positioned within the Parliament's structure needs to be acknowledged. The inclusion of the Caucus in our Standing Orders marks a fundamental change in our Parliamentary architecture. As a permanent structure, it will serve as a constant reminder to us of our duty to always unite our efforts for the attainment of this Sustainable Development Goal.

Finally, Madam Speaker, we also note with satisfaction that the hon. Minister of Finance and Economic Development has already made provision for funds to be made available to the Caucus during the current financial year. Hence, once this motion is adopted, the Caucus will be in a position to kick-start its activities.

With these words, I commend the motion to the House and wish the Caucus good luck.

Thank you, Madam Speaker.

Mr Bérenger rose and seconded.

Madam Speaker: Before putting the question, hon. Members, I wish to extend my thanks to the Rt. hon. Prime Minister for bringing this motion to the House. I also wish to express my deep appreciation and extend my thanks to the hon. Leader of the Opposition and to Leaders of other political parties represented in the National Assembly who have spontaneously responded to my request to delegate Members of their respective parties to participate in the preparatory meetings. My thanks also go to the hon. Members who made valuable contributions during the meetings.

Let us now hope that the Caucus once constituted do carry out its mandate in its pursuit of our ideal for a society free from gender discriminations.

Question put and agreed to.

I suspend the sitting for half an hour.

At 4.20 p.m. the sitting was suspended.

On resuming at 4.59 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Mrs Jeewa-Daareewoo!

Second Reading

THE SOCIAL INTEGRATION AND EMPOWERMENT BILL

(NO. XXVIII OF 2016)

Order read for resuming adjourned debate on the Social Integration and Empowerment Bill (No. XXVIII of 2016).

Question again proposed.

The Minister of Social Security, National Solidarity and Reform Institutions (Mrs F. Jeewa-Daureeawoo): Thank you, Madam Speaker. The Social Integration and Empowerment Bill (No. XXVIII 2016) is in line with the Government vision. The most essential aspect of this particular piece of legislation is that it focuses on the most vulnerable people of our society. It provides a means to the Government in assisting these people by catering for their most basic needs. It targets absolute poverty. While we are living in an era which is priding itself on the level of innovation and technology, which is advancing daily, the Social Integration and Empowerment Bill 2016 comes in to make us realise that there is, indeed, a segment of the population that is still struggling to make both ends meet. Government as a whole has elaborated a range of measures to cater for the needs of this category of persons in an attempt to alleviate their sufferings and to eradicate poverty.

Madam Speaker, let me, here, pause and speak of one important budgetary measure which has been brought and implemented recently to alleviate the suffering of our children. You will recall that in the last budget measure, measures were taken to extend the Basic Invalidity Pension to children who are less than 15 years and who suffer from an incapacity of not less than 60%. Prior to this, what were those children deriving? This category of children was eligible to a social aid. As we all know, social aid is means-tested. We all know full well that only a few children were deriving social aid simply because the salaries of their parents should not have exceeded Rs350,000 monthly. Many children were not qualified for this aid. Children below 15 were not treated in the same way as children aged 16. This was extremely unjust, unfair, and discriminatory. Can you imagine children were not receiving Basic Invalidity Pension simply because of age criteria and nothing else? We are happy we have been able to remedy this gross injustice. By the removal of age criteria, we have remedied a wrong which has persisted since 1976. We are, here, talking about 40 years of discrimination, injustice which is, indeed, a very long period. This revolutionary measure illustrates the commitment of this Government to help the needy.

My Ministry, in particular, Madam Speaker, doles out both assistance in cash and in-kind to the destitute. For instance, we provide -

- (i) Universal Basic Pension such as Basic Retirement Pension, Basic

Widow's Pension, Basic Orphan's Pension, Basic Invalidity Pension and Carer's Allowance to alleviate income poverty;

(ii) social aids to heads of household who cannot adequately provide for their dependence. There are four main categories, namely -

- (i) abandoned women;
- (ii) partner in jail;
- (iii) temporary interruption of income due to sickness or ill health, and
- (iv) sudden loss of employment.

(iii) Assistance in kind in the form of spectacles, hearing aids, wheelchair and dentures to beneficiaries of Basic Retirement Pension.

I have cited just a few of the incentives provided by my Ministry to illustrate our commitment and strong will to fight against poverty with a view to providing each and every citizen of Mauritius the opportunity to have a decent living. However, it is, indeed, unfortunate that despite the unflagging efforts of our Government to do away with poverty, some people are still living below the poverty line. This is chocking, especially as I have mentioned earlier, in an era where we are constantly talking about economic booms, social evolution, empowerment and technological advancement. This is exactly where the Social Integration and Empowerment Bill 2016 finds its relevance. This Bill will be instrumental in eradicating absolute poverty. Henceforth, no one will be deprived of a decent living.

Having had the opportunity to listen to the concerns expressed by various Members of the House, I wish to reassure the House that even if it might seem that fewer people will benefit from the new approach introduced by the Social Integration and Empowerment Bill 2016, such is not the case. Certainly, not! The underlying philosophy of this Bill being to eliminate absolute poverty, its aim is to come to the rescue of only those who fall under the poverty line and who can as such be categorised as the absolutely poor and thus benefit from a subsistence allowance.

A proxy means test has been devised to assess who would be eligible for this subsistence allowance. This proxy means test is based on parameters set by a team consisting primarily of UNDP experts and various other stakeholders. This proxy means test takes into account -

- (i) the declared income of the applicant;

- (ii) the verified declared income of the applicant, that is, verify to see whether the person is drawing a pension or social aid or the amount of contribution made by his employer to the NPF, and
- (iii) the assessed income of applicant, this assessment is based on his living conditions.

What is commendable about this Bill is that from now onwards those who fall under the category of absolutely poor will, over and above the social aids and other incentives to which they are found eligible, also benefit from an additional financial assistance under the Social Integration and Empowerment Bill 2016, in the form of the subsistence allowance.

This additional financial assistance will boost up the income of these households so that they no longer fall below the poverty line.

This is perfectly in line with the vision of our Government which is to eradicate poverty. There is definitely a pressing need to combat absolute poverty in Mauritius and there is a duty on our Government to provide support and other services to those persons who are living in absolute poverty. We are not here to merely tinker with the system. We are here to bring about ambitious reforms which will significantly improve the standard and quality of life of our citizens.

Enhancing social integration promotes harmony and solidarity at all levels of society. The Social Integration and Empowerment Bill 2016 gives social integration its well-deserved priority. The Bill has rightly been conceived in an attempt to relieve those members of our society who are struggling at the lowest rung of the social ladder. It is expected that the passing of this Bill will not only promote social integration, but will also empower people living in absolute poverty.

In my opinion, the solution to poverty lies not in the provision of financial assistance or other in-kind incentives. If we really want to uproot this social impediment we need to work on long-term solutions and this Bill indeed provides for a long-term solution through the empowerment of those falling below poverty line.

The duty of the applicant does not end with his successful application. He is required to enter into a social contract with the Ministry of Social Integration and Economic Empowerment. He is duty bound under this contract to inform the Supervising Officer of the Ministry of any change in his social or financial circumstances as soon as possible. Failure to abide by this condition may lead to the suspension, cancellation or termination of the support.

Empowerment, Madam Speaker, is an essential constituent of any social reform project and empowerment of people remains the top priority on our Government Programme. We want those who are now dependent on social aid schemes to become well-equipped to be able to fend for themselves in the future. It is the duty of each one of us to support these persons so that they can properly integrate the mainstream society. This is, in fact, the ultimate solution to poverty and our ultimate goal.

In order to ensure that only those people who qualify for support in fact receive such support, Clause 7 (2)(a) of the Bill empowers the Minister of Social Integration and Economic Empowerment to conduct such investigation as may be necessary to verify whether any applicant is indeed eligible to receive that support. In that regard, the Minister will also be entitled to liaise with other Ministries such as mine.

The Bill, in fact, allows the applicant opportunities to have a fair determination of his application. Clause 7(4) of the Bill provides that when an applicant is informed that he is not eligible for support, he can make an appeal to the Minister within 21 days. The appeal will be heard by an ad hoc Committee. There is also the fact that where a beneficiary of the social contract is given notice of the possibility of his support being suspended, cancelled or terminated, he is entitled to submit reasons of why the support should not be suspended, cancelled or terminated to the Supervising Officer of the Ministry within 21 days of receipt of such written notice.

I must say that it is the first time that a Government has come up with such a pragmatic project that aims to eliminate abject poverty. This Government has vowed to provide measures which are effective in bringing about greater social cohesion. By bringing forward this Bill at this point in time, we are coming to the rescue of all those people who either because they are unemployed or because they are working for a pittance cannot provide for their basic needs without our assistance. We are providing assistance to both the unemployed and the working poor. This is colossal in itself.

I will say something which I am sure everyone here will agree with, the subject matter of this Bill is poverty and it is beyond politics. We are here today for humanitarian reasons.

Madam Speaker, I will end by commending and thanking hon. Roopun, Minister of Social Integration and Economic Empowerment for bringing this important piece of legislation before the Assembly today for the promotion of social integration, social justice and, above all, national unity.

Thank you.

(Interruptions)

Madam Speaker: Hon. Ganoo!

(5.12 p.m.)

Mr A. Ganoo (First Member for Savanne & Black River): Madam Speaker, the eradication of poverty is indeed a noble enterprise. I have to admit that what the Minister is doing today by introducing this Bill before the House is a leap forward for the country and probably for the African continent also.

But, by so doing, the Minister of Social Integration and Economic Empowerment is, to my mind, limiting his mandate for the remaining years of his tenure by presenting this Bill which will last for a few years and by limiting his mandate to only the eradication of absolute poverty. When we bear in mind how bad has been the situation for the lower middle-class segments of our country for the past 10 to 12 years, I find that the way the Minister has been approaching the problem is ill advised.

This is the first Bill that the Ministry of Social Integration and Economic Empowerment is introducing to Parliament. Indeed, I personally had high expectations on the contents of the Bill. I anticipated the long announced and expected setting up of a comprehensive institutional and policy framework for the fight against poverty. Instead, Madam Speaker, we have been served with only a very limited application of the recommendations of the Marshall Plan.

Then came the Budget and that section in the Budget relating to absolute poverty presented by the hon. Minister of Finance and Economic Development during the year was the policy application of those components of the Marshall Plan and the Bill today is an extension of the implementation of the announcement made by the hon. Minister of Finance and Economic Development in his Budget Speech which announcement, as I said, has been heavily borrowed and inspired from the Marshall Plan.

This is why I have mitigated feelings today, Madam Speaker. While acknowledging that the measures taken by the Minister today is a leap forward in our nation's endeavour to eradicate absolute poverty, but it is, I insist, a very limited and restrictive approach to the scourges of poverty, scourges which are mostly manmade and therefore can be addressed by policies, law and investment in appropriate programmes and infrastructure.

Madam Speaker, despite having such a broad title: ‘The Social Integration and Empowerment Bill’ this Bill is limitative in its scope in that it aims to tackle persons in absolute poverty. When we look at the content of the Bill we can conclude that the title, in fact, could have been or should have been: ‘Social Integration and Empowerment of People Living in Absolute Poverty’. How many of these absolute poor are to be found in our country? There have been different figures advanced by the Government itself.

In his opening speech, the hon. Minister talked about 8,340 households, according to the survey made for the Social Register. In his speech on the Budget, the hon. Minister talked about 6,400 households living in absolute poverty. In the Estimates of his budget, reference is made to about 13,267 households living in that same category. This is absolute poverty. But, Madam Speaker, Statistics Mauritius estimates that 34,000 households or 122,000 Mauritians live below the relative poverty line. We are talking about a relative poverty line which is, of course, lower than the highest rate of income transfer that the Government is proposing today to allocate to people living in extreme poverty. Madam Speaker, according to Statistics Mauritius and even to the Marshall Plan, estimates for lifting these people out of poverty - I am talking of the 122,000 people, the 34,000 households, according to the Marshall Plan and to Statistics Mauritius - will cost the Government approximately Rs1.3 billion per year.

Madam Speaker, we are talking about a targeted income transfer strategy today, which will contribute to improve the quality of life of the absolute poor. But let us remember that the cost of making the lives of the poor, not only the absolute poor, but the poor in general in this country, is Rs1.3 billion a year, which, I think, the Government could have made the extra mile by providing that sum to ease the situation of a broader category of Mauritians who are living in poverty today.

Furthermore, Madam Speaker, focusing only on the absolute poor, the hon. Minister is facing the risk of creating a situation where a group of people will be alleviated from absolute poverty. Rightly so! But the risk is segments of the lower middle class eroding and falling in the trap of absolute poverty in their turn. It is true - the hon. Minister has said it in his speech - that what we are doing today is, in fact, not eradication of absolute poverty; it is eradication of income poverty. But the country deserves a more ambitious social inclusion agenda. *Je dirais que l'approche du gouvernement face au combat contre la pauvreté donne l'impression que nous sommes de petits joueurs.*

Madam Speaker, let us now come to this Bill. I have rarely seen a Bill with so much hesitation, with so much *incertitude*, with so much *flou*, and matters not being clearly spelt out. In fact, there are 13 clauses in this Bill. In each of the first nine or ten clauses in the Bill, the words ‘as may be prescribed’ and ‘as the Minister may approve’ in clause 2; ‘as may be necessary’ in clause 3; ‘as may be prescribed’ in clause 4; ‘as may be necessary’ in clause 5; ‘as may be prescribed’ in clause 6; ‘as he may approve’ and ‘as he may determine’ in clause 7; in clause 9, ‘in such other circumstances as may be prescribed’ and so on and so forth. In the mind of the hon. Minister, things are not clear, and the first thing I would have wished is that more details and information should have been provided for in this Bill.

The centrepiece of this Bill, Madam Speaker, is the introduction of a new scheme, which has been referred to by every intervener in this House; this new subsistence allowance scheme to allow the vulnerable households under a social contract which will run for a *durée détermine*, which period is not mentioned. The social contract is referred to in clause 8 of the Bill. Although the hon. Minister had, in his answer to the PNQ which was put to him by hon. Leader of the Opposition some months ago, enlightened the House that the period would be two years, in the Bill today, we have no indication for what period will this contract last.

In fact, Madam Speaker, the scheme which was recommended in the Marshall Plan is the backbone of this Bill. Unfortunately, the Bill does not elaborate on the contents of the social contract, including its duration. In clause 6 of the Bill, which I am coming to and which concerns persons eligible for the support, the law defines this category of persons, that is, living in absolute poverty, and defines the category of persons as being those who are included in the Social Register and those who meet such eligibility criteria as may be prescribed. Clause 6(2) spells out the criteria for the beneficiaries, but some are too restrictive. For example, Madam Speaker, there may be two families sharing a same roof because of extreme poverty, but it does not mean that they are sharing expenses and income. I am saying this, drawing from my knowledge of the constraints which are placed on poor people, on squatters or sometimes even the problem of inheritance which forces very poor families and many children to live together in one small room. One small property has to be shared among several siblings, as we know, in the depressed areas.

The hon. Minister must have to think of ways to avoid excluding people because of the social constraint placed on them by extreme poverty. In clause 9, the Minister can suspend or cancel the support where the beneficiaries are absent from Mauritius for a period of six months. This already exists in our legislation, I think, in the old age pension, for

example. But I think the hon. Minister should have qualified this clause and catered for exceptions. There may be a legitimate reason for the beneficiary to be absent from the country for more than six months. For example, if the head of the household has gone abroad for medical treatment. Therefore, will the support be suspended for his family upon producing genuine document to prove the legitimacy of his absence? The family of the beneficiary should have been allowed to continue to receive the support.

The other question, Madam Speaker, that we may ask ourselves in that Bill, and this is the question I put to the Minister, is: Was it necessary for the hon. Minister to legislate, to give himself the power to set up such empowerment programme or scheme, when his mandate as Minister is precisely to empower people to come out of poverty? Given that the hon. Minister has taken the initiative to set up an institutional framework, which will facilitate his work, we were expecting a more comprehensive approach from him. Instead, the institutional framework within which the hon. Minister will be operating is more confusing than before. Firstly, I was expecting that more provisions of the Bill would have been dedicated to the National Empowerment Foundation and even to the CSR Foundation; two instrumental bodies in the fight against poverty, which fall directly under the responsibility of the Minister of Social Integration.

With regard to the NEF, Madam Speaker, and its role as provided for in the Bill, one can legitimately ask the question as to why the hon. Minister had to legislate to give himself the power to assign to the NEF the responsibility for identifying persons living in absolute poverty and assessing their needs, or the other functions to be found in Clause V of the Bill?

Clause V of the Bill spells out the assignment of responsibilities to the NEF. What I mean to say, Madam Speaker, is that all these powers which are spelt out in the Bill are already confided to the Minister administratively. But more importantly, Madam Speaker, one of the main problems of the NEF, so far, has been its failure to engage successfully in different of its assignments. Madam Speaker, the NEF staff has been heavily reliant on the Social Register of Mauritius and has been working on the basis of self-declared income, while having no verification mechanism.

Madam Speaker, so much has been said against the NEF itself. The NEF programmes suffer from inaccurate targeting and programmes are not sufficiently pro-poor. Limited impact of NEF programmes emerges from NEF own progress reports and, most importantly, NEF programmes do not have a community empowerment approach and the mechanism to

deliver support need to be re-examined. With a high turnover of staff, lack of in-house technical capacity, frequent changes in the leadership, approximately every two years, and a mandate that changes every three years as a consequence of consecutive restructuring processes, NEF shows signs of institutional capacity distress. I will not quote more from the document I am quoting, Madam Speaker, but I am sure that the hon. Minister has given himself the power to instruct the NEF due to the private nature of this body. He must have identified this provision as a means to exercise authority on this body. However, I really fail to understand why the Minister had not legislated to structure better the NEF, because it is clear from this Bill that the Minister is relying heavily on the NEF in the implementation of his strategy to eradicate absolute poverty. Who runs the NEF? Is there a Board? Who is the Chief Executive? How are they appointed? According to me, Madam Speaker, the NEF should have been set up by law and the structures and objectives well-defined. Given the pivotal place it will play in the overall strategy of the Minister to eradicate poverty, it is only when the NEF becomes a credible body that it will be able to fulfil its mission as spelt out in the Bill, namely, implementing and harmonising the Integration and Empowerment Programme or Scheme, monitoring and evaluating any empowerment programme. Of course, this is not a criticism against the Minister because the NEF existed years before he took over this Ministry.

Madam Speaker section 5 (2) further provides that the Minister may assign any responsibility to the NEF or to another body other than the NEF, and any reference in the law to the NEF shall be construed as including a reference to that body. I did not understand what that clause means, Madam Speaker. What other body has the hon. Minister in mind? Could it be a private organisation, for example, the Love Bridge Company, if not, the Minister should have enlightened the House on this aspect of the Bill? Or is he referring to the CSR Foundation? And if the CSR Foundation will be called upon to play such an important role in the new strategy of the Minister, why did we not structure it under the present legislative framework? It would have been useful to define the scope of the contribution of the CSR Foundation in its mission for the eradication of absolute poverty.

Madam Speaker, all the funds available for poverty alleviation cannot be used and focused only on the eradication of absolute poverty. This is my point. According to the estimates, the Subsistence Income Scheme would cost Rs200 m. according but, I repeat, Madam Speaker, the Statistics of Mauritius show that there is a segment of the lower-middle-class which is in danger of drifting further away and *basculer* in the absolute poverty

category. It is not a secret, Madam Speaker, that at the moment the economic situation is not at its best and it is, therefore, very important that the Minister carefully harmonises programmes and funding falling under his Ministry. We should not make the mistake of ignoring the most vulnerable segments of the population just because they cannot be categorised under the label of 'absolute poor'.

The Bill also refers to the Social Register of Mauritius which falls under the Ministry of Social Security. In that case, Madam Speaker, the Bill provides that this Register can be kept and maintained with such other body as may be prescribed. The hon. Minister should enlighten the House as to what other bodies he has in mind. Does he mean that he will give access of such database to private bodies or to other organisations? Which ones and what requirements do they have to meet?

Madam Speaker, if at all the present measure purports to eradicate poverty in the country by allowing the extremely poor in this country to dispose of a minimum amount for their daily needs, this is, in fact, the achievement of this Bill. That is, set up the measures to allow the extremely poor in this country to have at their disposal a minimal amount for their daily needs. Then, the Government will be able to demonstrate and argue that the poorest citizens of the country are deriving a minimum income which has certainly gone up with the proposal in this Bill. But eradicating absolute poverty is a different matter, Madam Speaker.

Absolute poverty is a condition of life where families are suffocated by malnutrition, low level of education, poor shelter quality. In fact, it was the hon. Minister Finance and Economic Development himself who said that in his Budget Speech. Yes, malnutrition! Because, Madam Speaker, the International Food Policy Research Institute which holds surveys every year, recently placed Mauritius at the 57th position out of 111 countries. Five Mauritians *souffrent de malnutrition d'après le Global Hunger Index*. The Integrated Food Policy Research Institute finds that 10.2% of Mauritian children having less than five years *ont un ratio poids et leur taille en-dessous de la moyenne. 13% des enfants de moins de cinq ans sont trop petits pour leur âge par rapport à la moyenne*. This is malnutrition, Madam Speaker. In the same way, in the housing sector, out of 30,000 house seekers at the NHDC, 17,000 earn a monthly income of less than Rs10,000. About 2,000 poor families are living in decrepit asbestos houses all over the country which need demolishing and badly need a new scheme to allow them to live in more decent enterprises.

Madam Speaker, if we look at the 25% of our children, of our students who did not make it at the CPE, we will find out that the overwhelming majority of them live in an absolute poverty environment. In other words, Madam Speaker, the measure proposed today should be hardwired with other accompanying measures on which rest the fight against absolute poverty, like a sustained integrated community development approach, that is, the provision of the basic amenities and infrastructures for the absolute poor; water and electricity; a housing unit and a quality education for the children; empowerment through facilitating economic activities for the low skilled labour; propping up and empowering up these people through economic activities which, of course, will have to be determined and planned by the authorities.

Lastly, Madam Speaker, I have said that in this House a few times before by reviewing our scheme of social transfer through pensions and social protection.

Madam Speaker, the statistics are clear. Because of the social protection that we have in this country, poverty rate which stands in 2012 at 9.5% would have been higher, would have been, in fact, 19% if there were no social protection in our country. Today, we are doing a different matter. It is true, Madam Speaker, I have heard it from many interveners, on the other side of the House, we have made the difference between *assistanat* and empowerment, but, Madam Speaker, I repeat it, it is due to our system of social protection, of the social transfers, that we have in-built in our system in this country, the social protection, the pensions, that even the World Bank had to recognise, Madam Speaker, that in Mauritius nearly 75% of the poverty reduction has been associated with the social protection benefits that governments and governments have been dishing out for the poor. 75% of the poverty reduction in this country is due to social protection benefits. This is why the Government should be able to review our pension system, Madam Speaker, to streamline it, to capitalise it so that we better exploit and make the most of our social protection system.

Madam Speaker, I will end up by saying again *c'est un pas en avant aujourd'hui, mais nous avons encore des kilomètres à parcourir*. Madam Speaker, what I find in this Bill, unfortunately, is a timid attempt to bring down the fortress of poverty in this country. There are many other avenues to eradicate absolute poverty and poverty in general, but unfortunately, this Bill has not proposed, what comes across in this Bill is the lack of organisational structure to engage in a comprehensive and holistic framework to eradicate poverty and to promote social integration of the poor people who do not necessarily fall in the

category of absolute poor. Nevertheless, I wish good luck to the Minister and to the Ministry. I have done, Madam Speaker.

Thank you.

Madam Speaker: Hon. Roopun!

(7.39 p.m.)

The Minister of Social Integration and Economic Empowerment (Mr P. Roopun): Madam Speaker, allow me to thank all hon. Members who have intervened during this debate. I am glad to note that this was held in the right spirit and I am most grateful to the hon. Leader of the Opposition who set the tone. We had a dispassionate debate where constructive remarks and suggestions were made. I value all the inputs received. I take good note also of a few concerns raised about the need for timely informing beneficiaries of the status of their registration, maintaining confidentiality of data, respecting also the specificity of Rodrigues when designing empowerment programmes, among others.

Let me assure everyone that we shall endeavour to act with due diligence in most transparency and in all fairness. It is a new approach we are adopting. In fact, through this law, the first measure that we are going to implement is the measure announced in the Budget regarding subsistence allowance. This is only the beginning because with the new approach, our objective is to come with innovative empowerment programmes. I did mention, while introducing the Bill, that it was deliberately couched in such a way not to be too restrictive because this is only the beginning.

It is true that with this measure, we are eliminating economic poverty, as I mentioned, but we realise that poverty has got various dimensions. It is now those other dimensions that we will have to tackle. I agree with hon. Ganoo when he stated that poverty has got different forms, but the fight against poverty is not the sole province of my Ministry. Poverty programmes exist in various other Ministries. We start by the Ministry of Economic Development. We won't be able to fight relative poverty with 2 schemes only because it needs more than schemes. It needs clear economic policies.

I mentioned also education for social mobility. We have got infrastructure which will have to be tackled. All those Ministries will have to develop pro-poor measures and it is then that we will be able to tackle poverty in all its forms. And relative poverty, we have also what we call 'moderate poverty', those persons who toil night and day, who have just sufficient income to meet their basic needs and who can, at any moment, fall into poverty whenever

there are adverse circumstances like illness or they have an accident. All these will have to be viewed holistically.

But here, we are tackling the situation of the poorest among the poor and this is why we will have to design schemes and programmes after reviewing the family profile of each and every family. It is only then that we will be able to come with programmes, which we are not going to impose on those families. It will be a social contract. The Case Management Officers will deal with each and every family and together determine what types of programmes or what is the objective of the family and together try to find out what are the existing ways and means through which this family wishes to empower itself. It may be through education, through training and also we have to take into consideration the structure of the family, whether any scheme that exists will be able to cater for the specific needs of those families. But in any event, we know with this new approach we will have some practical and teething problems, but we are determined to bring meaningful improvement in the life of all the poor and vulnerable. I am convinced that we shall have the support of all Members of the House as well as all stakeholders.

As regards the period, this also we did not specify because there will be a recertification at different levels. Every year, we are going to decide whether the programmes that we have embarked upon are giving results and we are going to rectify wherever the need arises.

I also mentioned that the NEF will have a crucial role. We are fully aware of what have been the shortcomings at the level of NEF. I did mention that a restructuring and an impact assessment of how it has been functioning so far has been made. We are going to take whatever corrective measures are needed. We have increased the staff and, if need be, additional support will be given because we want to give results. Fighting poverty is not only for my Ministry or for the NEF.

We are also having to deal and we have the support of other Governmental agencies, NGOs, CSR foundations and through the schemes and programmes that we are going to devise we will try to take the support of all persons who are in this field and we also invite the community at large to help us in this fight against poverty.

Madam Speaker, the hon. Leader of the Opposition and other Members raised the issue about the number of households appearing on the social register. The hon. Minister of Finance and Economic Development and the hon. Minister of Social Security, National

Solidarity and Reform Institutions shed some light on this issue and I wish to explain here that the main reason for this difference is that in the previous register the income of the family only was taken into account, but since Government is now carrying out a topping up exercise, we are also taking into consideration whatever such family may be getting in terms of social assistance. When we take both elements, the number of families irrevocably is going to decrease.

But we also know that the mechanism now is totally different for the calculation. It is per capita instead of per family thus smaller families who were within the threshold and earning less than Rs6200 may now not be on the list. I wish also to point out, as hon. Ganoo mentioned, that, under paragraph 295, of the Budget, the hon. Minister of Finance and Economic Development estimated the number of households living in absolute poverty to be around 6400, but the figure we have reached today is a dynamic figure and it is bound to change. Even today one hon. Member of the Opposition gave me the names of a few persons who have not been registered and who did not make the application. We are going to consider all these. I am sure that, in due course, we will try to enlist as many families because this exercise was done on a demand driven and once we have the first list, officers, who will be placed in different villages, will have to work with the community and whenever there are other families, who should have been on the list, we will try to include them also.

So far as the figure of Rs9520 is concerned, there were queries about how this figure has been reached. I understand that, following data obtained from the Ministry of Social Security, the Ministry of Finance considered the pension benefits and social aid which were being received by recipients and an amount of Rs2714 per adult equivalent has been derived and used as a basis for the determination of the new poverty threshold. This was rounded to Rs2720 for an adult and half that sum for a child. The maximum threshold of Rs9520 is for a family of two adults and three children based on this threshold.

So far as the social contract is concerned, these 8340 families will not reapply. Presently, a social contract is being signed between my Ministry as represented by the NEF and the individual beneficiary. The beneficiary has to provide all information on his family members pertaining to education, housing conditions, employment and the Foundation, on its part, will act as a facilitator and will try to provide the beneficiary with opportunities for employment, training, education of younger members and also any other support as means of empowerment.

The social contract specifically provides that the terms and conditions may be varied after an assessment of the individual needs of the beneficiary. So far, over 7400 families have already signed the social contract and the exercise is ongoing. The hon. Leader of the Opposition also expressed his concern regarding section 6(1)(c) which stipulates that, to be able to receive empowerment programme, a person should meet such other eligibility criteria as may be prescribed. Such criteria will depend upon the type of programmes which will be developed and the particular group of persons which is being targeted to benefit such empowerment programmes and such additional eligibility criteria will be prescribed by way of regulations and will be gazetted.

So far as section 6(2)(d) is concerned where mention is made about monthly assessed income, this has been included to cater for applicants who are in the informal sector or who are self-employed so as to determine their assessed income and whether they are within the threshold. This assessment will be through the Proxy Means Test which the Ministry of Social Security carries out and which has been designed together by the UNDP and Statistics Mauritius. I understand that the Proxy Means Test has existed for a few years now.

Madam Speaker, may I also inform that, with a view to bringing more clarity to Clause 7 of the Bill more particularly as regards the appeal procedure, I am proposing to bring some amendments to that Clause at Committee Stage.

Insofar as the payment of subsistence allowance is concerned, let me confirm that payment will be effected as from 15 December and will be through direct bank transfer. To date some 7466 beneficiaries have opened a bank account and will be paid accordingly. For the minority who still do not have one, arrangement is being made with the Mauritius Post and payment for December will be made before 22 December.

I must say that I am particularly glad that we managed to respect the set time frame and I wish to thank all officers of the various Ministries and Government institutions who have helped to make this possible, including employees of the NEF who have been fully engaged in this exercise. In fact, we had the support of over 12 Government institutions including Ministries who had to collaborate to make this possible within this short delay. As I stated, Madam Speaker, this is only the beginning but the most difficult and complex task is yet to come with the empowerment part. Eradicating absolute poverty is a daring objective. Today we have moved a step ahead with the identification and registration of the neediest among the needy.

Various Members made reference to Confucius about giving a fishing rod instead of a fish. I fully subscribe to this approach and this is exactly what this Bill is all about, empowering instead of assisting. However, we should be alive to the fact that, by merely giving a fishing rod, one does not become a fisherman. One needs to be taught how to fish. To be able to fish, first of all, we should not be afraid of the sea. We should know exactly when to go fishing, where to go fishing, what bait you should use depending on what fish you want to catch. But above all, Madam Speaker, ...

(Interruptions)

Madam Speaker: Order!

Mr Roopun: ... you need to have the virtue of patience, and at times fishing is unpredictable and we should not lose hope. I would also invite all hon. Members to accompany the poor in this fishing expedition. It starts by standing with the poor, listening to them and recognising the potential where others despair. This next step to the road from assistance to empowerment shall, however, not be easy and will require a lot of determination and willpower. We will have to make the poor our partners, motivate and encourage them through empowerment programmes designed as per their specific needs, build their self-esteem, promote self-help, develop skills and build a better future for them. This is, in itself, a tall order, but we are taking up the challenge and we will make it happen.

Thank you, Madam Speaker.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Madam Speaker in the Chair)

THE SOCIAL INTEGRATION AND EMPOWERMENT BILL

(NO. XXVIII OF 2016)

Clauses 1 to 6 ordered to stand part of the Bill.

Clause 7 (Application for support)

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

Mr Roopun: Madam Chairperson, I move for the following amendments -

“In clause 7, in subclause (4) -

- (a) in paragraph (a), by deleting the words “shall, within 21 days of receipt of the notice,” and replacing them by the word “may”;
- (b) by inserting, after paragraph (a), the following new paragraph, the existing paragraphs (b) and (c) being relettered as (c) and (d) –
 - (b) An appeal under paragraph (a) shall be made within 21 days of the date on which the applicant is informed of the decision of the supervising officer."

Amendments agreed to.

Clause 7, as amended, ordered to stand part of the Bill.

Clauses 8 to 13 ordered to stand part of the Bill.

Schedule ordered to stand part of the Bill.

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

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

Third Reading

On motion made and seconded, the Social Integration and Empowerment Bill (No. XXVIII of 2016) was read the third time and passed.

Second Reading

THE PREVENTION OF TERRORISM (AMENDMENT) BILL

(No. XXV of 2016)

THE CONSTITUTIONAL (AMENDMENT) BILL

(NO. XXVI OF 2016)

Order for Second Reading read.

The Prime Minister: Madam Speaker, with your permission, I beg to move that the Prevention of Terrorism (Amendment) Bill (No. XXV of 2016) and the Constitutional

(Amendment) Bill (No. XXVI of 2016) be read together a second time as they relate to the same matter.

The object of the Prevention of Terrorism (Amendment) Bill is to provide for the reinforcement of the legal framework against terrorism, and for related matters. As for the Constitutional (Amendment) Bill, its object is to provide for the imposition of restrictions on movement within Mauritius and on the right of any person to leave Mauritius, pursuant to an order issued by a Court or a Judge of the Supreme Court under any law related to terrorism offences.

Madam Speaker, more than fourteen years ago, in February 2002, I was standing in this very House to present the Prevention of Terrorism Bill 2002 meant to empower our legal system to adequately deal with the phenomenon of terrorism.

This important piece of legislation was introduced five months after the tragic and terrifying attacks of 11 September 2001, which struck the United States of America, one of the most powerful and technologically advanced States in the world.

These attacks which are estimated to have killed 3000 people, making it the deadliest terrorist incident ever, marked a turning point in the world history.

Within weeks of the 11 September attacks, the international community rallied together to adopt a common position and agree on a united global response to combat terrorism.

Madam Speaker, it was in this complex and trying international context that the Prevention of Terrorism Bill 2002 was debated in Mauritius.

At that time, our country was a member of the UN Security Council, and with this new legislation, we demonstrated to the world that, though being a small island State, we were committed to joining the global response to terrorism.

However, at the local level, this important legislation was viewed by some instances as being a controversial one and it gave rise to lengthy and heated debates.

I can recall that at that time, whilst I was moving the Bill for Second Reading, I recognised that the law was a tough one, but I stated in unequivocal terms that I would make no apology for that, as it was, I quote -

“a law which is designed to deal with people and organisations whose acts can have devastating effects.”

My Government at that time maintained a firm stand and showed its determination and commitment to fight against terrorism. Consequently, the Prevention of Terrorism Act 2002 came into force on 16 March 2002.

Madam Speaker, fifteen years after 9/11, the array of terrorist acts around the world is broader, wider and deeper than it has been at any time since that day.

The terrorist threat around the world is evolving at a rapid pace. Indeed, today, the world is faced with a number of complex issues ranging from territorial disputes to Middle East conflicts, tensions and instability in parts of Africa, as well as threats of pandemic disease, financial crisis and climate change. However, global terrorism has emerged as the most pressing security challenge around the world.

In the last year alone, there have been around 40 terrorist attacks resulting in over 700 deaths. Tragic events in France, Turkey, Bangladesh, Belgium, Kenya, Afghanistan and the US, amongst others, have increased international concerns about potential terrorist targets, the availability of weapons amongst terrorist groups, border safety and the emergence of homegrown extremists.

These events have also demonstrated that the terrorism threat is evolving in its cross-border dimension with Syria and Iraq emerging as terrorist focal points.

According to a report from the World Economic Forum published in April this year, it is estimated that around 27,000 to 31,000 persons coming from different parts of the world, have travelled to that region to join the Islamic State and other violent extremist groups since 2011.

It is also estimated that about 30% of them eventually make the trip back to their home countries.

Madam Speaker, statistics on global terrorism demonstrate that the countries at the top of the list of most terrorism-prone states are situated in North Africa, the Middle East and South Asia. However, no country in other parts of the world is immune to the threat of terrorism and the emergence of new forms of terrorism.

In Mauritius, we have, so far, been spared. But we cannot ignore that the threat is there and we must be vigilant and proactive.

This is precisely why amendments to our legal framework are being proposed so as to cater for emerging issues such as -

- (i) foreign terrorist subjects;
- (ii) recruitment of members of terrorist-related organisations through social media;
- (iii) countering radicalisation, including via social media;
- (iv) ensuring that we have an adequate legal framework, through control orders, to prevent our nationals from engaging in terrorist activities abroad;
- (v) criminalising terrorism hoaxes;
- (vi) criminalising terrorism training, and
- (vii) intelligence gathering and development of counterterrorism networks.

Madam Speaker, allow me to highlight the main amendments that are being proposed to the Prevention of Terrorism Act -

- (1) section 3 is being amended so as to broaden the scope of the offence of terrorism. Presently, the Act provides for an offence to be committed only when a person does or threatens to do an act of terrorism. With the proposed amendment, it will be an offence when a person does, participates in, collaborates to and threatens to do an act of terrorism, and when a person promotes, encourages or exhorts others to commit an act of terrorism;
- (2) a new subsection is being introduced in section 4 so as to make it an offence when a person receives training from or participates in training with a proscribed organisation;
- (3) a new section 5A is being introduced so as to make it an offence when a person knowingly attends a place in or outside Mauritius for the purpose of terrorist training;
- (4) section 6 is being amended to enable the arrest, without warrant, of any person wearing clothes and displaying any object which would arouse reasonable suspicion that the person doing so is a member of a proscribed organisation. We have taken note of suggestions made to us and I shall come with an amendment at Committee Stage to provide for the arrest to be effected by a Police Officer not below the rank of Superintendent of Police or duly

authorised by a Superintendent of Police and for the arrested person to be brought without undue delay before a Court. I think it has been circulated.

It needs to be highlighted, Madam Speaker, that the concept of proscribed organisation is already defined in section 2 of the Prevention of Terrorism Act as follows -

“proscribed organisation”—

- (a) means an organisation which has been declared to be a proscribed organisation under section 4, and
 - (b) includes a group which has been declared to be an international terrorist group under section 10;
- (5) a new section 8A is being introduced so as to make it an offence when a person communicates a false information in relation to an intended act of terrorism;
- (6) a new Part 11A on Terrorist Groups is being introduced.

Under this new part, a new section 12A is being introduced to prohibit the deliberate recruitment of persons as members of a proscribed organisation or an organisation which carries out or participates in acts of terrorism;

- (7) a new section 12B is being introduced to prohibit the participation in an organisation known for being a proscribed one or involved in acts of terrorism;
- (8) a new section 18 is being introduced so as to provide for the setting up, within the Prime Minister’s Office, of a Counterterrorism Unit to be headed by a Director.

The Unit will, *inter alia*, collect, collate and analyse terrorism-related intelligence and disseminate same to investigatory authorities.

This section is mainly aimed at strengthening the institutional and intelligence capabilities of Mauritius in relation to terrorism. The intention of Government is to have specialised officers to deal with terrorism matters so that our counterterrorism staff may have the adequate structure to ensure that they can provide the most effective level of service.

Having a dedicated counterterrorism unit rather than officers dealing with counterterrorism on an ad-hoc basis will ensure that when our officers interact with their

foreign counterparts they can do it with colleagues with whom they have been interacting for years. It is for this reason that the counterterrorism unit is being set up in my Office;

- (9) a new section 21 is being introduced to provide for the setting up of a Counterterrorism Committee to be responsible for all policy issues pertaining to Counterterrorism. The Committee will be chaired by the Secretary to Cabinet and Head of the Civil Service and will comprise the following members -
 - (i) the Secretary for Home Affairs;
 - (ii) the Commissioner of Police;
 - (iii) the National Security Adviser;
 - (iv) the Solicitor-General or his representative;
 - (v) the Director-General of the National Security Service, and
 - (vi) the Director of the Counterterrorism Unit.
- (10) a new Part IV A on Protection measures is being inserted. Under this new part, a new section 22D is being provided to ensure protection of persons other than Police Officers, who detain information concerning any terrorism-related activity;
- (11) section 25 of the Act is being amended to enable the Commissioner of Police to apply for a Judge's Order to authorise a Police Officer not below the rank of Superintendent to use such electronic and technical device for the purpose of intelligence gathering and surveillance when there is reasonable ground to believe that an offence under the Act has been, is being or is likely to be committed, and
- (12) a new Part VA "Control Order" is being inserted. Under this part, a new section 28A is being introduced to enable the Commissioner of Police to apply to a Judge in Chambers for a Control Order to be issued to any person so as to protect the public from an act of terrorism or to prevent that person to support a hostile activity in another State.

The Control Order may prevent the person to whom it is issued to remain in any locality or to leave Mauritius or to communicate with certain persons or to access certain forms of technology, including internet.

It may also require the person to remain in specific premises for more than 12 hours within any period of 24 hours or to wear a tracking device. However, no Control Order can take effect unless the person subject thereto is notified accordingly personally.

Provision is also being made so that the person to whom a Control Order has been issued may apply to a Judge in Chambers for the revocation or variation thereof on giving notice in writing to the Commissioner of Police.

The Judge in Chambers may, on such application, make such order as he may determine.

Madam Speaker, as I stated earlier, the Prevention of Terrorism Act is a tough law, as its very purpose is to deal with persons who can be a threat to our society and can endanger our lives and existence. The amendments being proposed espouse the same tough stance and further strengthen the existing legislation.

My attention has been brought to the fact that the Bill has been subject to criticisms by some people in the Opposition and in other quarters who have found the provisions contained therein to be in violation of fundamental democratic principles.

In fact, I am not surprised by those criticisms, as most democratic nations have to face the challenge of how to effectively respond to the threat of terrorism without abandoning fundamental human rights principles that are the hallmark of free and democratic societies.

Striking the right balance between national security and human rights is fundamental for the success of counter terrorism strategies as well as the tolerant and democratic ideals of our multi-cultural country.

The proposed amendments to our Prevention of Terrorism Act have been drafted very cautiously based on existing legal framework obtained elsewhere, so as to ensure that they are in conformity with our Constitution and contain appropriate safeguards against any abuse.

It is in this respect that the Constitutional (Amendment) Bill is being introduced.

The Bill makes provision for an amendment to section 15 of the Constitution so as to provide for restrictions that will be imposed on the movement of any person subject to a

control order issued by a Judge of the Supreme Court, as is being proposed in the Prevention of Terrorism (Amendment) Bill.

Madam Speaker, allow me to remind the House that an act of terrorism can have devastating consequences on the ability of individuals to enjoy their fundamental rights. It can destabilise a government, undermine civil society, jeopardise peace and security, and threaten economic and social development.

This is why any counter terrorism legislation needs to be tough enough to prevent such acts.

We are dealing with unprecedented threats, which require unprecedented bold and courageous measures. We cannot deal with a reasonable terrorist suspicion through the normal evidence-based avenue. We have to act fast before it is too late. That is where the provisions for arrests without a warrant and the issue of a control order have all their relevance.

Madam Speaker, guaranteeing security and law and order to the citizens of the country is one of the priorities of my Government.

In our programme for 2015-2019, we pledged to reorganise the Counter Terrorism Unit and give it new mandates which would enable it to establish good networking and disseminating timely information to avert threats.

With the amendments proposed to the Prevention of Terrorism Act, the Counter Terrorism Unit will have the appropriate legal status which would enable it to discharge its functions in an effective and efficient manner.

I take this opportunity to give the assurance to the population that the amendments being proposed have as main objective to protect the security and preserve individual rights of each and every citizen of the country.

I also need to point out that Mauritius being a democratic country where the rule of law prevails, any person or organisation feeling aggrieved by a decision under the law can still have recourse to existing legal avenues as provided in our judicial system.

With these words, Madam Speaker, I commend the Bills to the House.

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun) rose and seconded.

(6.22 p.m.)

The Leader of the Opposition (Mr P. Bérenger): Madam Speaker, I agree fully with the Rt. hon. Prime Minister that we should start by travelling 15 years down memory lane, and that brings us to the events of 11 September 2001. It is as if it was yesterday. A lot of things have changed, but I am sure all of us can remember vividly what took place on 11 September and after in the days that followed.

I would add to what the Rt. hon. Prime Minister has just said, that is, the fact that, on 28 September 2001, it is the Security Council of the United Nations that voted unanimously, under Chapter VII of the Charter of the United Nations, a mandatory resolution, Resolution 1373, unanimous, mandatory, imposing to all the countries of the world that every one country, individually, must bring forward laws against terrorism. If we had not done that – we, I mean, the MMM and MSM were in Government together in those days – could have been subject to sanctions. I repeat, we were acting under orders from a unanimous mandatory resolution of the Security Council of the United Nations. That is why, indeed, we brought forward a Bill on 04 February 2002, the Prevention of Terrorism Bill, which became, of course, an Act.

My good friend Cassam Uteem was then President of the Republic. He objected, and the then Prime Minister and myself did our best to accommodate the then President. We brought amendments, and when the then President asked for Parliament to reconsider - I am not sure there has been another case where the President of the Republic sends a Bill for reconsideration to Parliament -, we took great care, we discussed and reconsidered, therefore, the Bill and brought further amendments. We did not agree to all the amendments which the then President proposed, but we brought further amendments.

I must say that, although the then President did propose a good number of amendments, he did make it a point to say that he is - and I quote him - “in agreement with the broad objectives of the Bill” that we were bringing before Parliament and that was finally adopted. Well, history has recorded the fact that, in spite of the further amendments that we brought, the then President chose to resign as President of the Republic, and then events followed their course.

History has also recorded that the MMM/MSM which had to come forward with that kind of a Bill never used that Bill, there was no occasion, no need, we never used the Bill which we approved therefore in February 2002. As far as my memory serves me, in the case

of the Labour Government after 2005 there was one case. History has, therefore, recorded that the then Prime Minister, the then Government which had heavily criticised the Prevention of Terrorism Bill did not bring any amendment after 2005 and used the law on one occasion. All that is already past history!

Now, 15 years later, the Rt. hon. Prime Minister is right to say that the terrorism context has changed nearly completely, but it is very much there. The terrorism threat has changed in nature and in a way it has become even more difficult to combat and control. The Bill before us wants to bring amendments to the main Prevention of Terrorism Act and the words used are ‘to provide for the reinforcement of the legal framework’, which is provided for in the main Act, the Prevention of Terrorism Act.

I made it a point, Madam Speaker, to remind the House and to remind the country that in 2001 we had to bring the Prevention of Terrorism Act before the House. We had because that was the reason; there was a unanimous mandatory resolution of the United Nations Security Council. I would have wished to have heard from - and it is not too late, when he will sum up - the Rt. hon. Prime Minister this time, at whose request, on whose advice are we bringing amendments to the Prevention of Terrorism Act. What has been the role of the Commissioner of Police and other top Police officers? Has our National Security Advisor advised us in that direction? Has there been any foreign country that has advised us to bring those amendments to the main Act, therefore, the Prevention of Terrorism Act? I would wish to be informed, I think we deserve, the country has the right to know on whose advice, at whose request we are acting 15 years after we acted on a mandatory resolution of the United Nations Security Council.

I must say also because it is the Police that is going to put into practice this law and the perception of the Police, the performance of the Police these days is what it is and it plays against the idea of bringing such amendments to the Prevention of Terrorism Act. And, *quelle maladresse* that it is only a few days ago that this issue of CCTV cameras on the campus of University crops up! *Quelle maladresse!* I have before me a copy of the letter; everything is *maladresse* in this thing, and I understand that the letter to the Vice Chancellor of the University of Mauritius seeking permission to install such CCTV cameras is signed by an Assistant Commissioner of Police in the NSS Department. And it is explained by this Assistant Commissioner of Police that, the aim of this project, that is, installing in strategic locations, in the precinct of the University of Mauritius CCTV cameras, I quote –

“The aim of this project is to monitor suspected movement of subversive characters at places of mass gathering, including University of Mauritius to counteract terrorist threats on the campus of the University of Mauritius.”

That is why I say *quelle maladresse!* That was really not the moment when we are to consider these amendments to the Prevention of Terrorism Act.

Therefore, all this makes us very uneasy as far as the MMM is concerned. Very uneasy! Even with the protection provided for the role of judges in preventing abuse of such legislation. It is good that to act there must be the green light of judges, including in Chambers. There is also the fact that going back to 2001 even today, maybe even more today, especially after the recent remarks by the President elect of the United States concerning a given community, there was in 2001 and there is this perception that such legislation targets a given community. So, all this makes us, especially the role, the performance and the perception of the Police recently and on the University campus.

That is why, Madam Speaker, in the MMM we have given very careful consideration to the amendments being brought to the 2002 Prevention of Terrorism Act, the main Act. It is our considered opinion that these amendments being proposed are not needed, are not required. It is our considered opinion that the Prevention of Terrorism Act does not need reinforcement, that all that is provided covers what this reinforcement which the amendments are supposed to bring. I heard, rightly so, the Rt. hon. Prime Minister say twice that the Prevention of Terrorism Act 2002 is a tough law. So it is, and that is why I repeat our considered view is that those amendments are not needed, they are not required. What is provided for in the Prevention of Terrorism Act is sufficient to allow us to combat terrorism as required in its different manifestations, including section 6 which is causing a lot of concern. Section 6 - and I appreciate the fact that the amendments are being brought by Government to this section - which says that a Police officer now not below the rank of - I wonder whether because we discussed exactly the same point in our political bureau yesterday. I am not saying that phones are listened to and so on but...

(Interruptions)

I congratulate Government on that because it is exactly - if we felt that amendments were required - what we had discussed yesterday. But bottom line, we feel that these amendments are not needed, as I said, including that new section 6, the amended section 6, which said before amendment that a Police officer may, without warrant arrest the person who in a

public place “(a) wears an item of clothing or (b) carries or displays an object in such a way or in such circumstances as to arouse reasonable suspicion that he belongs to a proscribed organisation.” What is provided already in the Prevention of Terrorism Act as far as proscribed organisations are concerned, we feel covers everything including that section on items of clothing and so on. So, this is the stand of the MMM.

We feel that these amendments are not required, that the Prevention of Terrorism Act does not need reinforcement, all that we need is already provided in the Prevention of Terrorism Act. We’ll go along with the amendment to the Constitution, I must say because the amendment to the Constitution - I have heard the Prime Minister say the same thing - is to amend the Constitution -

“(...) to provide for the imposition of restrictions on –

(a) the movement within Mauritius;

(b) the right of any person to leave Mauritius, pursuant to an order of a Court or a Judge of the Supreme Court under such law, being a law relating to offences or acts of terrorism.”

I must say that the amendment doesn’t really provide for, the amendment allows for the law to provide for orders and so on. So, we go along with that amendment. In fact, we have been amending the Constitution in different ways to allow for this or that, but we’ve given due consideration to that and we go along with that amendment.

This having been said, we are also quite uneasy concerning the Counterterrorism Unit and the Counterterrorism Committee that are provided for. I am very uneasy that we have the Prime Minister of the day organises the office as he thinks fit and now we are putting in the law how part of the Prime Minister’s Office must function. We are putting in the law the details of the Counterterrorism Unit that is to exist in the Prime Minister’s Office. I am very uneasy with that, especially when we consider that this Counterterrorism Unit will do its work, will perform and will transmit terrorism-related information to the Commissioner of Police. I mean, under our Constitution, under our law, the Commissioner of Police - whether we like him or not is another matter, whether he is a great actor, performing superbly or not, that is another matter – has this or that responsibility including combating terrorism.

Now, we are setting up a Counterterrorism Unit in the Prime Minister’s office that is going to perform and that is going to transmit terrorism-related information to the Commissioner of Police. That makes me very uneasy and even more uneasy when we say

that there shall be for the purposes of this Act within the Prime Minister's Office, a Counterterrorism Unit which shall be headed by a Director, not the Commissioner of Police. On the contrary, information will be transmitted to the Commissioner of Police, but here the Counterterrorism Unit will be headed by a Director, full stop. We are not told anything about that Director who is going to head the Counterterrorism Unit. I find that very unhealthy and I feel very uneasy about that.

As far as the Counterterrorism Committee is concerned, I don't have a big quarrel with that, especially when we see that the Commissioner of Police and the National Security Adviser will be in that Counterterrorism Committee to be chaired by the Secretary to the Cabinet and Head of the Civil Service. I am sure that the Prime Minister of the day, of tomorrow, will always use with great care that clause that says that –

“The Prime Minister may appoint any such person as he may determine to form part of that Counterterrorism Committee.”

For these reasons, I feel very uneasy concerning the provisions contained in the amendments for setting up a Counterterrorism Unit and a Counterterrorism Committee. At any rate, as I said, our stand in general, as far as the MMM is concerned, that is, we have the Prevention of Terrorism Act going back to 2001. We feel that these amendments are not needed that the Prevention of Terrorism Act is a tough law; it does not need reinforcement and puts at our disposal all the tools required to combat terrorism in its new form.

Thank you, Madam Speaker.

Madam Speaker: Hon. Bhadain!

(6.42 p.m.)

The Minister of Financial Services, Good Governance and Institutional Reforms (Mr S. Bhadain): At the very outset, Madam Speaker, it should never be forgotten that we have already lost two of our citizens due to terrorism in the recent past: Ms Rachel Cheung Fong Yuen who died on 07 July 2005 bombings in London and Mr Chaitlall Guinness who was a victim of the Mumbai attacks in November 2008.

Madam Speaker, I commend the Rt. hon. Prime Minister for bringing the Prevention of Terrorism (Amendment) Bill (No. XXV of 2016) to the House which is of crucial importance for the security of our citizens. As Minister responsible for Anti-Money Laundering and Combating the Financing of Terrorism (AML/CFT), I must say, that our laws

had to be enhanced as activities related to terrorism are cybernetic and they change all the times. On the other hand, in our country, there has been no significant improvement be it in the legal framework or in the institutional and operational structures since the Prevention of Terrorism Act was originally enacted in 2002 to match these ever evolving changes whether it is in terms of technology, social media, networking, recruitment strategies, radicalisation techniques and so on.

This Bill, Madam Speaker, caters for the shortcomings of the existing legislative framework and it comes at the right time as the adequacy of our AML/CFT framework will be reviewed in June next year by the Eastern and Southern Africa anti-Money Laundering Group (ESAAMLG). Undoubtedly, this Bill and the constitutional amendment which comes with it, will align our laws with international standards and international best practices.

Madam Speaker, the threats of the international terrorism have drastically evolved over the last decade. The Prevention of Terrorism Act was drafted soon after the 9/11 attacks and was at that time designed to address certain types of terrorism activities which was prevalent at the turn of the century, that is, airplane hijackings, blowing up buildings, attacks to transport systems, gas attacks, bombings and so on.

A quick glance at the existing Prevention of the Terrorism Act shows that section 3 of the Act was originally drafted to deal mainly with large-scale attacks against property or acts undertaken in order to endanger life. Together with the main terrorism offences, the Act created specific offences of support and also harbouring terrorists, targeting mainly those who even though they may not be terrorists themselves, but they act as enablers of terrorism-related activities.

Now, Madam Speaker, time has come to create an environment which will provide our citizens with the much-needed sense of security and protection with regard to their well-being.

It is also important for a small economy like ours to give international investors and also tourists, the assurance that in Mauritius all measures are being taken to provide a safe, secure and comfortable environment. This is reflective of the kind of nation we are, a rainbow nation, with Hindus, Christians, Muslims and so many other people of different religious and ethnic backgrounds live happily in a brotherly manner.

Madam Speaker, the result wars in Iraq and Afghanistan combined is an ongoing conflict in Syria have led to the emergence of a new threat, the Islamic State of Iraq and the

Levant ISI commonly known as the Islamic State of Iraq and Syria (ISIS) for more commonly referred to as Daesh.

Reports of international agencies engaged in the fight against terrorism suggest that the approach used by Daesh has been to combine high-profile terrorism attacks such as the one that occurred in Paris in November last year with an aggressive policy of recruiting young men and young women in all countries around the globe.

They have been particularly effective on the Internet by distributing cheap, but high quality recruitment and propaganda videos; by publishing an online magazine called '*Dabiq*' and they have a ubiquitous presence over social media websites which has made 'Daesh' a truly global phenomenon. They call themselves the 'Islamic State', but they are neither a 'state' nor 'Islamic State' because Islam is a great religion of peace and harmony.

In our small island, Madam Speaker, no one should have the opportunity of disturbing the social and religious harmony which has always prevailed, regardless of someone's religious faith or ethnic background.

Madam Speaker, according to reports published by the CIA, 'Daesh' has recruited over 30,000 persons from over 80 countries. Mauritius is unfortunately amongst these countries! And it is known to the world that there are cases where Mauritian citizens are either indirectly connected or directly involved.

Last year, in December 2015, we were all shocked by the propaganda video of Yogen Sundrun, displayed on 'YouTube', on the World Wide Web.

All Mauritians were flabbergasted to learn that the Golamaully siblings have travelled to, and are probably still in Daesh-controlled territories in Syria and Iraq. Their uncle and aunt were recently sentenced to more than 20 months imprisonment in the United Kingdom for an offence of terrorism financing, as they had sent money to these young kids, through an intermediary based in Turkey.

Madam Speaker, we were all appalled by the shots fired at the French Embassy building in Port-Louis, a few months back, in May this year; and also the threats which had been painted on the Embassy's walls, which appears to have been the work of perpetrators who were sympathizers of a terrorist group.

Madam Speaker, all these incidents are in addition to the fact that the local recruiters have been at work here, in Mauritius, distributing tracts in our streets, here, outside the very

walls of this august Assembly. These have even been published on social media, on Facebook and it is still there, as we speak, and can be seen by one and all.

Madam Speaker, since the original anti-terrorism legislation were passed in this House, the nature of the threat of terrorism facing our country has undergone an even more evil transformation, for example, the concept of ‘Foreign Terrorist Fighters’ (‘FTFs’) which poses a double threat -

- firstly, they become recruiters themselves – by encouraging and influencing their peers, their friends and family to support such organisations; and
- secondly, if they manage to leave Mauritius and are trained in countries like Syria and Iraq, they pose an even bigger threat to our citizens, because they return to our country, after having been fully radicalised, empowered and integrated into notorious networks.

Madam Speaker, we must be alive to the developments which have occurred in the last decade to realise how relevant and timely the amendments to the proposed Bill are. Before coming to the different clauses of the Bill, I must say, these are the reasons as to why, with great respect, I beg to differ with the hon. Leader of Opposition as to the view that the MMM has taken on the amendments to the PoTA are not necessary and that the current provisions of the PoTA are sufficient. They clearly are not!

Madam Speaker, I will now come to the different clauses of the Bill. The amendment proposed in Clause 4 of the Bill to the main terrorism offence contained in section 3 of the PoTA is of particular relevance. Clause 4 adds the words ‘*participates in, collaborates in, consents to*’ to the existing section 3(a), thereby now capturing accomplices under the scope of the offence. So, that was not there in the law before. Now, it will be brought into the ambit of the law. So, with the new section 3(aa), which criminalises ‘*promoting, encouraging and exhorting one or more persons to commit an act of terrorism*’, our authorities will now be in a stronger position to detect and prevent the promotion of terrorism, which has become prevalent on the internet and social media, such as Facebook.

Clause 5 of the Bill amends section 4 of the PoTA which deals with ‘proscribed organisations’. A lot has been said, I have read newspapers also where certain hon. Members of the House have talked about proscribed organisations.

Section 4(1) of the PoTA confers the power to the Commissioner of Police to apply to a Judge in Chambers to declare an ‘entity’ – that was the word in the law as it is, ‘an entity’ -

as ‘proscribed organisations’. Section 4(1) is amended to replace that word ‘entity’ with ‘association or organisation’, which will now bring in much needed clarity to the existing law with the words ‘association or organisation’ instead of ‘entity’.

At this juncture, Madam Speaker, I must stress that the previous regime had never deemed it fit to come up with a list of ‘proscribed organisations’. I took note of the comment made by the hon. Leader of the Opposition to the effect that the law had never been used by the MMM-MSM Government and during the Labour days, it has been used once. Basically, the hon. Leader of the Opposition mentioned that the law had been passed but then not used as such except for that one occasion. What is interesting to note is that the law, because the list of proscribed organisations was never declared, was ineffective. For the last 14 years, our anti-terrorist legislation remain ineffective and the risks that every Mauritian citizen was facing was enormous because the loophole which had not been plugged in the anti-terrorist law.

Not one single ‘international terrorist group’ had been declared by the then Prime Minister under the Labour regime as a ‘proscribed organisation’. He was very busy doing other things, but he did not deem it fit to look at the Prevention of Terrorism Act and come up with the list. The hon. Leader of the Opposition also mentioned the resolutions of the UN Security Council which gave rise to the Prevention of Terrorism Act back in 2002 and rightly so. It is, I must state to the House, the Rt. hon. Prime Minister, Sir Anerood Jugnauth who, on 09 February 2016, this year, for the first time, through Government Notice 145 of 2016, declared by virtue of Section 10(4)(b) of the Act, 18 groups listed in the resolutions of the UN Security Council as ‘international terrorist groups’. This was never done before. These 18 international terrorist groups are now, this year, ‘proscribed organisations’ in Mauritius, as Section 10(5) of the Prevention of Terrorism Act states that and I quote –

“reference in this Act to a proscribed organisation shall be deemed to include reference to an international terrorist group, and, whenever applicable, to a suspected international terrorist”.

The record had to be set straight, Madam Speaker because the law could not operate with no international terrorist groups having been listed as a proscribed organisation. When the law is talking about proscribed organisation, what are you going to go? In Mauritius there is none because nothing was done in the last ten years.

Madam Speaker, with regard to declaring ‘proscribed organisations’ under section 4 of the PoTA, it is also important to compare the law in the UK, with the proposal contained in the current Bill before this House.

In the UK, under Section 3 of the Terrorism Act 2000, the Secretary of State has the power to proscribe an organisation by adding its name to the second schedule of the law. The power is vested solely in the ‘executive’, i.e. the Secretary of State.

In our case, this power is not solely vested in the ‘executive’, but the decision rests in the hands of our ‘Judiciary’, the Judge in Chambers. This is a vital and important safeguard that existed in the PoTA and which will continue to exist as rightly identified by the hon. Leader of the Opposition.

Madam Speaker, Clause 5 of the Bill also creates a new offence under the proposed subsection (4A) of ‘*receiving training from*’ or ‘*participating in training with*’ a ‘proscribed organisation’. This new offence was needed.

It will enable our authorities to deal with the threat of returning Foreign Terrorist Fighters (FTFs). Once they’ve left the country, gone there, they have been trained.

Madam Speaker, clause 6 of the Bill creates another new offence under the proposed section 5A -

“5A. Terrorist training

Any person who knowingly attends a place in or outside Mauritius for the purpose of receiving instructions or training (...).”

Again, Madam Speaker, this new offence will enable the authorities to deal with the problem of persons who have become Foreign Terrorist Fighters (FTFs).

Clause 7 of the Bill gives the Police the power to arrest, without a warrant -

“(3) A police officer may, without warrant, arrest a person who, in a public place –

- (a) wears an item of clothing; or
- (b) carries or displays an object,

in such a way or in such circumstances as to arouse reasonable suspicion that he belongs to a proscribed organisation.”

Again, this is the famous section 6 which has been so welcome so far. A lot has been said about this proposed section. However, it is important to look at this clause in its right context. Firstly, the new powers given to the Police are added to the existing section 6 of the PoTA which deals with support, acts of terrorism and proscribed organisations.

Secondly, persons who belong to proscribed organisations do not necessarily proclaim that loud in public: “I belong to a proscribed organisation.” So, their belonging to these organisations has to be inferred and this section gives to the Police their means to address public displays of their membership of proscribed organisations, which is already an offence and more specifically a crime under section 4 (4) of the PoTA. There have been such cases in Mauritius, Madam Speaker. There are flags of Daesh which have been displayed on houses in Pailles and pictures have been taken and put on Facebook. It is still there for one and all to go and see. But, it was not an offence to, basically, do that before because the law did not capture it. This is again why, with great respect, I beg to defer from the hon. Leader of the Opposition as to whether the law as it was, was sufficient before.

Arresting a person without a warrant upon reasonable suspicion that a person is committing a crime is perfectly in order under our laws.

Thirdly, Madam Speaker, the proposed amendment specifically states that the Police officer effecting the arrest must do so upon reasonable suspicion. Now, I have heard from certain quarters that reasonable suspicion is not defined in law. Reasonable suspicion, Madam Speaker, has been one of the most basic concepts that exist in our criminal law. It is enshrined in section 5 (1) (e) of our Constitution which provides that – and I quote -

- “(1) No person shall be deprived of his personal liberty save as may be authorised by law –
- (e) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence;”

Madam Speaker, for those who are still in doubt, our Supreme Court has provided a detailed analysis of what reasonable suspicion is in the case of *Manraj and others v ICAC* [2003 SCJ 75] and this is now the leading authority which has to be followed.

(Interruptions)

I am sure the Barristers in the House could recognise that.

(Interruptions)

Madam Speaker: No interruptions!

Mr Bhadain: So, “reasonable suspicion”, Madam Speaker, as explained in detailed analysis by our Supreme Court is as follows, I quote –

“Reasonable suspicion, in contrast to mere suspicion, must be founded on facts. There must be some concrete basis for the officer’s belief, related to the individual person concerned, which can be considered and evaluated by an objective third person.”

“Reasonable suspicion” must necessarily be distinguished from mere suspicion.”

And it goes on to explain -

“Mere suspicion, in contrast, is a hunch or instinct which cannot be explained or justified to an objective observer.”

“Reasonable suspicion” is no instinct, allows no guess, no sixth sense. It is scientific. It has to find support on facts, not equivocal facts but facts consistent with guilt. All that an investigatory authority may do with its hunches is keep the person under observation but it cannot act on it.”

And it goes on to say this -

“Facts may point unequivocally to the view taken by the police or equivocally to that view. Where they point unequivocally, the suspicion is reasonable. Where they are equivocal, no coercive action may be taken by the Police until the facts become unequivocal.”

Here, you have it, Madam Speaker. It is as clear as that. The Supreme Court of Mauritius has explained that in great length and all Barristers who go to Court and defend clients know that this is what reasonable suspicion is and it applies to the Bill also.

Madam Speaker, as to the relevance of the proposed section 6 (3), there have been recent cases where Daesh flags - I mentioned - were flown on houses here, in Mauritius. I do have a copy which I can table to the House because I downloaded it from Facebook on the Internet. If I can find that copy, Madam Speaker! Well, it is somewhere. I will certainly find it and table it, Madam Speaker.

Clause 8 of the Bill also introduces a new offence of terrorism hoax for pranksters. There are so many busy bodies in Mauritius who would use the Facebook to go and put so

many nonsenses on that. These people cause undue mobilisation of law enforcement resources with the intention of inducing a false belief that an act of terrorism will take place.

Clause 9 of the Bill also proposes a new Part IIA to the Act which creates offences for recruiting persons into proscribed organisations and participating in such organisations. These new sections, much needed, will now address the problem of the recruitment of Mauritian citizens into terrorist organisations by local recruiters and persons who allow themselves to be recruited. That's what was in there, in the law as it was before. Madam Speaker, one of the most important aspects of the proposed amendment is the setting up of the Counterterrorism Unit under clause 10 of the Bill. The proposed sections 18, 19 and 20 set up the Counter Terrorism Unit (CTU), its functions and staffing respectively.

To protect our citizens against the threat of terrorism, we need to have proactive actions. Terrorism can only be effectively dealt with by intelligence-led policing. This is a prerequisite. If you don't have intelligence-led policing, you cannot do anything about terrorism. It is important to understand that there are two things that need to be tracked, to identify. One is information and the second one is money, finance because these are the two things which make everything work. So, in this context, the Counterterrorism Unit has been placed under the aegis of the Prime Minister's Office to engage in counterterrorism intelligence work.

Again, I took note of what the hon. Leader of the Opposition said, but where else would you put the Counterterrorism Unit if you were not to put it under the aegis of the Prime Minister's Office.

(Interruptions)

Of course, it has to be there because that's the right place. This amendment sets up a much needed legal framework for the CTU, which was until now missing. It will lead to more accountability as the law will now define the functions and powers of the unit.

Madam Speaker, it is important to note that the model being used for the CTU is partly modelled after the Financial Intelligence Unit. Over the past two years, the CTU has been working in close collaboration with the FIU which deals with the gathering of intelligence on terrorism financing as part of its functions under the law. These two units, working in collaboration in a fruitful manner, create a lot of synergies which have already been developed from an intelligence gathering perspective.

Madam Speaker, the proposed section 21 of clause 10 sets up the Counterterrorism Committee which will ensure accountability of the CTU and section 22 deals with meetings of the Committee and issues such as quorum and frequency of meetings. The proposed section 22A defines the functions of the Committee.

Again, it is important here to note that the Committee will be responsible for ensuring that our counter terrorism legislation is reviewed and that general preparedness plans are made. This was not there before. Do we have general preparedness plans to deal with a terrorist case in Mauritius or a big threat? It was not there before! Now, it is being catered by the Government, by the Rt. hon. Prime Minister. So, this is crucial for the security of our country. The importance of this function cannot be stressed enough, Madam Speaker. The fight against terrorism is a global one and we must keep ourselves abreast of what is being done around the world both in terms of legal changes and in terms of operational planning and enforcement.

Section 22C deals with the power of the Director of the CTU to disseminate information to the Commissioner of Police and his power to request information from other Government bodies. Again, much has been said about the Police, but the Police is the Police, Madam Speaker. They do the job of protecting citizens in this country. Now, the Commissioner of Police according to section 71 of our Constitution basically leads the Force and it is of course the Police who are going to be dealing with these terrorist cases and allegations which are there. This information needs to be disseminated to them by the CTU. It is the normal process. The section is modelled after section 13 of the Financial Intelligence and Anti-Money Laundering Act and mirrors the powers of the FIU to gather information about money laundering and terrorism financing which is then provided to the Police. So, it is already there in the case of the FIU when it comes to financing of terrorism, this is what is happening. So, in terms of what the CTU will be doing it is exactly the same thing.

Madam Speaker, the importance of this section is two-fold –

Firstly, it legitimises the power of the CTU to obtain information and sets out the standard to be observed when requesting information (that is ‘reasonable suspicion’), and

Secondly, section 22C ensures the separation between CTU and the Police. The fact that intelligence gathering and enforcement are conducted by two different bodies will allow officers to act objectively and ensure an adequate separation of powers because

if we were to give the CTU the power to enforce then everything would have been under one roof and same thing if the Police was doing the intelligence and enforcement. Now it is separate, you have got two units.

Madam Speaker, the protection of informers under the proposed section 22D under Clause 11 of the Bill is also of paramount importance. This section imposes an obligation on any person who receives information about terrorist activity to report it to the nearest Police station. But the section also provides for the complete protection of the identity of the person making the report, to the extent that not even a Court of law can request the disclosure of information relating to that informer. This is how you fight terrorism! That was not there in the law before. This is why nothing was happening.

This section is similar to the protection afforded to reporting entities under the Financial Intelligence and Anti-Money Laundering Act 2002 where suspicious transaction reports are made when there is suspicious activity relating to the customer's account, the bank has got a duty in law to report that suspicious transaction through an STR to the FIU and this kick-starts the whole process of intelligence gathering which is then passed on to the ICAC or to the Police for enforcement. The system is already there with the FIU and all this information is deemed to be privileged and cannot be disclosed in any Court proceedings. So, the intelligence that the FIU receives cannot be admitted in a Court of law. It is the same thing here when you are dealing with the CTU.

Madam Speaker, coming to Clause 12 of the Bill, as I have stated earlier, social media and information technology have become a major tool used by terrorist organisations for propaganda and recruitment. From an international perspective, it is through social media that many terrorist suspects are identified. It is now necessary to enlist local service providers in the fight against this new threat facing our country. In this context, the new powers given to the Prime Minister to issue directions to service providers under the proposed section 25 subsection (1) for the purpose of the prevention or detection of offences, or the prosecution of offenders are of utmost importance.

In the same context, Madam Speaker, the new section 25A under Clause 13 of the Bill will give the Commissioner of Police the power to apply to a Judge in Chambers to use such electronic and technical device as may be required for the purpose of intelligence gathering or surveillance. It is required, it is needed, the ability to use such special investigation techniques are necessary in the context of terrorism-related investigations. Terrorism

investigations are similar to investigations of organised crime or even drug-trafficking networks. In this respect, adequate surveillance and intelligence play a key role and this is what is going to make the system work. You don't have it, it doesn't work! Like under the Labour regime.

Unlike organised crime, intelligence failures in terrorism cases are simply not an option. While this section has had its share of critics, of course, there is a standard which has been specified in the law to apply for such Court order. Reasonable suspicion, as I stated earlier, has been extensively discussed by the Supreme Court in the decided case and is an adequate standard to protect the rights of the citizens in this context.

Madam Speaker, the final major change that this amendment brings to our counter terrorism framework is the introduction of control orders under Clause 14 of the Bill.

The concept of control orders were introduced in the United kingdom in 2005 under the Prevention of Terrorism Act 2005 following the 07 July bombings and were issued by the Home Secretary. This led to a lot of criticisms that citizens were being deprived of their right to liberty without due process of law. The legislation regarding control orders were repealed in 2011 and replaced with the Terrorism Prevention and Investigation Measures Act 2011 (TPIM) which granted power to the Home Secretary to issue TPIM notices to terrorism suspects imposing similar restrictions to those under control orders.

The main criticism of control orders and TPIM notices is that they operated outside the criminal justice system. Here I emphatically commend the Rt. hon. Prime Minister for not having made the same mistake as in the UK. The proposed section 28A states and I quote –

“Control Orders may only be issued by the Judge in Chambers after he is satisfied that the requirements listed under section 28A(3) are met.”

This is again a vital safeguard and this requirement ensures that the new section 28 A is in line with section 5 of our Constitution which protects the right to liberty.

Madam Speaker, as a last point, during my research last night when I was preparing my speech, I took note of the fact that with regard to the financing of terrorism which is under a different law the Convention for the Suppression of Financing of Terrorism Act 2003 of course, in this particular law financing of terrorism is defined under section 4 and it says that –

“Any person who, by any means whatsoever, wilfully or unlawfully, directly or indirectly, provides or collects funds with the intention or knowledge that they will be used, or having reasonable grounds to believe that they will be used, in full or in part, to commit in Mauritius or abroad –

(a) an offence in breach of an enactment specified in the Second Schedule (...)”

And when we go to the Second Schedule, we see that reference is made to the Prevention of Terrorism Act and it says Prevention of Terrorism Act section 12. So, the offences which are being created by the proposed Bill, in my humble opinion, also require a consequential amendment in the Convention for the Suppression of the Financing of Terrorism Act and I have had the opportunity to discuss with the Rt. hon. Prime Minister on that matter and also with my colleague and great friend the hon. Attorney General and I would make a humble request if those sections could just be added to the Second Schedule by way of consequential amendment so that this is corrected and the financing of terrorism is also taken on board in terms of the legislative framework that we are going to be having which will, of course, have a lot of consequences because if you take that case, the Goolamally case in the UK where the uncle and aunt were found guilty and were imprisoned for 20 months for having sent 200 Pounds Sterling via an intermediary in Turkey to those kids who were in Syria, that would not be captured in our law if we were not to make that slight amendment.

I thank you, Madam Speaker.

Madam Speaker: Hon. Osman Mahomed!

(7.16 p.m.)

Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central): Madam Speaker, at one point, during his speech, hon. Bhadain has talked about religion. I for one would like to start by saying that terrorists do not have religions. I refer to my own religion, and hon. Bhadain has referred to it, Islam. Terrorism cannot be justified under any valid interpretation. Muslim scholars have over the years spoken about terrorism in all its forms and have offered explanations of misinterpreted teachings.

Madam Speaker, Mauritius is a country that is internationally known to be a peaceful country. We are not known to be one of those several countries that attract terrorists and extremists for training and conspiring their attacks. The present PoTA, as has been said just now, has, therefore, been used in only one case so far. One of the problems with this present

Amendment Bill, as the case was in 2002, is still the wide definition given to terrorism. It allows all sorts of interpretations to be made. Those who are in the legal field - I'm not - would know that if you want to give wide interpretations, ways and means are available for it to be so.

On Saturday last, I listened to hon. Rutnah on radio. He was in a debate on radio. Well, at one point, he said that this piece of legislation does not target the *marchands ambulants* and people who come out of their prayers, and by that, I believe he meant the mosques. For, maybe, rightly so, terrorism is today widely attributed to Islamic organisations. It has been mentioned just now, ISIS, which is a group that is creating havoc all over the world. Let me also add that those preachings of ISIS are totally rejected by those who are not its fanatical adherents. But, funny, Madam Speaker, that hon. Rutnah should mention about the *marchands ambulants* who got wild against his party mate, hon. Husnoo. If I may quote, hon. Soodhun, in his interview...

(Interruptions)

Madam Speaker: Don't go outside the precincts of the Bill. Restrict yourself to this Bill and to the amendments of the clauses of the Bill.

(Interruptions)

Order!

(Interruptions)

Hon. Rutnah, please!

Mr Rutnah: On a point of clarification and personal explanation, Madam Speaker. I took part in a debate last Saturday on *Radio Plus*. During his intervention, hon. Mohamed spoke about *marchands ambulants* and people who would be leaving prayers. I had to reply to it, and when I replied, I said in unequivocal terms that this proposed amendment is not targeting any *marchands ambulants* or anybody who is coming or going out from prayers. I was simply replying to the contention of what hon. Mohamed said. But, today, to give my argument a disproportionate interpretation, which may cast serious racial consequences, is out of order, and I invite the hon. Member to withdraw the comments that he made.

Madam Speaker: Hon. Member, this is a point of clarification. We have taken note of the clarification that you've made. Please proceed, hon. Mahomed!

Mr Osman Mahomed: Well, I guess hon. Rutnah has clarified a lot of things because I had a lot of things to say and that will make my speech sleeker, I believe.

Madam Speaker: A point of clarification has already been made.

Mr Osman Mahomed: So, if in that particular meeting in Dr. Idrice Goomany, someone would have worn a T-shirt bearing one of the proscribed organisations' label, would that have allowed the Police Officers to arrest that person under reasonable suspicion? This is one question that I would like to put today.

(Interruptions)

Madam Speaker: Order!

(Interruptions)

Hon. Jhugroo!

(Interruptions)

Please proceed hon. Mahomed!

Mr Osman Mahomed: That section in the Bill provides that Police Officers can arrest people who wear certain types of clothing and symbols. I was just wondering whether this could be a case in point so that Police Officers arrest them and bring them to Court. So, this is one of my first questions.

Coming back to the *marchands ambulants*, I believe that we should not be politicising that dossier - the hon. Member clarified a bit just now - because this can create sparkles. There are many sick minds that could use this issue of *marchands ambulants*...

Madam Speaker: Hon. Mahomed, this issue has already been clarified by the hon. Member. I would kindly request you not to come back on this issue.

Mr Osman Mahomed: Madam Speaker, I'll stop about the *marchands ambulants*. I strongly believe in the judiciary - strongly so. But, referring to the latest Human Rights Report of the USA, it is clearly stated that there are some cases that are touted as political vendetta. The Commissioner of Police, when questioned by the Press about rumours that instructions *vine depi la haut*, replied that he does not take instruction from politicians and that this *la haut* 'c'est mwa mem sa.' That same CP who broke the record...

(Interruptions)

Madam Speaker: Hon. Jhugroo, Please!

Mr Osman Mahomed: ... last Friday, for having got one person jailed for six months for having stolen 200 litchis at his own place.

(Interruptions)

Madam Speaker: Hon. Mahomed, please, what does this have to do with the Bill? Please, come straight to the Bill and the amendments.

(Interruptions)

Hon. Mohamed, please!

(Interruptions)

You shouldn't, from a sitting position, give him any instructions. He has the floor. Allow him to proceed with his speech.

Mr Osman Mahomed: Madam Speaker, we have all read in *l'Express* of this morning how the mother of that convict has referred to her son's case as *justice à deux vitesses*.

Madam Speaker: But, hon. Mahomed, I draw your attention to the fact that what has this to do with this Terrorism Bill!

Mr Osman Mahomed: I am talking about the Commissioner of Police, Madam Speaker, because at part IV, section 21 of this Bill, the Commissioner of Police, who is part of the Counterterrorism Committee of the Prime Minister's Office, has all the powers to arrest anybody, as defined by the law, wearing certain kinds of equipped dress and so on and so forth. So, my point is whether to allow this kind of powers to the Police at a time when it is severely criticised for the reasons I mentioned - I had other reasons, but I did not go through because, Madam Speaker, you said it is not pertinent - and whether it is acceptable for us to do so.

Madam Speaker, I have to say that what has been happening in this country with the use of provisional arrest system is one step towards a Police State. This proposed Amendment Bill is another. Mauritius is being led astray. The Labour Party has learned from the defeat of 2014. We love this country for its liberties and freedoms. This proposed legislation is taking us down the wrong road. We shall come back after the next election in full strength to right these wrongs. We shall fulfil the fundamental principles of the Labour

Movement, that is, protection of the innocent from an overzealous Police. That is why the Labour Party stands for freedom and justice before the law...

(Interruptions)

Not freedom for the Police, to do just what they want or ordered to do. It is my belief and that of this Table of the House that these amendments are not warranted, just like have been said earlier on.

(Interruptions)

Madam Speaker: Hon. Rutnah, please! You will have the opportunity to talk later!

Mr Osman Mahomed: Madam Speaker, it is an undeniable fact that it is illegal for someone to belong to a terrorist organisation, save for an isolated case in which a Mauritian couple has been condemned by a British Court for having financed their siblings in terrorist-related activities, as mentioned by hon. Bhadain.

Mauritius has been rather immune to terrorism and we shall all pray that it remains like this *ad infinitum*. As an ending note, I do believe that the words ‘reasonable suspicions’, as provided by section 7 of this Bill, can be very blurred given the above context. I had to say a few things, but I have to trim down. This amendment comes at a critical moment in our history and if we do not handle it properly, we could at a given time, be holding a time bomb that will blow up in our faces. I strongly oppose the amendment as I believe it provides a very dangerous risk of being misused through further abuse of powers of those minorities of Police officers that see themselves as more of a force for enforcing the whims and caprices of others, even now and even afterwards, than a service to the people. We need more of a service for the people from our Police and less of force that has been seen over the past two years during which so many innocent people arrested on trumped up of provisional charges, humiliated and thrown into jail only for them to be found innocent by the Courts with no case to answer. This amendment will only make matters worse. I find if I vote for this Bill, I will be voting for more oppression and not for the freedoms for which we became a nation.

I thank you for your attention.

(7.29 p.m.)

The Minister of Finance and Economic Development (Mr P. Jugnauth): Madam Speaker, let me start by saying that Mauritius is a peaceful country, fully committed to the rule of law and strict observance of deeply entrenched fundamental constitutional rights, a

strong and independent Judiciary that ensures that no one in this country is above the law and it promotes public confidence that the executive cannot act arbitrarily or act in breach of its commitment to uphold and to protect human rights.

Protecting the safety of our citizens is a fundamental duty of this Government on which there can be no compromise. This duty, not only applies to our fellow countrymen, but to every visitor on our shores coming either on business or on holidays or for any other reasons. Protecting the integrity of the State from terror attacks from any quarter is equally a fundamental duty. Although, Mauritius has no history of terrorist extremism and destruction caused by terrorist activities, yet, Madam Speaker, we cannot remain indifferent to terror attacks that recently took place in other parts of the world. In fact, very extremely tragic, shocking, heart-breaking and painful episodes come to our minds when we relive the gruesome images of death and destruction caused by a merciless group of persons that are bent on terror in the pursuit of their callous and poisonous aim to impose on law-abiding citizens a way of life unbefitting of the modern civilised nation.

Madam Speaker, we remember the terrifying and tragic news that shook the world when we look at the images of the terrorist attack on the Twin Towers in New York, where nearly 3,000 innocent people lost their lives. We remember the rampage on a beach in Tunisia where a terrorist killed 38 people in a seaside resort. We remember the Paris attack in November 2015 where there were seven coordinated attacks carried out by terrorists, armed with Kalashnikovs and suicide vests, killing about 130 people, including 89 at the Bataclan Theatre. 400 people were injured on that night with hundreds suffering serious injuries with lifelong consequences. We remember the lorry attack when it slammed into a crowd of innocent people on Bastille Day in Nice, killing 84 people, including children. We remember the attack in Nigeria by Boko Haram, killing 700 people and perhaps more and we remember the attack in Sinai, Egypt, killing 224 people, mainly tourists. We also remember in Mumbai where a Mauritian was killed. My colleague, hon. Bhadain mentioned another attack in London where another Mauritian was killed.

Madam Speaker, there are many more senseless and brutal killings of innocent lives. We had attacks on Charlie Hebdo in Paris, attacks in London, Kenya, Afghanistan, Iraq and on other nations. We had the Boston Marathon bombers. The list is in fact very, very long. Just to cite two examples *qui doivent nous interpeller aussi à Maurice. Il y a eu des coups de feu en direction de l'ambassade de France et puis il y a – si je peux le décrire comme une*

blague – un colis qui a été laissé dans les toilettes de l'avion Air France en partance de l'île Maurice. Well hoax, but it could have been otherwise also!

As a nation we have to understand and never underestimate the threats we face from terrorist groups who will never hesitate to go to any length and to resort to the worst kind of violence to achieve their aims. And I must say that the Prevention of Terrorism Act was passed in 2002 and, rightly so, as has been described by the hon. Leader of the Opposition at the time. But 14 years have gone by and the world has changed. We are not in a situation of 2002. We have all the events that have happened in different countries, in different parts of the world, in fact, called on us that we should improve and we should amend the existing legislation.

Of course, while we cherish freedom, the rule of law, the due process and constitutional rule of governance and our values and tolerance as a multiracial society, the terrorists' objective is to cause damage and massive destruction that can only result in untold sufferings and miseries. If they succeed, it will inevitably lead to the chaos of primitive and uncivilised behaviour. The terrorists kill indiscriminately: Al-Qaeda, ISIS, Boko Haram. In fact, they are killing Muslims as well. What they want is to establish a world order that is repugnant to our values and respect for human life and dignity.

Madam Speaker, we face the threat from these merciless, bloodthirsty organisations. The series of shootings, killings and suicide bombings have caused us to review our legal framework within the letter and spirit of our Constitution in order to provide for appropriate legal measures, to deal with individuals or groups of individuals who do not share our values and commitment to the rule of law, respect for life and civilised behaviour in a democratic society. Therefore, the Prevention of Terrorism (Amendment) Bill is about what we need as a country to counteract the continued threat of terrorism and bring our contribution to the world effort to defeat terrorists of all kinds and in all its aspects.

The Bill seeks to reinforce our legal framework against terrorism. We want to have the proper law on our Statute book and be ready also to deal with outlaws that mankind has never seen before because when terrorists act in complete disregard of the law, we act swiftly within the law. Parliament, in adopting this Bill, would have ensured that the country is, in fact, equipped with proper and robust laws that cater for such despicable, criminal activities.

We have recently witnessed how terror organisations across the world have brainwashed young people to join them in their relentless campaign of promoting violence.

Many gullible young men and women are being lured to join them. They are indoctrinated to believe that to kill is a noble act and they are radicalised to such an extent that they voluntarily and knowingly strap bombs round their bodies and blow themselves up. Killing themselves in the process of killing or maiming others is for them as an act of martyrdom.

Madam Speaker, the recent arrest and conviction in London of two persons of Mauritian origin, is a vivid reminder of how people with no history of unsocial behaviour or sub-perceived tendencies can be lured to join these murderous organisations. As a Government, we have a sacred duty to keep our country safe, to safeguard our national security, to protect our youth from the dangers of radicalisation, to maintain peace and stability as well as we all share the same ideals and values of a free democratic State. We should all stand up and in one voice say unambiguously that we will firmly and resolutely vote to ensure that terror groups remain far away from our country as they represent a direct threat to our peace and stability.

Madam Speaker, the Bill makes ample provisions to safeguard the rights of the citizens of Mauritius. Although we should remain strong and relentless in the fight against terror, this Government remains committed also to preserve fundamental rights. In that respect, clause 7 (3) (a) is amended to provide that a police officer not below the rank of Superintendent of Police or duly authorised by a Superintendent of Police may, without a warrant, arrest a person who, in a public place, wears an item of clothing or carries or displays an object in such a way or in such circumstances as to arouse reasonable suspicion that he belongs to a proscribed organisation. But what is, I would say, more assuring is that where a person is arrested under subsection 3, he shall be brought without undue delay before a Court, therefore, making sure that should there be any abuse or any unjustified arrest, we are sure that the independent body, which is a Court of law, will look into the case and will...

Madam Speaker: Sorry! I'll just interrupt to say that there is a phone interrupting the session. Can I know whose it is?

Mr Jugnauth: Madam Speaker, I apologise it is my phone on silent.

(Interruptions)

Maybe talking about the Court.

So, I was talking about the amendment that has been brought by the Rt. hon. Prime Minister which, in fact, gives a guarantee because there have been some comments made about the Police and the Police are what it is today. Therefore, I think it is important that this

safeguard is in our law so that there is the Judiciary which is independent and which is able to pronounce on such an arrest.

Madam Speaker, the *adage* says that prevention is better than cure. Therefore, it is important that we have the means to identify potential terrorists online and the Internet is a powerful tool for terrorists to spread their warp ideas of destruction and we have a present need to legislate to prevent improper use of the Internet for such activities. That is why the Bill under Part IVA makes provision for detecting and preventing communications of such nature. It is, in fact, about legislation that will enhance our intelligence gathering capability for a honorable cause in defeating terror and the threat to global peace.

The Bill enhances the protection that every citizen of this country enjoy by providing in the new section 25A of the Act that the use of electronic and technical device required for the purpose of intelligence gathering or surveillance can only be done by order of the Judge in Chambers who is the only authority empowered to grant or refuse an order. A control order, under Part 5A of the Bill, is obtained at the discretion, again, of the Judge in Chambers by providing that the Judge – I quote –

“May grant an application for a control order”

under statutorily well-defined conditions as set out in section 28A. (3).

Again, under subsection (4), a control order can only be effective if the person is notified personally of the order.

Now, to be consistent with our commitments to the rule of law and the respect for the rights of movements of our citizens, the Bill under subsection (5) of 28A provides for the right of the person subject of a control order to apply to the Judge in Chambers for its revocation or variation. Under subsection (2), a control order is valid for a determined period as specified in the order. Declaring also an association or organisation to be a proscribed organisation is and will remain a judicial decision under section (5) of the Bill.

Therefore, protection is further provided to any person charged for an offence of belonging to a proscribed organisation by enacting a statutory defence under section 5(5) of the Bill and terrorist training in or outside Mauritius is an offence under section 6 of the Bill and so is terrorism hoax under section 8.

In fact, part 2 (a) of the Bill also provides that recruiting persons in terrorist groups and participating in terrorist groups are now offences punishable in Mauritius. This will

ensure that our vulnerable young people will not be enticed or lured to join terrorist groups. I must say a Counter Terrorism Unit, which I believe is a very important Unit, is set up under part IV of the Bill and the functions of the Unit are clearly spelt out in section 19. I see that the Counter Terrorism Committee that is set up under section 21 with its functions have been fully spelt out in section 22 (a).

Madam Speaker, let me also respond to what hon. Osman Mahomed has said. I am surprised because he said that the definition of terrorism is too wide but there has been an Act since 2002 and section 3 deals with so many, in a way, definitions of terrorism. I believe that if there was any issue with regard to that section, the former Government would have taken, at least, the pain to amend that section, but nothing has been done. In fact, we see that there have been other amendments but not in relation to section 3. Now, he also said: allowing the Commissioner of Police to have such powers, but the Commissioner of Police did have such powers if we go according to the Prevention of Terrorism Act that was in force. Then he mentioned about, well, I won't respond to the other issues.

But, let me say that, in fact, Madam Speaker, a close reading of the Bill shows our unflinching determination to protect our citizens from terrorist activities. There is also the commitment that Government will continue to respect the fundamental constitutional rights and freedom of our citizens by according full protection to those amenable under this Act to have recourse to an independent judiciary, to have his/her rights vindicated and because we believe in the principle of justice and equality before the law. I hope as the Prevention of Terrorism Act since 2002 except for on one occasion which has been mentioned which was used by the Labour Party, I do hope that, even after the promulgation of this Act, it will never, in fact, be used in Mauritius. Mauritius is and remains a vibrant democracy where the rule of law prevails.

Thank you.

Madam Speaker: Hon. Fowdar!

(7.50 p.m.)

Mr S. Fowdar (Third Member for Grand'Baie & Poudre D'Or): Thank you, Madam. Madam Speaker, this sort of debate goes round the world. Everywhere in every country where anti-terrorism law is being passed, the same type of debate starts. The whole issue is protection of lives for the Government and for the civil society they want to look after civil liberties and human rights and that is a big debate. This is why every time when there is

a law against anti-terrorism or whatever concerning terrorism, there is a big debate in the country.

We saw that big debate, I was in this House in 2002 when we brought the law for the first time and there was a big sort of fuss about the law. We witnessed the President of Mauritius resigned because he refused to sign, because he did not agree with the PoTA. So, the law is very sensible in the sense that some people take the law against them whereas the Government's duty is to protect everybody.

Madam Speaker, this law is more of a preventive type rather than punishing after the event. It tends to prevent the event to happen and it makes everything on the site to get it right, that is, it does not happen, to protect the people. Some comments have been made in this House and outside this House describing the amendment that we are bringing as having an effect on the human rights and civil liberties and this is the whole point, Madam. If people don't agree with the law it is because they think that it will be abusively used against some people.

We have seen that elsewhere. I have seen that in the UK. The stop and search used by the Police in the UK and, rightly so. Stop and search in the UK was used against the Black and the Asian community mostly. 140,000 people were arrested and searched every year and 99.99 per cent were Black and the Asian community. There was a reason for that. I am not going to dispute the reason, but the fact is that people are scared. When the law comes it seems that it targets a community more than the others.

So, I do fully agree with the concern of some people and I share their worries, but I do care for the majority of the people in this country. I do care for what the Government is doing here to protect all of us, myself also. So, I would, without hesitation, commend the Prime Minister for bringing amendments to this law. What the Government is trying to do today, Madam Speaker, is to protect the lives of people. Not only that, Madam Speaker, this small island's economic stability is so vulnerable that a small event can disrupt everything. Our tourism sector is very fragile and we cannot allow these things to happen that can put everything upside down. We have to prevent terrorism acts to happen in Mauritius at all costs. Also, we are looking for foreign direct investment. We need this foreign direct investment. Who is going to come to invest in this country if we are not safe here to come? And, the law is a sign that we mean business and the Government, the Police, whoever,

everybody even the Opposition side, we must fight in order to bring investment in this country, to make this economic growth and to maintain the economic stability.

Madam Speaker, I was giving myself a thought on what I am going to support tonight. Am I going to support the individual with regard to his civil liberties, human rights or am I going to support the large number of Mauritians against acts of terrorism? Am I going to support a few or one or two individuals with regard to the civil liberties or am I going to support the economy of my country? Do I care for the economy of my country? I have made my mind, Madam Speaker. I have gone through the nitty-gritty of the Bill which I am not going to dwell. Hon. Minister Bhadain has taken time to explain what is proscribed organisation, what is personal suspicion, what are control orders. So, I am not going to repeat all that; even the hon. Minister of Finance and Economic Development explained about this. So, what I want to say here, Madam Speaker, I am not voting for the Bill blindly here but I am voting for a good reason for the Bill. It is for the interest of every citizen in this country.

Madam Speaker, I put myself in the place of an individual. If I had to choose between my civil liberties and whether I would be innocently killed tomorrow on a bus station or in a supermarket, I would definitely choose for my life first. This is why, I think, I will vote for this Bill.

Therefore, there is no doubt, Madam Speaker, that protection of citizens is much more important than a few civil liberties. I understand that clause 6 of the Bill is the most critical one where the Police have orders, without any warrant of arrest to arrest people, which is a little bit sensible, but I am comforted with the amendment brought this afternoon to rectify the thing. The previous orators have mentioned about this. We passed the Prevention of Terrorism Act in 2002 and there was so much fear about PoTA. We have witnessed that it has been used only once since 2002 to now.

(Interruptions)

Four times!

Madam Speaker: No crosstalking! The hon. Member has to address the Chair and he does not have to address any other Member besides the Chair.

Mr Fowdar: I will be sincere, I have not checked, but I heard the hon. Leader of the Opposition mentioning that it has been used only once since 2002. I haven't seen myself any other famous case where PoTA 2002 has been used against civilians.

Madam Speaker, why did we bring PoTA? The hon. Leader of the Opposition and hon. Minister Bhadain also have mentioned that it was from the UN Resolution after 9-11 that PoTA has to be brought back and all countries had to enact this sort of law. Now, what happened in the US where we had 9/11? After bringing the anti-terrorism law, there was a survey to see whether people were happy with the anti-terrorism law. I have it here, 55% people were happy with the anti-terrorism law and only 35% were against. The 35% expressed their fear that their civil liberties would be at stake. So, Madam Speaker, I think, there is no debate here because, I think, the lives of people and the economy of this country is much more important than anything here. I am all for this piece of legislation.

Now, the other question that we would ask ourselves here, Madam Speaker: is there any imminent threat to terrorism act in Mauritius? I don't think so. But we do not have a definite answer. We don't know. Who are terrorists? They could be sitting around together with us here. Terrorists are ordinary people. They are like us. Now, we have seen that doctors, engineers, lawyers are terrorists. You cannot recognise terrorists which make the case for the Police difficult. How to identify who to arrest and who not to arrest? It is very difficult. Do we know whether there is going to be any terrorist attack in Mauritius in the future? No! We don't have any definite answer. Do we know whether PoTA will be abused against the citizens? I would say 'no'. Some people will say 'yes'. But experience proves that it is 'no' because PoTA has not been abused since 2002 up to now against any citizen of this country. So, what will happen with this amendment? The probability is it is not going to be abused against the citizens of this country. So, Madam Speaker, as I said, terrorists look like ordinary people, very difficult to be identified. This is why this anti-terrorism law is a difficult one and it is such type of law that people debate more than the other laws because it does not target one people or the other people. It is a sort of blurred law.

Madam Speaker, law against terrorism is meant to target terrorists who hide in the form of normal law abiding citizens. The fight against terrorism is a complex one and some sort of sacrifice must be made by all of us to protect ourselves and particularly innocent people. Now, Madam Speaker, we all want to protect our civil liberties, but what happens when we travel? When we travel, we just sort of let them search everything, even get our clothes out and search everything. What about civil liberties at that time? What we want at that time is to travel safe, but why don't we want to live safe in the country? Why don't we want to live safe in other countries as well? So, it is same like we are travelling, Madam

Speaker. When we travel, we voluntarily put ourselves on tests. We put ourselves on scanners and we forgot our civil rights and civil liberties.

(Interruptions)

Shah Rukh Khan is one example! He is a big star, but he was subject to stop and search.

Madam Speaker, I had a lot to speak about the issues raised by my good friend, hon. Bhadain, about proscribed organisation, reasonable suspicion and control orders, but I do not want to waste the time of the House with the same explanation about these things. So, for me, Madam Speaker, it is clear that this Bill goes in the right direction, but I do respect the worries of others that they have got some *craintes* or whatever. But on my side, I believe, this law is meant for the people of this country and for the economy of this country and I'm going to vote for the Bill.

Thank you, Madam Speaker.

Madam Speaker: I suspend the sitting for one hour.

At 8.03 p.m. the sitting was suspended.

On resuming at 9.13 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon Dayal!

Mr R. Dayal (First Member for Flacq & Bon Accueil): Madam Speaker, the relevance of the Prevention of the Terrorism (Amendment) Bill, more precisely the amendment part of it, is very timely because terrorism is omnipresent, not only in Mauritius, but in the basin of the Indian Ocean where we have got about 47 countries with a multitude of political system. Terrorism is very much present with maritime piracy.

At the same time, because the lifeline of the West is the Indian Ocean, again we have had lots of hijacking in the Port of Singapore, in Malaysia and in Indonesia as well. We have had many problems cropping up out of narco-dollars used to finance terrorism. Because of all these factors and conditions, it was important for the Government to come with amendments based on development in the electromagnetic spectrum, more precisely with the advent of high-tech and the use of it by terrorist organisations throughout the world. At the same time, Government had to come with measures to deter terrorism in our part of the world. Therefore, I must say that it was timely to make sure that there is proper enforcement of the law based on proper command, control and communication. Many countries had it, and I'm citing one which is the United States of America.

I have been trained with the FBI and I can tell you they have all the systems of interception of the aircrafts, but for 9/11, I have visited the security infrastructure at the Twin Towers and I can tell you we had a failure of the command, control and communication system. The Rt. hon. Prime Minister is very right in making sure that there is an institutional framework where command, control and communication is there in real terms so that we can have timely response based on legal framework because law enforcement has to be legal as you cannot get legality out of illegality. The fundamental rights and liberties of the average citizens have to be protected. More so, when we are having more than one million people from all over the world coming to Mauritius because of the secured environment and we have to make sure that the secured environment is there all the time.

Now, with the Air Corridor, we are going to get more traffic and the risk for hijacking is there in real terms. I won't labour more on the necessity to amend the law to harmonise responses based on international strategies. I have had the privilege of working with the United Nations to enforce security measures, more precisely, in areas where we have terrorism in the Western Sahara where in Tindouf we have more than one million refugees. There is a big terrorism problem. I must tell you, as a democratic republic now, even when we were just independent in 1971, the then Prime Minister, Sir Seewoosagur Ramgoolam with the then Commander A. J. Ward wanted me to go to Northern Ireland and see how we can learn from the problems which the British Army was facing and we have come with a yellow card based on Mauritius realities and we have one of the best functional peacekeeping mechanism in terms of law and order where we had 100 percent success. They also made it opportune for me to go to Cyprus and see the Enosis crisis between the Greeks and Turks in Nicosia and Paphos.

This went on with other Prime Ministers, after Sir Seewoosagur Ramgoolam, we had Sir Anerood Jugnauth. I must tell you we went to the FBI where we saw how best they were dealing with terrorist threat because I said the threat is real. Unless and until we are proactive about it and we have a network of mechanism to deal with the problem, we are not going to be successful in our endeavours and we are going to put at risk and peril the lives of the citizens of the Republic of Mauritius.

Therefore, I must say, it is for the first time that I have the privilege of seeing a Bill going through the process of an amendment, as a former Commissioner of Police that it is, Madam Speaker, very important that we amend the law as and when situations evolve in terms of - what I call - the environment created by terrorism throughout the world. Therefore,

when I look at the various mechanisms, for example, more precisely where section 6 is mentioned in terms of who should arrest or give the order to arrest, we made sure that it is a Superintendent of Police. We tried it in 1994 for three years without any miscarriages of justice. We made sure that the fundamental rights and liberties of the average citizens were protected by the Police. Whatever people might say, at the end of the day, the system that we had in place gave positive results and we had no problem of terrorism in this country. We won't go into State secret, but the fact is we have had many onslaughts of terrorism in other parts of the world, within our territorial waters and we dealt with them successfully.

Now, if we go to another area where command and control is important if a wrong decision by a commander is taken, the whole system can go berserk and we can have a lot of problems. It is of paramount importance that in decision-making, we have a very senior Police officer who has got experience in decision-making, and in the Police Force at Superintendent level, I must say, we have some very good officers, very seasoned officers who can take decisions. By inserting this amendment, we are making sure that the right decision will be taken at the right time in the interest of the Republic of Mauritius and our motherland.

There is a second point I want to make as there are new aspects of the Bill that have been ushered in and they have been done with lot of things in mind. Unfortunately, hon. Reza Uteem is not here, we had a problem of a hoax call when the wedding of the daughter of his Excellency Cassam Uteem was taking place. I was the Commissioner of Police.

Madam Speaker: Hon. Dayal, please be more relevant to the Bill. It is late now and we have got so many orators. Please, be more relevant to the Bill!

Mr Dayal: I am being relevant. I will tell you why. It is because if we get a hoax call like this and we go by the laid down procedures, we create havoc in an environment where we should not do that. Therefore, decision-making is very important. And I can tell you, I took the decision not to search anybody and just to dismiss the call. Therefore, it is very important that we have the right personality at the level of command in terms of arrest. Arrest causes a lot of prejudice to people. And the trauma caused cannot be cured. I have been victim thrice and I know about it. So, it is very important that we don't entrust important responsibilities to people who cannot deliver the goods. Therefore, this aspect is very important. For hoax call also it is important because we create unnecessary panic in the country and when it is released in the media, we have a lot of loose talking and we have a lot

of destabilising events in the country. So, it is not proper not to attend to that. Therefore, we are attending to it and make it sure that we have a legal framework to attend to that.

There are other aspects of the amendment which are very important in terms of recruitment. Today it is not a secret for anybody that Mauritians are being trained overseas and without any control whatsoever. Unless and until we have a legal framework to monitor such activities in the highest interest of the public, we won't be able to deal with the threat posed by terrorism at local, regional or international level. I must say that we are having important investment in dealing with, what we call economic crime, trans-border crimes and organised crimes at a level never seen before. We have had a lot of cases of money laundering in Mauritius. I have personally handled a couple of them, worth millions. So, all these things now need a proper legal framework, and I think the amendments proposed are timely and are going to move in the right direction.

Just to conclude, Madam Speaker, I would like to say that, for me, it is a timely Bill in the highest interest of the Republic of Mauritius, and no doubt, whenever we have got changing security environments, we have to come with amendments based on the reality of the day, so that we equip our operational resources with the right mechanism for proper responses.

Thank you, Madam Speaker.

Madam Speaker: Hon. Shakeel Mohamed!

(9.27 p.m.)

Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East):

Thank you, Madam Speaker. I have listened with a lot of interest to the orator that has preceded me, and I find the relevance of everything that he has said with a clause which I am still to find in the Bill.

I have listened with much interest to the Rt. hon. Prime Minister when coming up with the proposed legislation. I have taken some notes on what the Rt. hon. Prime Minister has said. Both the Rt. hon. Prime Minister and the Leader of the Opposition, Madam Speaker, have walked us for a short while down memory lane. It was, indeed, important and it is, indeed, important for us to go down memory lane. Because when one goes down memory lane, one has to remember not the good parts, but one has to remember all the parts.

It is important to remember, as pointed out by both the hon. Leader of the Opposition and the Rt. hon. Prime Minister, the background to the legislation in 2002. It is important for us to remember the towers going down. I remember where I was on that day. I remember I was watching it on TV and thought that it was a horror movie; never realised that it was, in fact, a live footage. Those are images that will haunt us forever. But it was, indeed, a kneejerk reaction that prompted many countries to come up with legislations against terrorism after 2001.

The 11 September has brought about many laws: laws across continents, conventions, resolutions that have forced States to come up with changes to the laws - stringent laws. What has been of utmost importance and in the minds of people in those days, Madam Speaker, has been the importance of civil liberty. In those days, the logic that prevailed was what should prevail to be paramount is the protection of the citizens. Civil liberties were not given priority in the front seat. In those days, it was important to be able to know where, when and from where the attacks may happen; where are the risks; where are the terrorists; how do we identify them; how do we ensure that there is collaboration between countries; how do we ensure that there is collaboration between policing organisations; how do we ensure that countries could exchange information, and how do we ensure that it could be a worldwide effort to fight terrorism. But what came in the back seat were civil liberties because, precisely, many thousands had lost their lives and it was important to give priority to the issue of protecting the rest of the world.

In Mauritius, in 2002, it was also the same, the background - very important. What was in the mind of Government in those days? In those days, what was in the mind of Government was the need to collaborate with foreign States; the need to collaborate with our obligations vis-à-vis the Member States of the United Nations; the need for us, as Mauritius, to be in line with resolutions.

Many countries, Madam Speaker have never been in line with resolutions. There may have been resolutions of the United Nations, but I know of a lot of many other countries that have never even bothered to respect resolutions of the United Nations. I leave this to their conscience. They will recognise themselves in that. But we decided that we should stick to the righteous path - the United Nations Resolutions - to have a law, and in those days it was about terrorism and the prevention of terrorism.

But it is also important to remember what happened after 9/11. What was said by Tony Blair who was then Prime Minister of the United Kingdom? What was said by President Bush, who was then President of the United States of America? Have we forgotten about what was told to the world at large? That we need to get together and gather as nations in order to go and find the weapons of mass destruction. We were supposed to go out to Iraq and to find the weapons of mass production. We were assured as brethren to the United Nations that there are and were, indeed, weapons of mass destruction, and all other countries and Heads of State were convinced by the team led by the Prime Minister of the United Kingdom and the President of the United States of America that those weapons of mass destruction did exist.

At the time, we had a Minister of Foreign Affairs. Some friends on this side of the House would remember who he was. It was hon. Gayan who was the Minister of Foreign Affairs of the Republic of Mauritius then. When he went on record as saying that we are at war with Iraq, I was shocked. He said that Mauritius was at war with Iraq. And that was what was the culmination of what he could have said as a Minister of Foreign Affairs, believing into the wrong information circulated by the United States of America and that of the United Kingdom that, indeed, their intention was to find those weapons of mass destruction because those weapons were going to be used against the neighbouring States and Israel was going to be destroyed.

Therefore, they had no other choice than to rush in and start production of arms, walked into Iraq and, until this day, nothing has been as it was before. Until this day, peace has not come to Iraq, because it all started on a wrong premise. Lies! This is the background that is important for Government and Opposition to remember. Lies!

Hon. Gayan went on in those days to say that he believed that now that we are at war with Iraq, it will bring peace most probably to Palestine. We are in 2016. Hon. Gayan is still in Government. No peace has been brought to Palestine. But this was the background.

There was one person, who was then the Leader of the Opposition, who was against the Prevention of Terrorism Act of 2002, because he did not believe that, indeed, the weapons of mass destruction existed. He did not believe in the rhetoric of the United States. He did not believe in the rhetoric of the United Kingdom, and he made his position clear. He did not believe it.

(Interruptions)

Madam Speaker: Order! Order, please! Please proceed!

Mr Mohamed: He went on to participate in walks together on the street in front of the Embassy of the United States of America to protest against the war against Iraq. He protested openly and walked the streets to protest against the war in Iraq. So, now those are historical truths.

(Interruptions)

Madam Speaker, if some people are going to keep on making comments from a sitting position, I would tell them: 'Let the sleeping dog lie!' Then, he should recognise himself when I say let the sleeping dog lie, because he has been called that by certain Members from his own Government! But then, again...

Madam Speaker: *Non!* Hon. Shakeel Mohamed...

Mr Mohamed: Yes?

Madam Speaker: Please!

(Interruptions)

You are using an offensive language towards another hon. Member. I am asking you kindly to pursue with your speech, but then, don't use words which may be abusive!

(Interruptions)

Mr Mohamed: He shouldn't go on speaking...

(Interruptions)

He is continuing interrupting me, Madam Speaker! Maybe he should keep quiet!

(Interruptions)

Madam Speaker: No interruptions, please! Please, proceed calmly.

Mr Mohamed: I was proceeding calmly until certain person does not know what it is to, at least, respectfully listen. He may not agree, but I fail to understand, Madam Speaker, why is it that everything that the Opposition would say that does not sit well with him has to be a reason for confrontation! We may not agree, but why does it have to be a reason to confront and to be nasty with one's comments? Why? Why is it that I am not entitled to my own point of view and that is the subject we are here about...

Madam Speaker: Are you asking me questions? Or are you asking the hon. Member questions?

(Interruptions)

Mr Mohamed: I am asking through you since you are the Chair.

Madam Speaker: But then, no defiance to the Chair, please!

(Interruptions)

I have given my ruling! I have given my ruling and this is the end of it! Please, proceed with your speech!

Mr Mohamed: Madam Speaker, the whole point of this debate is precisely: are we to continue with what was started in 2002 as an attempt against civil liberties?

(Interruptions)

There we go, Madam!

(Interruptions)

Madam Speaker: Order, please! Order, please! Hon. Soodhun, please!

(Interruptions)

Please proceed!

(Interruptions)

Mr Mohamed: So, what I would like to understand is that, in 2002, whatever was decided upon, at the end of the day the people had decided that there would be a majority Government that held the majority and democracy dictates that, Madam Speaker, the majority voted that the Prevention of Terrorism Act - well, the Bill became Act in 2002, fair enough! We have heard many Members from both sides of the House talk about the people who were subjected to the Prevention of Terrorism Act at different periods of history.

Let me just set the records straight. There is the need for strong legislation, there is the need for us to fight and fight with strong legislation the possibility of attacks upon our soil and against foreign soil. We should be part of the fight against terrorism. There is no doubt about it! But, where I stand today is against any legislation that gives the possibility to abuse. And, I am going to say it outright, Madam Speaker, that this legislation of 2002 which is being amended today has been abused on four different occasions. What do I mean by that?

I am of the view that there has been no instance in Mauritius, no event in Mauritius ever since the proclamation of the Bill, the Prevention of Terrorism Act of 2002 became law, but there has been no event ever since then that would warrant a decision to arrest anyone in Mauritius since then under the provisions of the Prevention of Terrorism Act.

When one goes back in history, four people have been arrested pursuant to the provisions of the Prevention of Terrorism Act. The first one was Mr Iqbal Ghani. It has been shown in the Press and, in my humble view, there was also no elements in those days when the Labour Party was in power, that would justify that he should have been arrested under the Prevention of Terrorism Act. There was a second person who was arrested under the Prevention of Terrorism Act and he was the late Maulana Jamil Chooramun. He was arrested pursuant to the provisions of the Prevention of Terrorism Act, but there was no reason for him to be arrested under those provisions. That was also at a time when the Labour Party was in power.

Madam Speaker: Hon. Shakeel Mohamed, I don't know and I have not got any information as to whether these cases went to Court and any Court of Law has given its judgement on it. If it has...

(Interruptions)

If it has, no hon. Member can comment on this.

(Interruptions)

Please! Hon. Collendavelloo, please!

(Interruptions)

No crosstalking, please!

(Interruptions)

Hon. Uteem, no crosstalking, please! Allow hon. Shakeel Mohamed to proceed with his speech!

Mr Mohamed: Madam Speaker, four people were arrested under the Prevention of Terrorism Act. Hon. Pravind Jugnauth said one, hon. Fowdar said one, hon. Leader of the Opposition referred to one, but I am just trying to set the record straight. Now, if they said one, my information is researched and if you wish I can even table it. During the time when the Labour Party was in power, two of them were arrested, and I am putting it very clearly,

both of those cases, at the time when the Labour Party was in power, have been thrown out, they no longer exist.

In one of the cases there was even a change in the charge where it went under the Public Gathering Act. Fair enough! And this was the right move because initially what I am trying to get at is that, in all four cases when the citizens were arrested pursuant to the Prevention of Terrorism Act 2002, all of the four cases have been thrown out. In the case of Mr Ish Sookun and his colleague, they were also arrested recently since this new Government is in power under the Prevention of Terrorism Act and those cases also no longer subsist. Therefore, all sorts of Prevention of Terrorism Act!

It seems as though when I am quoting facts - if any other Member later on believes that I have not given the important facts, they can come and challenge that. Fair enough! But, I am not going to come to this august Assembly and say what I am saying here, if I have not verified it. I have verified it and what I am getting at here is not playing politics with it. I am saying under the Labour Party regime two people were arrested under the Prevention of Terrorism Act and it was wrong, and it was also wrong under this particular regime. What is the common denominator? The common denominator is the Police Force that has decided to carry out what they call an enquiry and based on their supposed enquiry four people were arrested and I, without any hesitation, say that since those four cases were thrown out because they could not have a main case against them, thus provisional information also could not be substantiated, all four cases no longer exist. And, because those four cases no longer exist...

(Interruptions)

Madam Speaker: Hon. Uteem, no disruption, please!

Mr Mohamed: He is trying to clarify someone's mind...

Madam Speaker: No, no! He is not allowed to clarify! From a sitting position, he cannot clarify anything!

Mr Mohamed: Fair enough! No one is entitled to interrupt therefore! I agree!

Madam Speaker: No!

Mr Mohamed: I agree, thank you very much!

Madam Speaker: You don't have to agree or not to agree. This is my ruling!

(Interruptions)

Mr Mohamed: But, I agree with you!

Madam Speaker: There is no debate on any ruling which the Chair gives!

Mr Mohamed: I am not debating, I am just agreeing. Now, all the four that have been taken to task were done so under the wrong premise. One may have a great software in any computer which is very performing, but if you have the individual who is in front of the computer, Madam Speaker, and does not know how to use that computer or the best software within, therein lies the problem because right now, today, when we look at the legislation that is being proposed and the amendments that are being proposed, what it says to us here is how important it is. For instance, Madam Speaker, if I look at clause 5, which is proposing to amend section 4, it says here –

“(1) where any 2 or more persons associate for the propose of, or where an organisation engages in (...).”

The offences are described.

“the Judge in Chambers may, on an application made by the Commissioner, declare the entity to be a prescribed organisation.”

Here, when they say ‘Commissioner’, it means the Commissioner of Police. So, the Commissioner of Police can make an application by way of affidavit before the Judge in Chambers. This would be an *ex parte* application. I heard hon. Rutnah recently on a radio programme. True, he was right when he, himself, pointed out thereon that it would be an *ex parte* application. True it is also that in this particular clause, someone can apply to the Judge of Chambers to have whatever order the Judge in Chambers has made cancelled out. It is true, but the fact remains that the Commissioner of Police making the application should be able to act reasonably and fairly. That is the starting premise. All along, when you look at this legislation, I’ll go also to clause 7 which says –

“(3) A police officer (...).”

And through the proposed amendment,

“(...) not below the rank of Superintendent or duly authorised by the Superintendent of Police may, without warrant, arrest a person who, in a public place

–

- (a) wears an item of clothing; or
- (b) carries or displays an object,

in such a way or in such circumstances as to arouse reasonable suspicion that he belongs to a proscribed organisation”.

Reasonable suspicion! Therefore, it must be either a Superintendent or someone authorised by the police. We, therefore, expect here that the police understands what is reasonable suspicion. What can we, therefore, rely upon to decide? Does the police understand what is reasonable suspicion? How do we go back in history, Madam Speaker, in order to try to analyse and assess? Does the police force understand what is reasonable suspicion? That’s why I started out by talking about the four cases under the Prevention of Terrorism Act.

In each of those cases, it was the police that started the investigation. It was the police that decided to arrest. It was the police that decided to lodge provisional information under the Prevention of Terrorism Act. In all four cases, the police force was found to have been wrong because none of the four cases could continue under the charge of Prevention of Terrorism Act, therefore, they were initially wrong in arresting and starting an enquiry pursuant to the Prevention of Terrorism Act. If in those four cases, the common denominator along all those years has been the police, not knowing how to perform their duties pursuant to statute, why is it that today, we should tell the population out there that the police will carry out their duties correctly. Is it simply because we say, not a police officer solely, but the Superintendent of Police authorising or himself acting? Does it mean because it is a high-ranking officer, therefore, he is presumed to know how to interpret the law? Are we saying, therefore, that in the four other cases, which I referred to, along the years the high-ranking officers had no role whatsoever in deciding to arrest and to lodge provisional information at all? It is my contention that no provisional information can be lodged under the Prevention of Terrorism Act or any other law unless a high-ranking police officer agrees and monitors it. In this case, the police has shown that in four distinct occasions, Madam Speaker, they are not prepared, have not got the tools, have not got the ability, are not trained and cannot be relied upon and have no credibility in interpreting the law and giving this *garde-fou* that we require, that we supposedly as people and citizens expect them to act and to act fairly. They have not got that because four cases established exactly that.

If there were any other case that shows that they acted correctly, I would have said fair enough, but in four cases, they acted wrongly; a 100% record of having acted wrongly. Why, therefore, should I believe that they can act correctly now? This has nothing to do with the Government of the day. This has nothing to do with the Government of the past. The fact is that the police does not take the responsibility and act reasonably when it comes to

arresting someone, in all cases and even in this particular case, under the Prevention of Terrorism Act.

Following what the hon. Leader of Opposition has said, referring to a letter of the University of Mauritius, a letter sent by the office of the Commissioner of Police to the University of Mauritius. That letter talks precisely, Madam Speaker, about the police asking for authorisation to place CCTV cameras. When they asked for authorisation to place CCTV cameras, the issue is very simple. It is them, in fact, using an electronic device or some device in order to monitor what is going. It says in the letter: 'To monitor people participating in mass gatherings, to monitor people participating in events whereby they may be danger with regard to terrorism.'

Madam Speaker, what is even amazing is that they say that those possible terrorist threats and the word 'terrorist' is used in the letter of 11 February 2016, in that letter it is said that they will put those electronic devices there to monitor. Therefore, on 11 February 2016, the police of Mauritius headed by the same Commissioner of Police has been acting without being in line with legal provisions, without making an application to any Judge in Chambers, without any authorisation from a District Magistrate, took it upon themselves to go to a University and place cameras there in order to monitor students of the University of Mauritius who are described here as subversive characters and people who may be attending mass gatherings, who are not necessarily students, but members of the public, members from NGOs and political parties. The MMM had a *congrès* organised there. Hon. Ganoo, his party and friends organised a congress there. The Mauritius Labour Party organised it there after the installation of those cameras. But what the Commissioner of Police says, I read from the letter: 'It is necessary to monitor suspected movement of subversive characters at places of mass gatherings including University the Mauritius to counteract terrorist threats'. Did the Commissioner of Police obtain authorisation from the District Magistrate to do this? Did the Commissioner of Police obtain the authorisation of the Judge in Chambers to install those cameras and to monitor civilians of this country? Is he authorised, Madam Speaker, to come and look into without the authorisation of any judicial body, to come, listen, act and watch whatever is going on in a gathering without the authorisation of a Judge, without the authorisation of a Magistrate just because he decides to do so? As the law stands today, Madam Speaker, he has no right to do so. But he did it!

And what is most interesting, Madam Speaker, is because what the Government is asking us to do, is to have confidence in the credibility of the Commissioner of Police in managing this proposed law in the interests of the nation, in fairness and with reasonableness.

(Interruptions)

Madam Speaker: Order, please!

Mr Mohamed: I cannot! Therefore, when one looks at that letter, it is clear here that this was done in violation of the law. This was done without consultation, without any permission from anyone who is supposed to be monitored. Today, the President of the Union of Students has made a declaration of the University of Mauritius where he has said that the President of the Students Union condemns such an act which has been authorised by the University of Mauritius; condemns such a violation of civil liberties that has been started out by the Police of Mauritius headed by this one Commissioner of Police! This Commissioner of Police was asked - because here we are talking about credibility. I say it again we are here to find out; can we really have trust in him. I am not talking about the Police Force; I am talking about the person who heads it. Can we trust the Commissioner who is referred to here, in the Bill? He goes to the Judge in Chambers, swears an affidavit? Can we trust him? Journalists asked him: "Did the Police install cameras in the University of Mauritius, Octave Wiehe Auditorium?" His answer was 'no'! He was asked a second time. He said: "I have already answered your question. I told you the Police have got nothing to do with it". Two days later on, this letter surfaces. Who are we to believe, Madam Speaker? Are we to believe when he says 'no', in actual fact it was 'yes'. Therefore, it is clear that there cannot be two truths. Somewhere, someplace, someone must have hidden the truth and if it is the case, this means that students of the University of Mauritius, their civil liberties; political parties gathering at the Auditorium were clearly having their civil rights and liberties violated. It is clear. Are we going to take this with a pinch of salt because what Government is proposing we do here is, to forget about civil liberties in the name of stability of the country; in the name of a strong economy? Let us forget about civil liberties, but this is not a pinch of salt that they are feeding us, Madam Speaker; they are feeding us a bucket full of salt. And what salt for that?

There can be no reason, no justification for violation of civil liberties even if it means supposed economic gain because the civil liberty and the respect thereof is the basis of the construction of any democratic State. That is my contention and I am not saying here that the

Government has done anything wrong. I am not saying here that any Member of Government has done anything wrong. I am not even pointing fingers at the Rt. hon. Prime Minister. I am pointing the finger at the Commissioner of Police whose name is mentioned here. That is all I am doing! So, what I am trying to get at here also, Madam Speaker, is the following: if he has taken it upon himself to do something which is in violation of the laws today. I have found another note and I will read through it. It is an email written by Chief of Facilities and Services University of Mauritius. An email written in which the University of Mauritius, Mr Heerun Goolap of the 7th Floor Tower Block, New Academic Complex, UoM Campus Reduit, Mauritius; in his email reads – “The cameras were installed by the Police at the request of the Office of the Commissioner of Police and controlled by the Police”. That is where things get bad. This means that this camera there is not even controlled by the University of Mauritius. It is not even a story that they are going to try to embroil and say that it was simply money lent to the University of Mauritius to help them financially to install cameras because they could not afford it. This does not stick because the University of Mauritius, itself, in an email says: “This is a camera that is controlled by the Commissioner of Police”. So, if that is the case why should we have confidence in the reasonableness of the Commissioner of Police?

Today, the Commissioner of Police has an - I am saying it because I have investigated - online direct remote access to the cameras of the University of Mauritius and that is a fact. He controls it. It is controlled by the Police. I have the email. Now, if that is the case why should we today not talk about and not be worried about civil liberties?

Will this same Police Force be able to act reasonably when looking at the items of clothing being worn by the citizens? What are those items of clothing? Let us be honest! What could be those items of clothing? I fail to understand! Hon. Rutnah stood up just now, rightly clarified that it was a point of clarification. Both of us, Madam Speaker, participated on a radio programme on Saturday. On Saturday, the journalist asked me one simple question: “do you think that the *marchands ambulants*, the street hawkers could have been taken to task if this legislation had already existed?” My answer was: “Yes, if the legislation existed, they could be taken to task”. And he asked me: “How could you describe those items of clothing being worn? What would that be? How do you describe that?” Everyone knows, as the Rt. hon. Prime Minister has said, and I wrote down what he said today. He said: “everyone knows that the centre of terrorism is North Africa, Middle East and Asia”. All those countries North Africa, Middle East and Asia are nests of terrorism. This is where

the Islamic State is making headway. This is where they need to be tackled. This is where they need to be pinned down. This is where we need to fight them off. The Rt. hon. Prime Minister identified what is right, all those countries - North Africa, Middle East and Asia. Is it, therefore, that because people will dress like North African, Middle Eastern people or people in Asia, will that be the item of clothing? Because I want an explanation what would be this item of clothing? Does it have to be, therefore, that the terrorist writes on a T-shirt: 'Look at me here, I am a terrorist'?

(Interruptions)

Madam Speaker: No interruptions, please!

(Interruptions)

Interruptions can be disorderly and it will only act to difficulties in the House! Please proceed in order!

Mr Mohamed: Does it have to be written on his T-shirt 'I am a terrorist'? I was asked this question recently by someone about the attacks in France against Charlie Hebdo and those who died in the Bataclan. The question that was asked from me from that person was: "How were those terrorists dressed? What did they wear when they went to attack the people in the Bataclan? What did they wear when they tried to enter the football stadium? What did they wear when they shot down people on the streets?" They did not wear any T-shirt saying 'I am a terrorist'.

(Interruptions)

Hon. Bhadain is right! He is right, they did not wear such a T-shirt. At least, he finds the essence of my argument. They did not dress in any specific way. In fact, Madam Speaker, they wore jeans. So, a Police Officer seeing a terrorist wearing jeans, would that be an item of clothing that could give rise to reasonable suspicion that that person is from a proscribed organisation? What does that mean? That reminds me of a piece of legislation that exists. I have tried to look for it in France. I have tried to look for it in England. I do not find it in England where Police officers may go through reasonable suspicion on a symbol or an object or an item of clothing. This does not exist in legislation in the United Kingdom, but it exists in France. In France, there is the law that says: "if you cannot wear such and such clothing because it is not in line with the policy of the State" *La laïcité*! This is a dangerous reminder of what is really in preparation. What exactly is this item of clothing? At least, Government

should be able to give us an example. Do they expect us to say that that person will write down: “Well, I am from an Islamic State?” Hon. Bhadain said just now...

(Interruptions)

Madam Speaker: Hon. Ramful!

Mr Mohamed: Hon. Bhadain said, Madam Speaker, just now that in Mauritius, he saw it on Facebook, there is the flag of Daesh floating around somewhere in Pailles.

(Interruptions)

Madam Speaker: Hon. Ameer Meea!

Mr Mohamed: I have looked at the picture that is indicated to me. Hon. Ameer Meea has looked at the picture that has been shown to us. What, in fact, it is, this is where it is important for us to avoid the danger of attacking anyone’s community because this is not the intention of the Bill and this is not the intention of Government. Fair enough! But then, as legislators, we have to be able to avoid complications that will not be created by Government, but that will be created, as I said, by those administering the law, the Commissioner of Police and his officers.

The black flag with Arabic letters thereon is not the sole property, in any way whatsoever, of the Islamic State. Let us make it very clear. Any flag written thereon “La ilaha illallah” : “There is only one God and it is Allah”. It is written in Arabic with the black background written in white and where it is written in there: “Muhammadur Rasulullah”, the three words: “Allah, Rasool, Muhammad”. Allah, the prophet and Muhammad. This is not within the sole property, intellectual property of the Islamic State. This is what Muslims, the world over use in the black background and the confusion is easy to be made. Even when I indicated this to the hon. Minister just now, mistaken! I looked at it, but then, again, it is an honest, possible mistake.

If this is something which we should avoid, we should avoid it because, as I was saying, the intention of Government and as they have said, is not to attack any community or anyone or any group, but to try to protect the whole country and the world at large. Fair enough! But, how do we ensure that the Police will act reasonably? That is the important thing! We expect the Police to act reasonably, but then, later on, as was said in 2002...

(Interruptions)

But the Courts are there. You can go and challenge the order made by the Supreme Court. Let us not forget that this will not be a procedure before the Supreme Court. The Members of Government said they wanted to hear why I am against this piece of legislation? It is because of the violation of civil liberties. And they said that they would listen very carefully to what I had to say because they themselves needed to be convinced. I will explain.

When the Commissioner of Police goes before the Judge in Chambers, he will simply, in an affidavit, say: “This is what I have against that person.” And from whatever he gives the Judge in Chambers, the Judge in Chambers will have no reason not to believe the Commissioner of Police. It will be an *ex parte* application, not *inter partes*. The other party will not be there to represent his part of the story. In the meantime, he would maybe have been declared as a criminal group, a terrorist organisation. If that is the case, he will only then have to apply later on and go and convince the Judge that he is not.

Every single member of an organisation, even if he did nothing wrong, unknowingly would be automatically qualified as a criminal and subversive element following an order from the Supreme Court. It will be an order which will be made *ex parte*, not *inter partes*. Therefore, it is sufficient to come and tell us, Madam Speaker: “Well, you can go to the Court. You can go and seek redress to the Court.” In the meantime, you have gone through the suffering, the trauma of having been treated as someone who cannot leave the country, who cannot do anything, but have to take in the pain, just like Ish Sookun, just like all the four people that I mentioned, had to take in the suffering because the Police had made mistakes. 100% mistakes! 4 on 4, 100%! So, that is the reason why I say, today, that it is dangerous to play with civil liberties.

I agree with the hon. Leader of the Opposition. There is no need to amend the law. The law, as it is, is sufficiently armed. I am of the humble view that there is the need to reassure the people in light of the fact that the Commissioner of Police today is under a situation where people no longer have confidence in his ability to lead.

(Interruptions)

Madam Speaker: No. Hon. Shakeel Mohamed, I don’t think it is appropriate for you *de faire le procès du Commissaire de police*. You take responsibility for what you have said and I think that should be the end of it. You have repeated it, you have canvassed the point sufficiently and sometimes repetitions can be tedious.

Mr Mohamed: To those who have been victims of miscarriages of justice, to those who have been victims of wrongful arrest, and attitude of those who do not know what reasonable suspicion means, for them, that was not tedious! But, that's fact! Then, it is of utmost importance...

Madam Speaker: Sorry! I think you have made the remark on what I have just said. Did you make a remark on what I have just said? Because I have heard you saying - I said that sometimes repetitions can be tedious, and you said that others who have made the points, repetitions are not tedious.

(Interruptions)

No, you did say.

(Interruptions)

You did. I hope you explain it.

Mr Mohamed: Yes, I said to those who are arrested and those who are victims of the wrongdoing on the part of the Police Force, who do not understand what reasonable suspicion means, to them, every amount of time that you keep on reminding them of how it is important to seek justice, to them, it would not be tedious to keep on repeating it. That's what I have said.

Madam Speaker: I will check.

Mr Mohamed: You can check and I know what I have said.

Now, what is also important, Madam Speaker, here is the following. We are before a situation where we need to ensure that the people can believe and trust. How do we ensure them? Instead of asking the Police to intervene in such a manner, to go before the Judge in Chambers, why is it that we do not ask that it is, in fact, the Judge in Chambers who hears those applications from the very outset *inter partes*? Why is it that we do not go further than that to ensure that any application to declare someone as is proposed under clause 6, to declare an organisation or proscribed organisation, why do we propose Judge in Chambers? Why don't we propose that it is done by way of motion in open Court? Why don't we propose a means whereby evidence can be tested by cross-examination and evidence can be heard by a Judge, not only in a piece of paper by way of an affidavit, but can be found to be tested? Why is it that we do not do that? That will, at least, remove the risk of a

Commissioner of Police going to a Judge in Chambers and making a dangerous affidavit that could curtail someone's liberty for wrong reasons?

(Interruptions)

Madam Speaker: Hon. Gayan, please!

Mr Mohamed: Madam Speaker, with regard to the issue of the Counterterrorism Committee as well as the Director that is going to be named by the Rt. hon. Prime Minister, once again, after what we have heard, after all the blunders, after all the mistakes, after everything has to be redressed by the Judiciary – it is not done immediately – I do not believe that it would be safe to give all this authority and power to the Executive.

It is not because the Executive necessarily will want to do anything wrong, but the perception is very clear that it is, in fact, the Committee that will take decisions, the Committee and the Director that will report, but all those instances, those institutions and the Director and the staff thereon are people who will be named by the Executive. If that is the case, how can we expect to believe that this piece of legislation will not be used and abused by the Executive? So, in my humble view, on top of it when you have pieces of legislation for example the control order, when it says here -

“Any person to whom a control order has been issued may apply to a Judge in Chambers for the revocation or variation of the order on giving notice in writing to the Commissioner (...).”

Here, Madam Speaker, the person against whom the control order has been made, if he wants to ask for a variation or revocation, he has to give notice to the Commissioner. But the Commissioner when asking for a control order needs not give notice to that person. It can be done *ex parte*! So, where is the fairness? The Commissioner of Police can do it behind the back of the citizen, but when the citizen seeks redress and justice, he has to give notice! What would be fair here is that if any control order is sought for that the application before the Judge in Chambers should be made with the necessity for the Commissioner of Police to apply, but the application must be made by giving notice to the people whom it will affect. That will be fairness!

Now...

(Interruptions)

Madam Speaker, will I go on listening to insults coming from the other side?

(Interruptions)

Madam Speaker: I have said several times that everybody will have the opportunity to express one's own opinion. Now, the hon. Member is expressing his opinion, I have asked him not to repeat any point that he has canvassed again. But he has the right to express his opinion and others also will have the right to express their opinion and they will take their time.

(Interruptions)

Mr Mohamed: I thank you, Madam Speaker. Now, with regard to the Constitution (Amendment) Bill that is proposed, that is why I talked about the need to bring at the centre of this debate civil liberties. As it stands right now the...

(Interruptions)

Madam Speaker, from a sitting position he is saying '*malpropre*'! We can't go on! Madam Speaker, from a sitting position I am being insulted!

(Interruptions)

There we go, from a sitting position!

Madam Speaker: Are you raising a point of order?

Mr Mohamed: Yes, on a point of order, from a sitting position I am being insulted non-stop! From a sitting position he keeps going on!

Madam Speaker: Don't point fingers!

(Interruptions)

You can't point fingers at any hon. Member!

(Interruptions)

Right?

(Interruptions)

Hon. Collendavelloo, did you say *malpropre*? Did you say?

(Interruptions)

He said he did not...

(Interruptions)

Okay!

(Interruptions)

You heard, I will have to listen to the recording. I will come later on. Please finish your speech!

(Interruptions)

Mr Mohamed: *Be to amerd mwa mo continuer 1 heure temps!*

(Interruptions)

Madam Speaker: Please, proceed!

(Interruptions)

Mr Mohamed: Thank you. *Madam, pou continuer*, Madam I can't...

(Interruptions)

Madam Speaker: No, hon. Collendavelloo! Please, don't interrupt!

Mr Collendavelloo: I withdraw it he did not speak *n'importe!*

Madam Speaker: Sorry?

Mr Collendavelloo: I withdraw what I said he did not speak *n'importe*.

Madam Speaker: You withdraw it!

(Interruptions)

Madam Speaker: Hon. Soodhun!

(Interruptions)

Hon. Soodhun, any hon. Member of this House has the right to express himself! So, he is doing it. But I am appealing to him not to repeat whatever arguments he has already made. I made this appeal to you hon. Member! Please proceed and please don't repeat any argument which you have already canvassed!

Mr Mohamed: Thank you, Madam Speaker. So, I was talking about the Constitution (Amendment) Bill which is a Bill which I have not addressed as yet. That is the second part of my debate. That was the first part and I will not repeat on the first part, but I am going on the second part.

As far as the second part is concerned, this precisely talks about curtailing civil liberties and the basis for which this Constitution is being sought to be amended is precisely this basis as the Prevention of Terrorism Act which I have explained clearly is an issue. Let me explain...

(Interruptions)

Madam Speaker: No, hon. Gayan, it is not for you to say whether he is repeating or not! Leave that to the Chair!

(Interruptions)

Mr Mohamed: Madam, I can't go on with giggles like that...

(Interruptions)

If I do the same thing then we will see what will happen!

(Interruptions)

Anyway, a drinking doggy! Now, Madam Speaker, it is important to be able to understand that one should not amend the Constitution for any reason whatsoever. One should amend the Constitution because it is important and it is of paramount importance for the national security. In this particular instance national security cannot be used as a justification because I have heard of no organisation making a request for us to amend our law further to the 2002 and 2003 amendments. I have looked at the legislation.

There was a piece of this legislation, Madam Speaker, those were sections 23 and 24 of the Act. Those sections 23 and 24, Madam Speaker, were the power of investigation and the power of investigation in cases of urgency. Those were two sections of the law that existed in 2002. In section 23 it was written therein –

“A Police officer not below the rank of Superintendent may apply to District Magistrates for the issue of a warrant for the purpose of terrorist investigation.”

Does section 23 exist today in the Prevention of Terrorism Act 2002 and does section 24 exist? No. Both sections were simply repealed. So, those two sections that were important to investigate in cases of urgency, they talked about the *garde-fou* which was supposedly the Superintendent in 2002, they talked about the importance of going to the judiciary to seek their permission, their clearance in order to do things, those two sections were repealed in 2003. They were repealed in a piece of legislation which was the Mutual Assistance in

Criminal and Related Matters Act of 2003 (Act No. 35 of 2003). This legislation at section 25, the consequential amendments, it says here –

“The Prevention of Terrorism Act 2002 is amended by repealing sections 18 to 24.”

What was the reason for the Government, between 2000-2005, to repeal those two important sections of the law? There is none whatsoever. And here I am talking about logic.

There is no logic whatsoever to have repealed two sections in 2003 and now to come forward to try, without any document being produced, without any letters to come and justify, be it from the United Nations, be it from an investigative body, be it from an expert having looked into our law and saying that there is a lacuna, there is nothing because all along we have been accompanied by experts of the United Nations, by foreign experts to advise where exactly we may have a lacuna. But in this particular instance we have heard nothing. In the first legislation that was brought in, the Rt. hon. Prime Minister himself was Prime Minister then, said that there was the need to comply with the United Nations Conventions. There was the need to comply with our duties before the United Nations. Fair enough! They talked about that, but today there is no need. There is no requirement. There is no prerequisite. There is no such pressure on Mauritius.

On the contrary, all directories that you read, all magazines that you go through never come across saying that there is lacuna in our legislation. So, when you put together the acts and doings of the Commissioner of Police, when you put together with it the insistence of Government without any reason to go through with this piece of legislation with so much urgency, when you put together with it that they cannot even accept a difference in opinion and always take it as though it is an invitation to confrontation, when you put all of that together, Madam Speaker, there is indeed reason to believe that we should be scared that democracy is fast going away.

Those are my views, thank you.

(Interruptions)

Madam Speaker: Hon. Rutnah!

(10.26 p.m.)

Mr S. Rutnah (Third Member for Piton & Rivière du Rempart): Thank you, Madam Speaker. Let me give assurance to all hon. Members of this House that I am not going to be feeding anyone with buckets of salt, but I am going to be speaking about facts,

realities and consequences that are faced by innocent civilians as a result of acts of despicable people who are known as terrorists in the world.

Madam Speaker, the word 'logic' has been used in this House by my learned friend, hon. Mohamed. The word 'reasonableness' has been is in this august Assembly by my very able and learned friend, hon. Mohamed. Let me invite all Members in this House today to take their clothes off. Come on!

(Interruptions)

Take your clothes off!

(Interruptions)

Madam Speaker: Hon. Member, this is not acceptable and this is unparliamentary!

Mr Rutnah: No! Madam Speaker is only a voyeur...

Madam Speaker: Hon. Rutnah, please mind your language! Don't use words which are unparliamentary, please!

Mr Rutnah: Come and swim with me in the pool of logic and reasonableness. Come on!

Madam Speaker, this is not the time to do politics with a very serious issue that affects our country and that affects the world. This is not the time to do politics. We all do politics on political issues. *Politique technique, oui, mais pas politique politicienne*. No! We have a mandate from the people of this country to govern this country.

(Interruptions)

Non ! Je sais que l'honorable Mohamed a fait un procès contre le Commissaire de police, mais tout à l'heure, j'allais répondre. Vous êtes en train de me dire de traduire. J'allais traduire dans quelques instants.

Madam Speaker, people who kill innocent civilians, people who have no respect for innocent children, innocent women, disabled - and they don't have even any feelings for their own wives, families and children - have no religion, no culture, no tradition and no God! But these people are going to use religion as a punch line to further despicable act of terrorism and they are going to manipulate innocent people to come and join them. It is our duty today to ensure that none of this axis of evil, like George Bush said, will ever set their foot in this country in order to encourage, support and glorify terrorism. No, we are not going to do that!

Madam Speaker, the hon. Leader of the Opposition was right earlier on when he was referring to the United Nations Resolution 1373. That Resolution came to the United Nations after the September 11 attack and we, as Member State, were under a duty to comply with that Resolution and to legislate in this country. But, since 2002, a lot has happened; the way in which terrorist organisations have been using Internet, media, to advance their evil ideologies. A lot has happened! So, that's why, today, we don't need to be dictated by countries. We don't need to be dictated by the United Nations. We should use our common sense, our logic, our reasonableness, and that's why I invited all the hon. Members to come and swim in the pool of logic, common sense and reasonableness today with me.

Madam Speaker, let me first start by replying to the hon. Leader of the Opposition. At whose request we act? On whose advice are we bringing these amendments? Simple answer! We need no request; we need no advice. We are a country mature enough, after 1968, when we got our independence till now, to make our own decision and to stand on our feet. We are a Republic and we are a Sovereign country. By virtue of section 1 of the Constitution of this country, we are a sovereign democratic country which respects all principles of democracies and every time that we are going to legislate in this House, we are going to legislate in respect of the rules of law and all principles that exist in democratic societies.

The hon. Leader of the Opposition also said that, in his party, the considered opinion is that the amendments are not required - uneasy with the Counterterrorism Unit under the Prime Minister's Office. Now, if we are to set up a Counterterrorism Unit, under which Government agencies are we going to put it? The Foreign Minister? The Attorney General? The Minister of Good Governance? Who is responsible, according to the Constitution of this country - I ask rhetorically -, for Internal Affairs? It is the Prime Minister. So, there is nothing wrong that the Rt. hon. Prime Minister keeps this under his Office, in order to ensure that the security of people in this country is assured.

Madam Speaker, I was flabbergasted when I heard the manner in which hon. Mahomed - not hon. Mohamed - tried to distort the truth. I will invite all hon. Members who are present here, from the Opposition and from this side as well, and especially the press, to go and listen to the recorded version of the *émission* in which I took part on *Radio Plus*, and those who listened to that will know exactly what I said. I am not going to dwell upon it. But what I am trying to point out is that certain people are so motivated by bad faith that they are not going to hesitate to use religion and to raise some kind of hatred based on communities.

But, thankfully, when I stood and made my point, he ceased from making any of those inflammatory remarks.

Madam Speaker, let me now deal with a little bit of what has been going on in the world. Act of terrorism did not start in the world only yesterday. The first known act of terrorism which has been recorded dates back to 1605, when some men led by a guy called Robert Catesby decided to attack the Houses of Parliament, Westminster, London. At that time, they wanted to bomb the House of Parliament in order to kill King James I and that attempt was unsuccessful and once they were caught, they were sentenced to death. That is the first recorded terrorist act against a sovereign State. Thereafter, I still vividly remember the 10th of April 1992 when I was a student in London. And I remember the blast! Boom!

(Interruptions)

The Baltic Exchange blast outside 30 St Mary Axe nearly the ball and barbican! Three innocent civilian killed! 29-year old Paul Butt, Thomas Casey, 49 years old and Danielle Carter, a 15-year old girl and damage of over 800 million pounds sterling caused. Who was behind it? The IRA! Then, soon thereafter, in Spain! Boom!

(Interruptions)

Madam Speaker: You are scaring everybody!

(Interruptions)

Mr Rutnah: Farc Separatist Movement! 29 people killed! Oh, yes, 29 innocent civilians who had nothing to do with any religion, any political parties.

(Interruptions)

Wait a minute! Let me tell you this, 7th July 2005! I used to live in Stratford East London E15. My brother left the house earlier than me and boarded the central line train to take him to work. Soon, thereafter, because I did not have breakfast, I left after him. My brother boarded the train; I missed the second train, so I boarded the third train. But, in-between, what happened? While I was in-between a station called Bethnal Green and Liverpool Street, boom, again! We did not know what was going on outside, we were asked to leave the train in pitched dark underground and passengers were leaving, but they did not realise what was going on outside. We walked in-between, from Bethnal Green tube station somewhere to Liverpool Street. When we came out, mobile phones had no reception. And now we realised

that something really wrong has happened. When I realised that there was a bomb on the train, I was mad, I was looking for my brother.

(Interruptions)

This is serious! You may say whatever you want! I was looking for my brother. There were no contact; I was petrified. I did not know what to say to my parents. I plucked courage from Liverpool Street train station. I walked down the road towards Bethnal Green, Mile End, then Stratford on my way home; it took me over two hours. When I came home, I used the landline to call my brother at work and I spoke to him and he said 'hello', then everything cooled down but, in the interim, we heard that a Mauritian citizen a girl was going to work relaxed for eternity on that day. So, these are what despicable people do in life, take the life of innocent civilians and put people at risks. Now, I am duty bound today because I am mandated by the people of Mauritius to come and defend the country. I love my country and I am going to defend my country against what hon. Shakeel Mohamed has said throughout. I am not going to get involved in what happened between Tony Blair and George Bush about going to smoke out Saddam Hussein from his hole and looked for weapons of mass destruction. This is not my business today; we are not debating this at all. So, I am not going to deal with that, but of what we knew. Hon. Gayan was then the Foreign Minister; he was absolutely right to say that we were at war, because the war was a World War. The world was at war with a rogue nation, all civilised nation of the world were in a coalition to fight a rogue nation who glorified acts of terrorism, supported terrorism and who sponsored terrorist activities and who were in the business of killing indiscriminately people who were innocent.

Hon. Mohamed asked: 'Are we to continue in what started in 2002?' We could have not continued, because when you look at the debate of 2002, the then Leader of the Opposition, the 'cigar man'...

Madam Speaker: Don't make comments!

Mr Rutnah: I am so sorry, Madam Speaker. If we look at the debate of what the then Leader of the Opposition was going on about the Terrorist Act of 2002, then you would have anticipated that when he takes power, he will get rid of this legislation. What did he do? He instead, quite rightfully, as pointed out by hon. Mohamed, used that legislation through his Commissioner of Police, the then Commissioner who was under his command to arrest one man...

(Interruptions)

...who was referred to by the Leader of the Opposition under his name! I will keep the name. It is the man called Iqbal Ghani; he was arrested when Navin Ramgoolam was Prime Minister and hon. Mohamed was a Minister in the Government.

(Interruptions)

I think he was in the Government. Hon. Sinatambo was, but he did not speak in the same tone as the hon. Member spoke about the law. He did not take part in the debate...

(Interruptions)

Madam Speaker: Address the Chair!

Mr Rutnah: Madam Speaker, hon. Sinatambou, who is my very good friend...

(Interruptions)

Let me tell you, one of the most.....

Madam Speaker: Hon. Shakeel Mohamed!

Mr Rutnah: Probably one of the most intelligent lawyer that this country has produced! He never took part in any debate in 2002...

(Interruptions)

He didn't!

Madam Speaker: Hon. Shakeel Mohamed, I am calling you to order!

Mr Mohamed: Yes, Madam!

Mr Rutnah: Let me tell you a little bit, because now that I see that there will be 'a coalition of all the Opposition parties'.

Madam Speaker: No! This is something else!

Mr Rutnah: No, but....

Madam Speaker: We are not debating this issue now; we are debating amendments to this Bill.

Mr Rutnah: Madam Speaker, you are absolutely right; we are not debating this, but I have to, I represent the people of this country. I have to say what the then Deputy Prime Minister said. Let me tell you what the then Deputy Prime Minister said. Ah, this is nice! I like reading this –

“Mr Speaker, I am sure it is by now clear to all Members of the House and to the population through the MBC and through the Press that we had a mandatory duty to come forward with this piece of legislation. I congratulate all those who spoke before me, the Minister of Foreign Affairs, the Minister of Justice, my good friend, Minister Pravind Jugnauth (...).”

And then, listen to this, other than the most unpatriotic –

“Mr Speaker, on 20 of October, that Special Committee of the United Nations Implementation Committee - if I can call it so - set up to monitor how this mandatory resolution is being implemented by all countries chaired by the Ambassador (...).”

So, the Opposition and some people should not try to fool the population. We want to protect the population. We are in the coalition against terrorism and we are going to strictly abide to that resolution of the United Nations Security Council. How can he be that ignorant? He, meaning Dr. Ramgoolam. How can he be that ignorant? And not yet, he is paid to know things. We pay him to be Leader of the Opposition, he is not even aware and he comes and tells us that France has not voted an antiterrorism law. Then, he goes on –

“Mr Speaker, today, at the time when the Leader of the Opposition, one of the worst anti-patriotic people this country has produced, is describing Mauritius as a Police State, how other countries - European Union, United States, France, India, Africa - are describing Mauritius (...).”

It is the same language today, the language of Police State has picked up by hon. Mohamed. It is the same language. There is a lot to read, but these are a few highlights of what the then Deputy Prime Minister quite rightly said about the then Leader of the Opposition in relation to the Terrorism Act.

Section 6 and the *ex parte* application. I love this section because so much has been said. It is in this clause that hon. Mohamed dealt with the Commissioner of Police and said a lot of things quite repetitively about the Commissioner of Police, but rest assured that I am not going to be repetitive. Yes, of course, the Commissioner is empowered by virtue of this section of the law to make an application, swear an affidavit to the Judge in Chambers. Now, being a lawyer, hon. Mohamed is a lawyer and many lawyers in the House will know that when we go before the Judge in Chambers in an *ex parte* application, the application is made by way of affidavit and annexures.

There are three options that a Judge can exercise whenever *ex parte* application comes before him. Firstly, the Judge must be convinced, there must be cogent evidence to convince the Judge that he should make that order and the affidavit must be clear, the evidence there in the annexes must be clear. If the Judge has a shadow of doubt that there is no evidence, he is entitled to reject the application, that's the first thing that the Judge can do, reject the application.

The second option to the Judge is to grant the order if everything is in order. The third option for the Judge is not to grant the order prayed for, but issue a summons to the other party to show cause why such an order should not be issued and when the Judge makes that order, the hearing ceases to be *ex parte*, now it becomes an *inter partes* hearing and the other party will be entitled to rebut everything said in the affidavit of the Commissioner of Police.

So, are we going to say that we are a Police State? Are we going to go around Mauritius and say that Mauritius is a Police State just because we are keeping ourselves in line with international standard insofar as protection of the people of our country is concerned, insofar as public safety, public order is concerned? Are we going to say this?

All responsible citizens of this country have a duty to say: "Look, we are making Mauritius a safe haven. If you are a tourist, you are welcome to come here. If you are an investor, you are welcome to come and invest in our country because we are a peaceful country and we are the only country in the world where we are living in harmony, in peace despite the fact that we are a multicultural and multiracial country." So, this is the message that we, from this House, should be sending to the outside world. I love my country. This is the signal that I send out today from the House: "Please, come to our country. We are good people. We are undertaking from our Parliament to protect you when you are going to be here because no one will be allowed now forthwith to glorify, sponsor or support terrorist activities in this country."

Now, the words 'reasonable suspicion' – hon. Mohamed likes these words because the other day as well when we were debating the Road Traffic (Amendment) Bill, he used the words 'reasonable suspicion' and debated quite well and showed the difference between 'reasonable suspicion' and 'reasonable cause'. But, let me go back to our Constitution – hon. Armanee has lost my constitution - let us take everybody to the pool of logic again. Section 5 subsection 3, the words 'reasonable suspicion', Madam Speaker, come from our Constitution.

Section 5 of the Constitution deals with the liberty of a citizen. Let me read for the record - section 5 subsection 3 –

- “(3) Any person who is arrested or detained -
- (a) for the purpose of bringing him before a court in execution of the order of a court;
 - (b) upon reasonable suspicion of his having committed, or being about to commit a criminal offence; or
 - (c) upon reasonable suspicion of his being likely to commit breaches of peace (...).”

This is what the Constitution says “reasonable suspicion”. It is not an invention by those who have been drafting this Bill quite painstakingly. It is a word that emanates from our Constitution. Now, let us look at what the case laws say about reasonable suspicion and say what it is all about -

“Originally the requirement of “reasonable suspicion” did not act as a protection for the rights and liberties of the individual.”

It is not to protect the individual.

“Rather, its purpose was to protect the person exercising the arrest power.”

It was designed to protect the Police Officer who has got the power to arrest. Rather its purpose was to protect the person exercising the arrest power, that is, it was designed to protect the Police officer who has got the power to arrest. Thus, Smith stated and I quote –

“It was not the individual who was considered needful of protection more the lowly public servant (...).”

That is the Constable –

“(...) who was doing that binding of the Magistrate or working on her own initiative to enforce the law. If she was not to be bound liable for the tort of false imprisonment.”

Then came a case called the case of *Dumbells v Roberts* which is a 1944 case which has been reported in Volume 1 of *All England Reports* at page 326, a judgement by Mr Justice Scott –

“The power possessed by constables to arrest without warrant ... provided always that they have reasonable grounds for their suspicion is a valuable protection to the community; but the power may easily be abused and become a danger to the community instead of a protection. The protection of the public is safeguarded by the requirement, alike of the common law and, so far as I know, of all statutes, that the constable shall before arresting satisfy himself that there do in fact exist reasonable grounds for suspicion of guilt.”

Then later on, Mr Justice, who was then called Mr Justice Woolf, later became Lord Woolf when he took position in the Court of Appeal set out the test. So, what reasonable suspicion is all about is that the constable should be sure, to some extent, that the person is about to commit an offence and as soon as he forms that view that the person is about to commit an offence he should carry out what we call the knock on the person so as to arrest him and I thank my learned friend, the Rt. hon. Prime Minister who earlier on circulated the amendment to add in section 6 a paragraph (b) where a person is arrested under subsection (3), he shall be brought without undue delay before a Court. So, these are protections not only for the constable but also protections to the person who has been the subject of an arrest.

Coming back to further arguments raised by hon. Mohamed in relation to the letter which was sent on 11 February 2016, letter sent by the Commissioner of Police - Police asking for authorisation to place CCTV cameras. Octave Wiehe, University of Mauritius...

(Interruptions)

Let's talk facts. I said that I am inviting everybody to come to the pool of reasonableness and logic!

(Interruptions)

No, you can't go in the pool with clothes on...

(Interruptions)

Madam Speaker: Don't engage in any conversation with any other hon. Member!

Mr Rutnah: I am so sorry, Madam Speaker. Madam Speaker, I love the Constitution. Section 71 of the Constitution which creates the post of the Police Commissioner and amongst other things in this section subsection (3) –

“The Prime Minister, or such other Minister as may be authorised in that behalf by the Prime Minister, may give to the Commissioner of Police such general

directions of policy with respect to the maintenance of public safety and public order as he may consider necessary and the Commissioner shall comply with such directions or cause them to be complied with.”

Subsection (4) –

“Nothing in this section shall be construed as precluding the assignment to a Minister of responsibility under section 62 for the organisation, maintenance and administration of the Police Force, but the Commissioner of Police shall be responsible for determining the use and controlling the operations of the force and, except as provided in subsection (3), the Commissioner shall not, in the exercise of his responsibilities and powers with respect to the use and operational control of the force, be subject to the direction or control of any person or authority.”

So, we have by virtue of our Constitution given the power to the Commissioner of Police to protect citizens of this country. Now, if those, who are in authority at the University, thought that there is a problem with civil liberties; if they were thinking that that might compromise the liberties of the students, they should have protested. We are a democratic country. They could have even gone to the Judge in Chambers and ask for an injunction against the Commissioner of Police to place cameras. They did not! They consented. They accepted. Hon. Mohamed said that there is an email...

(Interruptions)

Madam Speaker: Hon. Mohamed!

Mr Rutnah: He said that there is an email. I take copious notes. You might see me sitting here quietly but I take notes in my head...

(Interruptions)

and then I produce them.

(Interruptions)

Now...

(Interruptions)

listen to what he said, there was an email sent and in that email, the Chief of Facilities and Services of the University of Mauritius, Mr Goolap, confirmed that they came and installed

and there were no problem with that. So, if there were no problem with that with the University why make a big fuss about it today? If there is a problem with the University students why the University Students Union did not react? But, at the same time, Madam Speaker, there is one thing that we should not forget...

(Interruptions)

There is one thing that we should not forget ever that...

(Interruptions)

those who recruit...

(Interruptions)

Madam Speaker: No interruptions, please!

Mr Rutnah: Those who recruit to radicalise people - university is one of their main grounds to recruit people for radicalisation and that is why the Commissioner of Police, quite rightly, has used his powers given under section 71...

(Interruptions)

to go and install cameras...

Madam Speaker: Order!

(Interruptions)

Mr Rutnah: for the safety of our children...

Madam Speaker: Order, I said!

(Interruptions)

Order!

Mr Rutnah: ...our innocent children!

(Interruptions)

Madam Speaker: Order!

(Interruptions)

Hon. Ameer Meea, please!

(Interruptions)

Hon. Shakeel Mohamed, don't interrupt the hon. Member, please!

(Interruptions)

Hon. Baloomoody!

(Interruptions)

Mr Rutnah: They might comment, they might say whatever they want to say, the simple fact remains that the University did not contest it! They did not ask for an injunction. They did not go to the Judge in Chambers.

Now, can we trust the Commissioner of Police who swore an affidavit? Can we? If the Commissioner is taking reasonable steps to save our children, to save our people, to save our intellectuals at the University of Mauritius, yes I am going to convince every person in this country to trust the Commissioner of Police and distrust terrorist recruits.

(Interruptions)

Madam Speaker, a lot has also been said about whether we are going to arrest people who are going to be dressed like North Africans. Are we? Are we going to arrest people who are going to be dressed like North Africans? Has anyone in this country, under the Terrorism Act, been arrested because of a kind of gear that he has worn? No! But now the law is coming. If the law says that if you're wearing something to glorify, to support and the words used in Act is -

“(...) in such a way or in such circumstances as to arouse reasonable suspicion that he belongs to a proscribed organisation”.

Now, “belongs to a proscribed organisation” is the operative words and these are the words that have to be proved in any Court of law.

(Interruptions)

Madam Speaker: No crosstalking, please, because you are interrupting the hon. Member!

Mr Rutnah: Madam Speaker, let me tell everybody that I grew up in a country where I used to go Speakers' Corner every Sunday and I was saying lots of things against the Prime Minister of England, starting from Margaret Thatcher to Tony Blair. I also said lots of things against George W. Bush Sr. and George W. Bush Jr. with my curly long hair and no one ever

suspected me of a terrorist. On the contrary, I was invited to join the Labour Party in England.

Madam Speaker, if someone dressed in a way and also demonstrating some kind of allegiance that he belongs to a proscribed organisation which is fuelling terrorism, the Police, investigative authorities must have sufficient evidence and if they have that evidence, then they can act upon it. Because that is the ingredient of the offence that has to be proved in the Court of law just because you are wearing a certain kind of garment, a certain kind of gear does not mean that you are a terrorist.

Now, let me take a few examples of what has been said by the European Courts of Human Rights. In the case of *Mann Singh v. France*, the applicant, a practising Sikh, submitted that the requirement for him to appear bare headed in the identity photographs of his driving licence amounted to interference with his private life and with his freedom of religion and conscience. He complained the fact that the regulation in question made no provision for separate treatment for members of the Sikh community. But what the Court said? The Court declared the application inadmissible. The application was even inadmissible. Why? It noted that identity photographs for use on driving licences which showed the subject bare headed were needed by the authorities in charge of public safety and law and order particularly in the context of checks carried out under the Road Traffic Regulations to enable them to identify the driver and verify that he or she was authorised to drive the vehicle concerned. And there were no breaches of human rights. In the case of *Hull v. France*, relying on article 9 of the Convention, again, a practising Sikh brought a case in relation to scanners and hand held detector at the airport and the Court held that security checks in airports were necessary in the interest of public safety within the meaning of article 9(2) of the Convention.

Then, we had the case of *L. Morsli v. France*. The applicant, a Moroccan national married to a Frenchman was denied an entry visa to France as she refused to remove her headscarf for an identity check by male personnel at the French Consulate General in Marrakesh. The Court declared that application inadmissible and manifestly ill-founded, holding in particular that the identity check, as part of the security measures of a Consulate General, serves the legitimate aim of public safety and that the applicant's obligation to remove the headscarf was very limited in in time. So, these are the few cases, Madam Speaker. I have got a document and I can assist those who would like a copy of this and I can provide.

One of the most important cases of this century in relation to these kinds of cases where right to private life, right to manifestation of religions and beliefs and discrimination is to be found in the case of *S.A.S v France*. On all three aspects of this case, the European Court of Human Rights declined the application and gave reason to the State. So, no one who is going to be flying a Danish flag will be under a danger of being arrested under this law because Allah or whether you call Jesus or whether you call God or whether you call Bhagwan, we all pray one God, but only our writings are different. So, there is no need to be in a state of fear about flying a flag that demonstrate your religion because we are a free country. But if taking the cumulative effect of other conducts and acts that you do, that give reasonable suspicion that you belong to a proscribed organisation, then you will have to face the consequences.

Now, hon. Mohamed also said quite a lot of things about the Counterterrorism Unit. It is my view and a view which has been shared by the Rt. hon. Prime Minister. I endorse everything that was said by my very able and learned friends, hon. Bhadain, hon Fowdar, hon. Dayal and other Members from this side of the House who have said quite a lot of things. I endorse all that have been said about the Counterterrorism Unit. We should not forget that the Counterterrorism Unit is not going to be a unit that is going to be manned and take decision by one person. We have to have checks and balances whenever we set up institutions and organisations. In this circumstance, what do we have? We have a Counterterrorism Committee and in that Counterterrorism Committee, who is going to sit? There's going to be -

- “(a) a Chairperson, who shall be the Secretary to Cabinet and Head of the Civil Service;
- (b) the Secretary for Home Affairs;
- (c) the Commissioner of Police;
- (d) the National Security Adviser;
- (e) the Solicitor General or his representative;
- (f) the Director-General of the National Security Service; and
- (g) the Director of the Counterterrorism Unit.”

That's not all. Then, in subsection 2 -

- “(2) the Prime Minister may appoint any such other person as he may determine to form part of the Committee.”

So, this is not going to be a one-man show. It is not going to be a decision that will be made off the cuff. No! Decisions will be made by considering all the circumstances reasonable in the circumstances of each and every case.

Madam Speaker, while I say all these about the Bill, there is one section of the Bill which, I believe, needs to be looked at. It is section 22D - Protection of Informers. Section 22D (b) talks about 'privilege', we say –

“ (b) Any matter relating to information referred to in paragraph (a) which is received by a person other than a police officer shall –

(i) be privilege;”

Madam Speaker, there is a problem with this word 'privilege'. Privilege information is information that one obtains when we are in a fiduciary relationship, for example, if a client goes to a lawyer and gives information to his lawyer or to his accountant or to a clergy, that is a fiduciary relationship and that information is privilege. What I think is being referred to here is something which is within the precinct of the law of public interest immunity. So, if I may suggest to remove the word 'privilege' completely and just to say that -

“Any matter relating to information referred to in paragraph (a) which is received by a person other than a police shall –

(ii) not be disclosed in any proceeding before any Court or other authority in public interest”.

Why in public interest? It is because the next paragraph says –

“(2) Where any record which is given in evidence, or liable to inspection in any proceedings contains any entry relating to the informer or the information given by the informer, the person having custody of the record shall cause every part relating to the informer or information given to be concealed from view so as to protect the identity of the informer.”

So, here we are more within the premise of the public interest immunity application which is an area that has not been very much explored in Mauritius because we never had cases of this nature in our Court, but the word 'privilege' is, in my humble opinion, not a right terminology because terrorists or informants will never have anything privileged between themselves and the Police officer or to any person to whom they have given information because there is no fiduciary duty between the informer and the Police officer.

So, this is the only remark I have to make in relation to the present Bill. Madam Speaker, I think, I have said enough about what hon. Mohamed has said about the Bill and the attacks that he had formulated against the Government, but all in all, Madam Speaker, as I said in the beginning of my intervention that we are under a duty today to swim in the pool of common sense, in the pool of logic, in the pool of reasonableness whether clothes on or off, it does not matter, but we have to protect our people.

Thank you.

Madam Speaker: Hon. Selvon!

(11.19 p.m.)

Mrs D. Selvon (Second Member for GRNW & Port Louis West): Merci, Madame la présidente, mon discours se réfère aux deux projets de loi surtout dans leurs aspects concernant -

- (i) les effets de l'Article 7(3) qui introduit le délit de faciès;
- (ii) les effets de l'Article 8(2) qui introduit le délit d'un '*belief*' ou d'opinion ce qui, entre autres injustices possibles, permettra de jeter en prison les journaux qui publient chaque année les prédictions des mages et des voyants, par exemple;
- (iii) le fait que les deux projets de loi élargissent le champ pour la continuation des abus des charges provisoires fausses et malicieuses.

L'Article 7(3) de l'amendement du PoTA ouvre la voie au délit de faciès, aux amalgames et des interprétations erronées. Le délit de faciès est défini comme suit dans le dictionnaire, je cite –

«Le délit de faciès désigne le fait de juger une personne à son apparence. Il ne s'agit pas uniquement de son faciès, c'est-à-dire de son visage, mais de ses vêtements, sa couleur de peau, son accent. Généralement, l'expression s'applique aux pratiques discriminatoires ou racistes. »

Selon le prestigieux dictionnaire français, Linguée, le délit de faciès se traduit en anglais comme '*conviction based on racial type*', ou bien '*racial profiling*' ou encore '*offences based on identity*'.

En Grande Bretagne, la source de notre Constitution, Sir Mota Singh, QC, le juge britannique, décédé le 13 du mois dernier, avait une grosse barbe, et siégeait en Cour avec

son poignard, le Kirpan, à la ceinture, et son turban sur la tête, ou se rendait dans cette même tenue à Buckingham Palace. Un autre Sikh, le juge Rabinder Singh, QC, porte le turban également quand il siège en Cour en Grande Bretagne.

Sous l'Article 7 qui est devant nous, les juges britanniques de la communauté Sikh en visite à Maurice, seraient passibles d'être jetés en prison et risquer ainsi de se retrouver pendus en position assise. Car cet article rendra l'interprétation de l'apparence vestimentaire, y compris un poignard rituel obligatoire tel le Kirpan, dans la religion Sikh, comme indiquant un risque de terrorisme. En fait, tous les Sikhs en Grande Bretagne, selon la loi comme indiqué sur le site internet du gouvernement britannique, peuvent porter le kirpan.

Toujours sous l'Article 7(3), les Rastafaris mauriciens, qui ont les cheveux aussi longs que les Sikhs, subissent une discrimination injuste de la part de la police comme démontré lors d'une manifestation qui fut violemment réprimée en mai 2016. Ils sont plus libres et respectés dans les démocraties européennes et nord-américaines. En Italie, en 2008, ils ont même été autorisés par une Cour de justice à « fumer un joint » quand ils prient. Sous l'Article 7(3), si un policier juge l'apparence d'un Rastafari par ses *dreadlocks*, il peut, par un fâcheux amalgame comme en mai dernier à la Chaussée, Port-Louis, le traîner dans la rue par les cheveux comme un terroriste pour procéder à son arrestation sous une charge provisoire de terrorisme. En vérité, les Rastas sont des gens totalement pacifistes, farouchement végétariens et doux, qui font preuve d'une grande piété.

Par ailleurs, le délit du terrorisme était déjà compris dans les vieilles lois mauriciennes contre la sédition. Car la sédition a été proclamée la cousine du terrorisme dans le Code Pénal qui tire ses origines de vieilles lois introduites en 1805...

(Interruptions)

Madam Speaker : Order, please !

Mrs Selvon :... à Maurice, par un régime raciste et dictatorial ...

(Interruptions)

Madam Speaker : Hon. Thierry Henry, either you resume your seat or you leave the House! Yes please, continue!

Mrs Selvon: Thank you. Car la sédition a été proclamée la cousine du terrorisme dans le Code Pénal qui tire ses origines de vieilles lois introduites en 1805 à Maurice, par un régime raciste et dictatorial dirigé par Napoléon. Les mots 'sédition' et 'séditieux' paraissent

une vingtaine de fois dans ce Code Pénal en association avec l'incitation à la haine du gouvernement, à la révolution, à la violence. Beaucoup de charges provisoires à Maurice, sous tous les gouvernements, sont motivées par des règlements de comptes purement politiques ou, dans certains cas, par les autorités mauriciennes lamentablement bêtes ou méchantes. La plupart de ces charges provisoires méchantes ou bêtes sont aujourd'hui cassées par nos Cours de justice, au détriment des puissants du jour, y compris sous l'ancien gouvernement.

J'en ai moi-même souffert, Madame la présidente, lorsque la police – oui, la police – voulait mettre contre ma personne, une charge provisoire, je cite, 'd'inciter à la haine contre le gouvernement', soit de quasi-terrorisme...

Madam Speaker: Hon. Mrs Selvon! I don't think this is relevant to the Bill. I have time and again said that debates in this House should be relevant to the Bill or to the amendment which is in front of us. I am sorry that whatever you are saying is not relevant to the Bill.

Mrs Selvon: On a point of order, Madam Speaker, I think it is relevant.

Madam Speaker: No! Hon. Mrs Selvon, I have ruled on this. Whatever you are saying is not relevant to the Bill. Please come back specifically to the amendments which are being brought to this Bill.

Mrs Selvon: On a point of order, Madam Speaker. When I speak against the Government, is it that I am out of order?

Madam Speaker: Hon. Mrs Selvon, the ruling of the Speaker is final! I hope you have gone through your Standing Orders and you are fully aware that the ruling of the Speaker is final! You cannot contest the ruling of the Speaker!

Mrs Selvon: *Thank you, Madam Speaker. So, may I continue.* Les amendements devant nous, tels l'Article 7(3) et l'Article 8A(2), vont permettre d'aggraver la nature de ces charges provisoires contre la presse et les opposants politiques.

Nous avons à Maurice assez de lois scélérates pour ne pas en rajouter. Dans les démocraties, notamment aux Etats Unis, on ne condamne pas des gens pour avoir incité à la haine contre le gouvernement. Je cite -

« Le premier amendement (de la Constitution Américaine) ne permet de punir les énoncés séditionnels que s'ils préconisent expressément une action illégale immédiate et

sont susceptibles de produire de telles actions de manière imminente (Brandebourg versus Ohio (1969)). En fait, l'affirmation de la Cour de notre 'profond engagement national envers le principe selon lequel le débat sur les questions publiques devrait être sans inhibition, robuste et ouvert' rend anticonstitutionnel le crime traditionnel de diffamation séditieuse (*New York Times*). »

(*Interruptions*)

Madam Speaker: Order, please!

(*Interruptions*)

Hon. Ameer Meea, did anybody ask you for your comments?

Mrs Selvon: Sous l'Article 8A, alinéas 1 et 2 de l'amendement du PoTA, même le partage d'une croyance d'une possible attaque terroriste va être criminalisée. La police ayant déjà mis des caméras pour espionner les étudiants et les professeurs de l'université, on sait maintenant ce que l'avenir nous réserve. Sans compter qu'on n'a plus le droit, jusque dans sa chambre à coucher, sous l'Article 8A, alinéas (1) et (2), de partager, je cite, '*a belief that an act of terrorism will take place.*' C'est écrit noir sur blanc, Madame la présidente. On va criminaliser des croyances, des impressions partagées, même dans l'intimité, entre deux personnes.

Y aura-t-il également des caméras cachées jusque dans les chambres à coucher et les toilettes publiques et privées ?

D'autre part, il y a deux types de terrorisme : le terrorisme domestique et le terrorisme international. Même si les deux peuvent avoir des liens selon le cas, il faut que s'il y a un lien, que ce lien soit clairement établi, juridiquement parlant.

Je comprends que le projet de loi vise le flagrant délit. Oui, cela peut être acceptable à la limite, mais il faudrait qu'une personne accusée passe devant un *sitting Judge* de la Cour suprême dans un délai de 24 heures pour une possible décision de charge provisoire, et il faudra qu'un avocat de la personne arrêtée puisse interroger le policier et les témoins pour qu'il y ait une décision juste et équitable. Il faut même, peut-être, en raison de la multiplication actuelle des fausses charges provisoires, créer une Cour spéciale pour donner le feu vert ou interdire toute charge provisoire le même jour qu'une arrestation, c'est-à-dire une *Provisional Charges Court*, avec des juges d'instruction expérimentés.

L'abus des charges provisoires, qui pourrait pourtant s'aggraver sous les amendements devant nous, a été reconnu par le gouvernement, par son *Attorney General*, par l'opposition, et par le DPP. Cela, alors que ce système garantit que dans le futur également, des ex-ministres en souffriront sous le prochain gouvernement et ainsi de suite jusqu'à la fin des temps – ce que je ne souhaite pas, bien sûr.

Dans son rapport, Maître Geoffrey Robertson, QC, écrit que les lois scélérates mauriciennes contre la liberté de parole, empêchent l'île Maurice "*from being recognised in the top ten or 20 nations that endorse freedom of speech.*" Je répète, donc, que je ne voterai pas pour les deux projets de loi si les amendements ne se font pas.

Merci, Madame la présidente.

Madam Speaker : Hon. Rughoobur!

(11.32 p.m.)

Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or): Thank you, Madam Speaker, for this opportunity to say a few words. I think much has been said on this Bill. I am going to be very brief.

In this Bill, Madam Speaker, I believe there are three important issues that have to be addressed. One is the issue of human rights and abuse. Much has been said on this issue, especially by Members on the other side of the House. Second, the issue of structure for enforcement of the Act, and third, the security of the nation and stability.

Madam Speaker, I am a bit surprised because last year there was a similar Bill that was presented in Malaysia and there were reactions from the Bar Association over there. The citizens of the country, people like us who are not well versed in law – I am not a lawyer – had the opportunity to take stock of the concern expressed by the Bar Association. The legislation, PoTA, was voted in Malaysia last year, and they expressed concern on a few issues. Of course, Madam Speaker, I would have expected - even if I don't have anything against the Bar, but this is only a proposal that I have - some reaction from the Bar Council whenever there is a legislation like this which comes in front of the House.

Madam Speaker, I come back to the Bill and the first issue that I wanted to address on human rights and abuse. Madam Speaker, I am not against the two clauses on which I want to intervene under this human rights issue, namely clauses 3 and 6. Clause 3, where there is a

new paragraph (aa) - there is no need to quote because everybody is now aware of this clause - where there is an offence when somebody -

“(aa) promotes, encourages or exhorts one or more persons to commit an act of terrorism;”

Whether it is in this clause or in clause 6, Madam Speaker, the Bar Association in Malaysia expressed concern against the absence of adequate definition of words used in defining the process leading to an act of terrorism. So, I believe that we need to be very careful probably here. As I am saying, I am not a lawyer, but there are some words that have been used whether here or clause 6 to which I will come later. When we talk, for example, of “promotes, encourages or exhorts”, I am asking the question: whether, in this case, there is under interpretation, whether there is a need to better clarify and define in this specific context the use of these words.

My second comment, Madam Speaker, on this Bill is, for example, in Australia the element of intention and recklessness should be applied in the determination of whether there has been an act of terrorism. I believe that probably in this case as well when we are talking of somebody committing an offence when he promotes, encourages or exhorts, do we need to ensure that the element of intention and recklessness has to be applied in this case? So, these two elements in section 3, and I will later come to section 6, I am going to leave it to hon. Members to reflect on and probably later come forward with amendments, if need be, to these sections.

Madam Speaker, I will now come to section 6 of the Bill where there has been concern expressed, especially in this section, in regard to two issues, one is the powers of arrest without warrant, but the Government has come with amendments - that was not my concern. Madam Speaker, the second element which was of concern to me and which is of interest to me is the element upon which the reasonable suspicion is based that the person belongs to a proscribed organisation. Those two elements are items of clothing and objects in his possession. There have been hot debates in the House on these two.

I come again to the concern expressed by the bar in Malaysia in the interpretation of words, and here, Madam Speaker, I believe - and this is my proposal once again - if we could try to define properly what we mean by ‘item of clothing and object in the possession of a suspect’, I believe if there is a possibility to clarify and define properly what we mean by ‘item of clothing and object in the possession of a suspect’, this might help in better

clarifying this part of the Act. So, these two sections, Madam Speaker, were of interest to me when talking about the issue of human rights and abuse.

But, less has been said also on this issue of detention. Previously, I must say that there are jurisdictions where, Madam Speaker, people are arrested without warrant. For example, I take again the case of Malaysia where under PoTA law there, a suspect who is arrested without warrant is kept in custody for up to 24 months without any possibility of judicial review or appeal. This is fortunately not the case here, we have 36 hours; but, I think with the amendment that is being proposed now this also has been amended and I think this is a good decision that has been taken only to bring the comfort that some people are seeking with these amendments. That was the first issue I wanted to raise, Madam Speaker, in regard to the issue of human rights and abuse.

The second issue, Madam Speaker, in this Act is the issue of the structures for enforcement of the Act. What is this Government proposing, Madam Speaker? We should understand, Madam Speaker, that until now we had a reaction to whatever was happening. But, this is not enough. We need to have a proper structure that is going to monitor permanently suspected acts of terrorism. Madam Speaker, the Government is proposing the creation of two different structures. One is the Counter Terrorism Unit and the second one is the Counter Terrorism Committee.

What I would expect, Madam Speaker, I have got proposal for this. These structures are there to monitor the situation on a permanent basis. The Prime Minister's Office - and I see that the Opposition is not against this Committee because the Government has to have control over what is happening or control over security and this Counter Terrorism Committee would be there. But, I believe the most important structure would be the Counter Terrorism Unit and it would be the responsibility of the Prime Minister's Office, of the Government together with the Opposition to find a solution as to how this Counter Terrorism Unit can be well structured. We have got a Director who is well qualified, with the right human resources which can enable this country to fight to ensure that we can prevent, to have adequate information of any suspected act of terrorism.

Madam Speaker, if we refer to what is the situation in Australia, there they have got a similar structure that they call Australian Security Intelligence Organisation (ASIO). We can compare this, a counter terrorism unit, as this structure which is today existing in Australia the Australian Security intelligence Organisation where you have got the qualified resources,

people who understand, who have been trained to understand how to fight terrorism. So, I would suggest that we put in place a structure like this, but we need to have experts to man this particular structure.

In this case, Madam Speaker, I can see that the Bill being proposed is silent on the appointment of the Director and his responsibilities. Well, the responsibilities are not an issue as they can be defined afterwards, but it is silent on the appointment. I would suggest, Madam Speaker - it is my suggestion - that maybe, this Director be appointed by the Prime Minister in consultation with the Leader of the Opposition. This is one of my proposals, Madam Speaker.

This terrorism unit, Madam Speaker, has a series of functions, but the series of functions can also be extended to what it is today in Australia. Like powers to investigate and ensure suspected person or association, answers questions permitted by warrant issued against them, powers to request the suspects to surrender their passports, powers to stop suspects from leaving the country without permission. I am telling this, Madam Speaker, because these types of situations can be handled by a special unit that is manned by resources that are trained, manned by those who are experts in fighting terrorism.

I was coming to the functions that can be extended, Madam Speaker. But, I believe, the point that I want to make is that these structures are extremely important for us to put in place because what we want to do with the putting in place of such structures is not to intervene or react when we have information that there has been a suspected case of terrorism. But, we have to have a preventive strategy and we have to monitor permanently, Madam Speaker. We need to have a structure that is going to monitor permanently.

Madam Speaker, I have been talking about this issue of human rights and abuse. I have been talking about the structures and in this Bill the third thing which I consider important to comment upon is the issue of security of the nation. This is an important issue, Madam Speaker. I believe that whatever we have achieved today, until now, the economic prosperity, the development that we have achieved is mainly due to stability. We can't make any compromise on this issue of stability. What this Bill is aiming at *est justement cela*, Madam Speaker. Stability! We can't make any compromise on stability. So, we have to strike the right balance between the fight against terrorism and the protection of Human Rights. This is what I expect, Madam Speaker.

Madam Speaker, to conclude I have got two proposals. I think it was hon. Bhadain, who was talking on the need to ensure that we have a control on transactions. I mean control on financing of those terrorist activities. I have been making some research works. We have in Australia, for example, what they call the Australian Transaction and Report Analysis Centre (AUSTRAC). Here, we can think, of the type of structure that we have to put in place, but it is important that we have a Counterterrorism Unit. The Counterterrorism Unit will need to have a department that can track financial transactions that are aimed at financing terrorist activities. This is one.

Secondly, Madam Speaker, of course, training and investment in technology would be extremely important for us to train and invest in technologies in order to ensure that there is no abuse and that we have people who are well-versed in the activities in which they have been appointed. At the end of the day, Madam Speaker, of course, the aim would be to promote stability in the country. So, that was my contribution, Madam Speaker. I thank everybody for their contribution.

Madam Speaker, I am thinking about an interview given by the late François Mitterrand, who stated, and I quote -

« Un homme se construit par ses actes mais aussi par sa réflexion. »

Merci, Madam Speaker.

Madam Speaker: I will now ask the Deputy Speaker to take the Chair.

At this stage the Deputy Speaker took the Chair.

The Deputy Speaker: Hon. Ganoo!

(11.49 p.m.)

Mr A. Ganoo (Frist Member for Savanne & Black River): Mr Deputy Speaker, Sir, at this late hour of the night, I would be very short. I will start by saying, Mr Deputy Speaker, Sir, that the world has faced a wide range of risks and threats due to terrorism and extremism, and Governments all over the world have taken different actions resolutely and have taken major decisions in response to the senseless, barbaric and illegal actions of terrorism.

Mr Deputy Speaker, Sir, many hon. Members have already intervened on this Bill. I think most of them have narrowed down the issues concerning this Bill today. It is the balance that States have to keep between, on the one hand, the security of its people, the well-

being of the nation and, on the other hand, the protection of human rights, the safeguards that we have to maintain with regard to our different rights that have been given to us and that are enshrined in our Constitutions and in our laws.

Mrs Theresa May once said in the opening speech when she was presenting a Bill, just before she became Prime Minister and that was the Investigatory Powers Bill. She said, and I quote –

“It is right, therefore, that those who are charged with protecting us should have the powers they need to do so. But it is the role of Government and Parliament to ensure that there are limits to those powers.”

I will, in fact, comment on two clauses in this Bill, Mr Deputy Speaker, Sir, but before I come to these two specific clauses, I would just comment on the first provision in the Bill. It is concerning the recruitment of persons in terrorist groups. I am not going to talk about the Bill and what is provided in the Bill because comments have been made before me. This is a new concept that is being introduced in our Prevention of Terrorism Act because there was no such provision in the main Bill.

We know, Mr Deputy Speaker, Sir, how, in fact, some young men became preys and are recruited to perform terrorist actions and we know where are the breeding grounds today. But I will just try to say, Mr Deputy Speaker, Sir, that yes, we are legislating, yes we are sanctioning those who recruit and those who are being recruited, but I think we must look at it from another perspective also, Mr Deputy Speaker, Sir. In fact, in one of the UK legislation, if I'm not mistaken, it should be the Counterterrorism Act, I think, there is a specific clause in that legislation which is entitled: 'Preventing people from being drawn into terrorism'. This legislation in the UK makes specific provision for support for young people who are vulnerable to being drawn into terrorism. It is a specific provision in the legislation and it forms part of the Act. It imposes a duty on authorities including Local Authorities, by setting up a panel of persons with the function of assessing the extent to which identified young individuals are vulnerable to being drawn into terrorism and imposes on these authorities an obligation to support these targeted individuals, if the authorities come to identify them for the purpose of reducing the vulnerability to being drawn into terrorism.

In fact, the law provides that the authority should prepare a support plan, I repeat, to prevent young people from being drawn into terrorism. It is a legal obligation on the authorities to extend their helping hands to those young individuals who might be identified

and become vulnerable to being drawn into terrorism. This is in the law. It is not *un vœu pieux*, but it is, in fact, in the law itself this obligation, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, the other thing I would like to say is that doubtlessly this is an important piece of legislation. There are 16 clauses to the Bill. There is an amendment to the Constitution and I think it is a matter of regret, in fact, that there has not been sufficient ventilation of this piece of legislation. Hon. Rughoobur was talking about the Bar Council. True! Why didn't the Bar Council react? Was any consultation made between Government and the Bar Council? It is such an important piece of legislation concerning human rights, concerning our constitutional guarantees, Mr Deputy Speaker, Sir. I am not making politics, but I am just expressing my regret to the fact that this Bill should have been circulated a long time before it is being debated in this House.

You know, Mr Deputy Speaker, Sir, I was just talking about this Bill which was passed in the UK Parliament. This year, I just made mention of this Bill, 'The Investigatory Powers' which, in fact, contains some of the provisions in the present Bill before Parliament today. This Bill took more than one year to be finally adopted by the UK House of Commons, by the UK Parliament. There was a pre-legislative review. In fact, there was a Committee of both Houses; the House of Commons and the House of Lords who were given the chance to examine, to analyse, to comment on the different clauses of the Bill. There was a pre-legislative review which lasted for months and months. Witnesses were called. Stakeholders were invited to give their opinion, and finally reports were produced which went back to the Executive as a result of which, Mr Deputy Speaker, Sir, the law was amended to provide for more additional safeguards, clauses which were criticised were removed and the law was improved because precisely of the opportunities that were given to everybody to make suggestions and to give their opinions about what should be corrected in the Bill.

So, today, Mr Deputy Speaker, Sir, we are being called upon to vote or not to vote for this Bill. I just said a few minutes ago that there is one aspect of the Bill which really concerns me. I am not going to comment on each and every clause of the Bill about the new offences that have been created. I will come straight to these two sections which I am referring to. Clause 12 of the Bill, which is amending section 25 of the Principal Act, concerns, Mr Deputy Speaker, Sir, the provisions –

“(...) the Minister may, for the purpose of the prevention or detection of offences, or the prosecution of offenders, under this Act, give such directions as may be necessary to –

- (a) communication service providers generally;
- (b) communication service providers of a specified description;
- (c) any particular communication service provider –
 - (i) not to disclose any data or data of any description;
 - (ii) to retain any data subject to such requirements or restrictions as he may determine.”

This is one of the clauses which I wanted to comment upon. Linked to this clause, which is clause 12, there is also clause 13, Mr Deputy Speaker, Sir -

“Special powers of enquiry –

- (1) Notwithstanding any other enactment, where the Commissioner has reasonable ground to believe that an offence under this Act has been, is being or is likely to be committed by any person, he may apply to a Judge in Chambers for an order authorising a police officer not below the rank of Superintendent to use such electronic and technical device as may be required for the purpose of intelligence gathering or surveillance.
- (2) Where, on an application under subsection (1), the Judge in Chambers is satisfied that the Commissioner has reasonable ground to suspect that an offence has been, is being or is likely to be committed, the Judge may grant the order.”

These are the two different clauses which link in one way, Mr Deputy Speaker, Sir. To me, when I look at these two clauses; I am really afraid, scared and ill at ease with this Bill because precisely, Mr Deputy Speaker, Sir, we know what has taken place in the past years. We have been operating; we have been living in a fast changing environment of communication and technology in which an increasing proportion of communication takes place over the Internet. Therefore, the powers to order the retention of data which are contained in this Bill should be looked into carefully, Mr Deputy Speaker, Sir. To me, with regard to these two clauses, do not set out the necessary safeguards and sufficient oversight

arrangement which investigating powers have been given to deal with persons who have been given access to that type of information. This is what I was saying at the beginning of my speech. We have to counterbalance, Mr Deputy Speaker, Sir, human rights law, the privacy of people, on the one hand, and on the other hand, the security of the State.

The first question that I wish to ask the Rt. hon. Prime Minister is that firstly - in the first clause, I read about communication service providers, but we know that many of these service providers who offer services are also based in other countries. How will it, therefore, be possible? This is the question. Can we exercise jurisdiction over these service providers? The question one has to ask oneself, Mr Deputy Speaker, Sir, is: we are creating an obligation and communication service providers to collect and retain users' Internet connection records. Of course, there is a reason why the law is making such a provision, but the question we have to ask from a human rights perspective is: does the potential value of such records outweigh the intrusiveness which is involved in collecting and using these information?

In fact, when we are going through the other clauses, I just read clause 13, Mr Deputy Speaker, where, true it is, it is an application to a Judge for an order authorising the Police officer to use such electronic and technical device, as may be required to gather intelligence or *surveillance*. In other words, Mr Deputy Speaker, Sir, we are giving powers to a Police officer to intercept, to acquire communication data and to interfere with equipment. In fact, we are asking the Police officers to hack or to bug.

If a private individual would have done that, he would have been prosecuted under misuse of computer or whatever other piece of legislation. But here, we are legally allowing the hacking and the bugging of equipment, Mr Deputy Speaker, Sir. These powers of telephone tapping have existed in our law. Since the 1989 Telecommunications Act was first passed in this House, that was the first time that in one piece of legislation, mention was made of the issue of telephone tapping, in what circumstances can the authorities listen to phone conversation and so on. In a way, these powers are not new, but this time, Mr Deputy Speaker, they have been avowed for the first time in a legislation. This is why in the UK and in other countries, Mr Deputy Speaker, Sir, such type of legislation is usually accompanied by a code of practice. Government also undertakes consultation with the communication service providers to consult and discuss with the stakeholders which, of course, has not been done here, Mr Deputy Speaker, Sir.

Government, therefore, publishes in the UK a code of practice alongside the Bill as to how data controllers should seek to minimise the risk of privacy because the security of retained data, Mr Deputy Speaker, Sir, is of great importance. Where will they be retained? As a citizen of this country, we must be assured that such data will be secured because the Minister asked the communication service provider -

“to retain any data subject to such requirements or restrictions as he may determine.”

We know, Mr Deputy Speaker, Sir, that today with the advancement of technology and with the genius of fraudsters and hackers, data theft remains an ongoing challenge.

In the UK, there is a fixed retention period in the law, a 12 months’ retention period which has been introduced for the retention of these data. There is even a route for appeal when the data retention has been ordered against the service provider, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, in April 2014, the Court of Justice of the European Union produced a ruling called “The Digital Rights Ireland” which found the data retention directives to be invalid because it infringed privacy and data protection rights guaranteed by the European Charter of Fundamental Rights. In response to this ruling, the UK Government rushed and introduced a law called “The Data Retention and Investigatory Powers Act 2014”. In November 2015, Mr Deputy Speaker, Sir, the UK Court of Appeal made a reference to the European Court of Justice asking whether the judgment delivered by the Court of Justice of the European Union had laid down mandatory requirements for national legislation that was introduced to comply with the European law in this area. The UK is not alone in considering how to balance privacy rights against the need to give its law enforcement and intelligence and security agencies the tools to combat crime and terrorism in an increasingly digital world.

Mr Deputy Speaker, Sir, a number of other EU Member States are reviewing their legislation, their regimes in the light of this ruling of the European Court of Justice, in this case, the digital rights of Ireland. Even in the UK itself, Mr Deputy Speaker, Sir, there have been many authoritative voices which have deferred with legislation imposing on other authorities the right to retain data and the legal right to hack or to listen to phone conversation. There is a gentleman, Mr Anderson, QC, who called for an entirely new legislative framework to replace the Act I just mentioned.

In March 2015, the Intelligence and Security Committee of the UK Parliament published a report called “Privacy and Security” which was a modern, transparent legal

framework. The report concluded that the legal framework lacks transparency and highlighted the need to review all this question of interception of bulk powers given with regard to the internet records and so on.

Therefore, my point, Mr Deputy Speaker, Sir, is - I repeat it again - this clause 13 especially is an instance of equipment interference. It is a provision in our law which will authorise hacking. We are requiring web and phone companies to store records of websites visited by every citizen for access by Police and security services. It is in fact a mass surveillance. It makes explicit in the law powers of the security services and Police to hack into computers and phones. It was then that this reviewed UK legislation was adopted in the beginning of this year, the Investigatory Powers Bill, Mr Deputy Speaker, Sir. And one of the objects of this Bill was to bring together powers which were already available to law enforcement and the security and intelligence services to obtain communication and data in different circumstances. Under this new revised law now warrants will have to be delivered. There are other safeguards which have been set up. Authority must be given by a Judicial Commissioner before the warrant can be issued by the Secretary of State. Therefore comes in the element of judicial independence into the authorisation process.

Mr Deputy Speaker, Sir, the point I wish to make is that, as I said, I am ill at ease with this section 12 where I say it again, without any judicial authority in Clause 12 the Minister can give directions to a service provider to retain the data subject to requirements or restrictions as the Minister may determine. I think this is an abusive clause in this Bill and I am really ill at ease with it. I think that this needs to be corrected. Contrary to other clauses of this Bill there is no mention that he may apply to a Judge in Chambers for an order authorising him to do that. There is no safeguard. There is no protection of privacy in this particular clause of section 12. The Minister, once he decides it is the purpose of detection of an offence under this Act, may therefore give such directions to communication service providers or any particular communication service provider to retain data subject to requirements he may determine. To me this is not acceptable, Mr Deputy Speaker, Sir, and this is why I appeal to Government to review this clause to provide safeguard in this particular clause because, as I said, when we go through what is taking place in European countries and the UK itself, we see that there is a different perspective now when we talk about the authority to retain data, Mr Deputy Speaker, Sir.

As I said just now, it is true that the digital world has changed so much, Mr Deputy Speaker, Sir, and there are too many risks. This is intruding into the privacy of people. This is

a mass surveillance. The other clause is a disguised form to the authorities to hack and to bug people's phones or computers and this cannot be tolerated in a democratic country. This is why, Mr Deputy Speaker, Sir, I have reservations with regard to this particular clause of this Bill.

With regard to the constitutional amendment, we have no quarrel with this constitutional amendment, Mr Deputy Speaker, Sir, and we will vote for it. I thank you. I have done.

(Interruptions)

The Deputy Speaker: Hon. Ramful!

(00.21)

Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien): Mr Deputy Speaker, Sir, I understand that I am going to be the last orator for today so I am going to be very brief. I won't keep the House much longer.

Mr Deputy Speaker, Sir, we all agree - and I am not the last one to say this - that when terrorists strike they don't choose your religion, they don't choose your colour, they don't choose your age, they act indiscriminately. This is why I am of the view that this debate should be focused mostly on the need to protect our citizens from such types of acts.

However, although protection of the citizens should be high on the agenda, Mr Deputy Speaker, Sir, I am not going to vote for a Bill, an amendment to the Act, which does not meet the test of constitutionality nor am I going to vote for a Bill which contains provisions that may be used to subject our citizens to abuse. I am going to show how this Bill contains such provisions and I will go straight to Clause 7 which seeks to amend section 6 of the principal Act by adding a new paragraph subsection (3) and it reads as follows –

“A police officer may, without warrant, arrest a person who, in a public place –

(a) wears an item of clothing; or

(b) carries or displays an object,

in such a way or in such circumstances as to arouse reasonable suspicion that he belongs to a proscribed organisation.”

Now, we have in this House Senior Counsels, hon. Gayan is a Senior Counsel and I am glad that the hon. Attorney General is present, we have senior members of the Bar and we all agree that we are governed by our Constitution. We are governed in this country by the

rule of law. And the rule of law says that no one can be arrested for an act unless that act amounts to an offence known to our law. Simple! This is what is provided in our Constitution. I am glad that hon. Rutnah is here, he cited the correct section, but he did not apply the section.

Section 5 subsection (1)(e) -

“No person shall be deprived of his personal liberty save as may be authorised by law –

(e) upon reasonable suspicion of his having committed, or being about to commit, a criminal offence;”

So, clearly if the Act is not an offence, a Police officer whatever his suspicion cannot arrest the person. In a democratic society you can only arrest someone provided he has committed an offence. My question is this: is it an offence? Does section 6 make it an offence for someone to wear an item of clothing or carry or display an object in such a way or in such circumstances as to arouse reasonable suspicion that it belongs to a proscribed organisation? No!

(Interruptions)

The Deputy Speaker: Allow the hon. Member to make his argument!

Mr Ramful: It does not create an offence!

(Interruptions)

Where? Show me!

Where is it stated that the act of me wearing a certain type of clothing or displaying an object that would give reasonable suspicion that I belong to a such type of organisation is an offence? Show me! We are giving Police Officers powers to arrest someone who is doing an innocent act. This is the type of Bill that is coming before this House. We have tried to copy the UK legislation, and this is what the UK legislation provides. I am going to read it –

(Interruptions)

Well, we are copying!

This is what it provides in section 13 of the Terrorism Act -

“(1) A person in a public place commits an offence if he -

(a) wears an item of clothing, or

(b) wears, carries or displays an article,
in such a way or in such circumstances as to arouse reasonable suspicion that
he is a member or supporter of a proscribed organisation.”

Subsection (1) creates an offence. And, then, subsection (2) –

“(2) A constable in Scotland may arrest a person without a warrant if he has
reasonable grounds to suspect that the person is guilty of an offence
under this section.”

So, you have to create the offence first, and then you give powers to the police to arrest the suspect! There is authority! I will request the hon. Attorney General to go and read. I remember there was an amendment that was brought to the Road Traffic Act - I don't know the exact name of the case - where it provided for any person above the age of 60 to go for a medical check-up; otherwise, his licence would be suspended. There was someone whose licence was suspended and he went before the Supreme Court. The Supreme Court stated clearly that, since it was not an offence under the law, the police did not have the power to suspend the licence of the person. So, what are we doing here? We are empowering Police Officers, as if we are saying a Police Officer may arrest someone who is reasonably suspected of drinking alcohol, without making it an offence for someone who is driving a vehicle with a certain degree of alcohol in his blood. This is what we are doing. Clearly! If it does not make it an offence, I don't know what is the purpose of section 6, that is, giving Police Officers powers to arrest someone doing an innocent act or wearing an item of clothing. Well, anyway! This is my first qualm about that amendment.

Second, I would prefer to clause 5, which is amending section 4 of the principal Act and in particular the Offence section, which is section 4(1). It goes as follows –

“(1) Where any 2 or more persons associate for the purpose of, or where an
organisation engages in –

(a) participating (...)

the Judge in Chambers may, on an application made by the Commissioner,
declare the association or organisation to be a proscribed organisation.”

Then, you have section 4(A) -

“(4A) Any person who receives training from, or in any manner participates
in training with, a proscribed organisation shall commit an offence.”

So, it makes it an offence for anyone who receives training or in any manner participates in training with that proscribed organisation. Then, you have subsection 5, which provides -

(Interruptions)

No, leave subsection 4. Subsection 4 of the Act...

(Interruptions)

Yes, someone who belongs to a proscribed organisation. That's okay.

My problem is with subsection 5, which provides for a reversal of the burden of proof. We go back to our Constitution, section 10(7), which provides that –

“No person who is tried for a criminal offence shall be compelled to give evidence at the trial.”

We all know that the prosecution bears the burden of proof in a criminal trial to prove all the elements of the offence. Someone who receives training or who participates in training with a proscribed organisation shall commit an offence. Therefore, one of the elements of that offence would be the receiving of the training or the participating in the training. This is an element of the offence. According to our Constitution, the prosecution bears the burden of proof. Now, what does section 5 provides?

“(5) It shall be a defence for a person charged under subsection (4) or (4A) to prove that –

(b) he had not taken part in the activities of the organisation at any time after it had been declared to be a proscribed organisation.

Or subsection (a) -

“(a) the organisation had not been declared a proscribed organisation at the time he –

(ii) received training from, or in any manner participated in training with, the organisation;”

So, again, we are placing the legal burden on an accused party, for him to come and show that he did not receive training.

(Interruptions)

Well, all the terrorists will go free!

So, it is reversal of the burden of proof, when our Constitution clearly provides that the accused has got a right to silent and that it is for the prosecution to bear the burden of proof. We know that, according to section 125 of IGCA, the prosecution bears the burden to prove each and every element of the offence. Again, this will not meet the constitutional test. Unfortunately!

Now, we have section 12(A) and (B) which provides for –

“Any person who recruits another person so that he belongs to a group or to an organisation knowing that the group or organisation –

(a) is a proscribed organisation;”

Someone who is a member of that organisation recruits a third person. In that particular case, the prosecution bears the legal burden of proving knowledge. This is provided in section 12(A). In section 12(B), Participating in terrorist groups –

“Any person who participates in a group or an organisation, knowing that the group or organisation –

(a) is a proscribed organisation;

The prosecution shall prove knowledge.

Now, my question is: Why is it that in the case of clause 5(4), any person who receives training, there is no need to prove any knowledge? Is it a strict liability offence? I don't understand why in some sections of the law there is a need to prove knowledge, but in others there is no need for the prosecution to prove *mens rea* on the part of the accused. This again, I don't know. It will have to be tested. I don't know why there are such inconsistencies. Maybe, there is an explanation. I will, of course, wait for the next orator to explain.

There is Clause 22C which provides for dissemination of information by the Director. The Director of the Unit has enormous powers. He has the power to request for information from any institution, and that institution would include any Law Enforcement Authority, even from the ICAC, even from the MRA. And we know that ICAC or MRA are in possession of confidential information, even bank statements, bank records etc. Under their respective legislation, even ICAC or MRA needs to have a Judge's Order before receiving those information. Now, this Director, indirectly will have access to those information. And that Director, under the Unit, there will be public officers who are going to work with him and other people. They also will have access to these information. And, surprisingly enough,

there is no confidentiality clause in the legislation. People having access to confidential information, and we have not inserted a confidentiality clause in that legislation. That is another loophole again.

Clearly, as I have said, Mr Deputy Speaker, Sir, I don't see that this piece of legislation is going to meet the test of constitutionality. I have earmarked a few problems, a few legal issues which I believe we will have to wait. These provisions are going to be tested in Court, of course. And this is the main reason why we are not voting this Bill.

Thank you.

Mr Gayan: Mr Deputy Speaker, Sir, I move that the debate be now adjourned.

Mr Sawmynaden rose and seconded.

Question put and agreed to.

Debate adjourned accordingly.

ADJOURNMENT

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun): Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Wednesday 14 December 2016 at 11.30 a.m.

The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo) rose and seconded.

Question put and agreed to.

The Deputy Speaker: The House stands adjourned.

MATTER RAISED

(00.40 a.m.)

NINE-YEAR CONTINUOUS BASIC EDUCATION PROGRAMME - IMPLEMENTATION

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Mr Deputy Speaker, Sir, in the early hours of this morning, I rise to address the House on an issue of national importance. The motion reads as follows –

“The situation in the educational sector with regard to the implementation of the Nine-year Continuous Basic Education Programme.”

As you are aware, Mr Deputy Speaker, Sir, Government has announced the implementation of the nine-year schooling as from next year, in four weeks' time. The implementation of the nine-year schooling! Up to now, unfortunately, there has not been much of a public debate on that issue. Even this House has not had an opportunity to debate such an important issue. Amendment has been made to the Education Act via the Finance Bill. In *catimini*, as I said last time, we have amended. There has not been a proper debate in this House; there has not been even proper debate in public.

(Interruptions)

Not even debate in public and no documentation! We have had only two documents produced. There is this one and the slides which we saw when the Members of Parliament were invited. Those were the only two documents. No debate! This is why today, at such an early hour, I have to raise the issue because there are much confusion outside. There are many *angoisses*, many anxieties and much confusion in the minds of both of the parents, the teachers and most of the stakeholders. As from next year, in January...

(Interruptions)

The hon. Minister tends to agree that there has been no communication. In fact, only this afternoon, she had a Press conference and what did she inform the public? Instead of enlightening members of the public on the issue, this is what is said -

“La ministre de l'Éducation annonce aussi que son ministère se lancera dans une campagne de communication dès la semaine prochaine auprès des parents d'élèves.”

Now that the schools are on holidays, the parents are busy preparing their end of the year! There are no students in schools and it is now that the Minister is going to canvass the parents and students....

(Interruptions)

The Deputy Speaker: Let the hon. Member speak!

Mr Baloomoody: Two weeks before the implementation! Next week, we will be nearly on the 15 and 20 December, schools will start on the 11 January and it's now that the hon. Minister is going to campaign to address the issues! So, like I said, there are so much confusion. Because of the late hour or early hour, I don't intend to go into the whole detail. I might take the opportunity to come back again.

Unfortunately, I must say, there have been many questions asked recently, both by myself and hon. Osman Mahomed, which, unfortunately, due to time have not been answered orally. I have checked at the Library. Last week, myself, I had an important question with regard to the implementation. There has been no answer filed at the Library, up to now! I don't know when it will be done. My question, which I will come later, has not been answered. The question is No. B/1070.

As from next year, there are three Grades which will be involved: Grade I, Grade V and Grade VI. So, let us take one by one. I will limit myself to only these three grades. With regard to Grade I, I understand - from what I have read - that the books and everything are ready. The teachers have been trained and everything are ready, but we have been informed that there will be tablets provided. Tablets will be provided to students of Grades I and II. Are we ready with the tablets? What will be the contents of these tablets? Are all the primary schools connected to IT? Last week, the hon. Minister of Technology, Communication and Innovation replied that: "Unfortunately, not all the primary schools are ready." According to the Union people not all teachers are trained with the contents of the tablets. They don't even know what are the contents of the tablets. Will these tablets be kept at schools or taken home? How far parents have been made aware of the use...

(Interruptions)

If you don't want to listen, go home! There are so many people outside who want to know what is happening....

(Interruptions)

Shut up!

The Deputy Speaker: Hon. Baloomoody!

(Interruptions)

Order! Let him...

Mr Baloomoody: There will be a need for full time.

(Interruptions)

The Deputy Speaker: Hon. Members!

(Interruptions)

Hon. Toussaint!

(Interruptions)

Mr Baloomoody: Touchscreen...

The Deputy Speaker: Hon. Baloomoody, let me just call the House to order. It is 12.49. I think we all want to go home. Let the hon. Member speak, the Minister will reply and then we'll go home.

Mr Baloomoody: Touchscreen is a very natural and initiative way for students to interact with a device. Furthermore, this can be very taxing on the eyesight. In Singapore, there have been regular checks on these young children. There will be a need - what about the administration of these tablets. It will be from people from the MIE. I think it is worthwhile to have a contract administrator on the regional basis.

Now, the hon. Minister, while addressing the House, referred to support teachers and remedial teachers. What are these people, support teachers? Up to now, most of the parents are not aware of who is a support teacher, who is a remedial teacher. There will be only one support teacher in a school.

(Interruptions)

Yes for Grade I. Does this take into account the population of the school in Grade I, the number of schools? If there are 3 classes, there will be only one support teacher? What about the remedial teacher? Have they had a special training to equip them with special skills and competence to deal with learning difficulties in the acquisition of language and especially skills in Mathematics? Now, what about the training itself? How many hours of training have these people done? Are we aware? Have they been trained to detect the learning difficulties of the children? So, all these issues have remained unanswered? This is with regard to Grade I.

Now, let us come to...

(Interruptions)

Non, pas bizin zournalist mwa! Couma twa, pas bizin sa ban zaffaire mwa!

(Interruptions)

Mo fer alcotest are twa la, kit fois to fail la!

Now, what about Grade V in 2017? The Modular Assessment they will have – I asked a question last week, unfortunately, like I said, it has not been answered. So, next year,

students of Grade V will have to take an exam. So, this is the first exam they will take, Modular Assessment in Science, History and Geography. Now, if that student does not get the maximum marks in this year, these marks will be banked at the MES – when we know who is at the head, a political agent. It is a fact, it is a political agent at the MES.

(Interruptions)

It is a proven fact, yes.

Now, if that student at Form V has not received the maximum marks, so he or she will try to get the maximum marks in Grade VI and this will push the child to start taking private tuition to catch up, to get the maximum marks. So, we have already one exam, one pressure at Grade V. Now, when he reaches Grade VI, he takes two exams. One exam in the second term to compete the exam for Science, History and Geography and then he takes the core subjects in November and December. So, these children in Grade V and VI are taking, in fact, three exams. It is an exam because we call them candidates, they receive a certificate. What is more important? It is in that document. The criteria for admission are parental choice, grade/aggregate at the Primary School Achievement Certificate. So, this exam is important for them to have the best regional school.

The Deputy Speaker: Hon. Baloomoody, let me just remind you that you have three minutes left so that the hon. Minister has equal time to reply.

Mr Baloomoody: I have 15 minutes.

The Deputy Speaker: No, you have 3 minutes left.

Mr Baloomoody: No, 15 minutes each.

The Deputy Speaker: Yes

Mr Baloomoody: I have not spoken for 15 minutes.

The Deputy Speaker: You have. The adjourning matter is ending at 1.13 a.m.

Mr Baloomoody: So, we are putting even more pressure on the students as from Grade V. They take one exam in Grade V, two exams in Grade VI and that certificate is important for them to know which school they are going. So, we see that instead of going for the PSAC, it is, in fact, a new copy of what we have actually for the CPE exam. It is just a change of name. The competition will be there, the pressure on the children will be there. Now, what about Prevoc. children? Those who fail the Grade VI, they are supposed to have a

four year course instead of three course before taking the national exam at Standard IX as Grade IX. Now what about the children who do not reach the minimum less per cent, prevoc children who after having done the four years from Grade VI to Grade IX, they repeat the first year, they repeat the first year, they are still less than 30%. So, is there a repetition of Grade VI, if not, it is a four year course? How is it a four course? Where will that child be? In a different class? This is why we are asking questions because people should know, people are asking. When we look at the result yesterday, the school with regard to what we call the ZEP school, the failure is increasing. Generally, only 44% compared to 46% last year who passed.

(Interruptions)

Yes only 7. So, what will happen to these children? There won't be any prevoc? They will go for four years. They don't know what is that course of four years. Are they going to repeat Grade VI? So, these are questions that we have to ask. Unfortunately, time does not allow me to go in other modules. The modules themselves, what is the definition? There is that definition of Communication Skills.

The Deputy Speaker: Hon. Baloomoody, you have one minute left!

Mr Baloomoody: Yes. Communication itself will be a subject in itself and it will be assessed in three subjects: English, French and Oriental language and it is a school based assessment. So, how will it standardise this school based assessment with regard to communication skill. It is not an oral paper. It is a communication skill. Do we have teachers who have been trained to assess in communication skill and do we have a proper syllabus for this communication skill? Are the teachers trained for these issues? So, these are all the issues – there are more issues, but unfortunately, time does not allow me. There are so many issues, but I will come back when we come to secondary school. I am only talking for next year.

The Deputy Speaker: Hon. Baloomoody, it is not correct. It is not that I don't allow you. Time won't allow you. It is late.

Mr Baloomoody: I have said time does not allow me. I have been here for long enough to know how to address the Chair and to be courteous towards the Chair when the Chair is courteous towards us as well.

I am speaking to these three: Grade I, Grade V and Grade VI. I hope that in 15 minutes the hon. Minister can enlighten us or otherwise that she goes public probably, instead of using the TV for political purpose, use the TV for this.

The Deputy Speaker: Okay! Time is up!

Mr Baloomoody: Go there and address the nation...

(Interruptions)

The Deputy Speaker: Hon. Baloomoody, time is up! Hon. Minister!

The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. D. Dookun-Luchoomun): Mr Deputy Speaker Sir, I would like to remind hon. Members that the consultations for the Nine-Year Schooling started as far back as in 2015 and not only did we start with the officials of the Ministry to make sure that everyone gets the real sense of the reforms that we intend to implement, we went to the teachers, we went to the parents, we talked to the Managers. I even took the pain of having a consultation with all the Members of the Parliament, Government and Opposition sides, to make sure that initially everyone knows where we are heading.

Having said that, Mr Deputy Speaker, Sir, consultations have been going on throughout the years 2015 and 2016. At the level of the Ministry I will state now where matters stand with regard to the implementation of the programme and I had intended to give a statement in the Parliament but because the hon. Member had raised a specific matter I refrained from presenting the statement and I decided to answer to the hon. Member's query.

(Interruptions)

This is what we decided to do.

(Interruptions)

Mr Deputy Speaker, Sir...

(Interruptions)

The Deputy Speaker: Let the hon. Minister speak!

Mrs Dookun-Luchoomun: Let me now come to the process.

As everyone is aware, the reform was a measure announced in the Government Programme. The Budget that has been passed recently provides for the resources for that process. I must say that the reform aims at providing equitable learning opportunities to all children with none being left behind and ensuring that the foundation is laid for our youth to be able to build upon and successfully hold their own against the best in the world.

Structurally, the nine-year of continuous basic education refers to pupils staying for six years in the primary schools before they move on to regional secondary schools where they complete the remaining three years of the NYS cycle. Subsequently, they continue their schooling for the remaining years either in the same regional school or an academy and the secondary schooling will thus consist of the Lower (Grades 7 to 9) and Upper secondary (Grades 10 to 13).

Necessary amendments have been brought, as we all know, to the Education Act to enable the implementation of the reform and to provide for the new education structure and as well for the transitional arrangements. Allow me, Mr Deputy Speaker, Sir, to quickly spell out the main changes that are being brought to our education system -

- (i) right from Grade 1, we are introducing the Primary School Readiness Programme that will help to facilitate the transition of pupils from the pre-primary to the primary level. At the pre-primary level, the learner's profile will be prepared and this will be handed over to the parents. The teacher in the Grade 1 will have to follow the students and ensure that they are all ready before she starts the Grade 1 curriculum;
- (ii) talking about the Early Support Programme that starts from Grade 1, it seeks to address the learning difficulties of pupils identified at the very start and hence reduce the learning gaps. For this purpose, Support Teachers have been recruited and trained. This programme will be planned and developed by both the Class Teachers and the Support Teachers, the remediation. The Support Teachers will subsequently use innovative pedagogies to address shortcomings identified;
- (iii) while not neglecting the cognitive development of learners, the reform emphasises on their holistic development, with focus on their socio-emotional well-being, physical development, creative, intuitive and aesthetic potentials;
- (iv) another major change is at the level of assessment - at the end of Grade 6 in 2017, pupils will sit for the first time for the Primary School Achievement Certificate (PSAC). The first PSAC assessment will consist of –
 - (a) a written assessment in the core subjects. When we talk about the core subjects we are talking about English, Maths, French, Science, History

and Geography and an optional language, it can be Arabic, Asian, Kreol Morisien and any other;

- (b) the school-based assessment will relate only to non-core learning areas. The first non-core learning area will be the communication skills. Here, the level of competencies attained will be defined as basic, intermediate or proficient.

As far as the assessment is concerned, the papers have already been gazetted in the annual programme for PSAC. The teachers have been trained and the syllabus and the assessment criteria well established. We are introducing the modular assessment for two subjects namely History & Geography and Science. This will enable students to concentrate on a limited amount of the subject content assessed at a given time. This approach is the first step towards continuous assessment.

As far as the mode of admission is concerned after Grade 6, the NYCBE advocates that all learners move to Grade 7 through a regional mode of admission based on the following criteria –

- parental choice;
- grade aggregate, and
- proximity of residence.

As it will be seen, we are not changing the existing criteria for transition to Grade 7 in regional secondary schools and all students will move on to Grade 7. Students showing a slower pace of learning will be offered the possibility for an extended stream of four-year to complete Grades 7 to 9. They will be provided with additional pedagogical support.

As for the existing National Colleges, none of them will admit students to Grade 7 as from January 2018. 12 of the national schools will be converted into Academies. These will admit students only as from Grade 10 (the current Form IV) as from 2021. Admission to these Academies will be done on a national basis.

Mr Deputy Speaker, Sir, we have now reached an important stage in the implementation process and I shall highlight some of the measures that have already been taken. Major regulatory changes/adjustments have been made. The Education (Amendment) Regulations and Private Secondary Schools (Amendment) Regulations were promulgated on 21 November 2015 to meet the 2-year notice requirement for the organisation and conduct of

the PSAC assessment in 2017. The mode of admission to Grade 7 in 2018 and related transitional arrangements have already been made. The new education structure will be operational on 01 January 2017 and I refer to Government Notices Nos. 227 and 228 of 2015. Equally, a new annual programme for PSAC 2017 was gazetted in 2015 for the introduction of the new assessment in 2017.

As for the curriculum, Grades 1 to 6 curriculum has been reviewed after due consultations with stakeholders, educators, inspectors, resulting in the elaboration of a new National Curriculum Framework. Textbooks for Grades 1 to 6 have been prepared and are currently being distributed to schools. A new National Curriculum Framework for Grades 7 to 9 is being finalised on the basis of which new textbooks will be prepared for year 2018. The curriculum will ensure a continuum with communication skills, creativity and innovation occupying a prominent status in the new National Curriculum Framework.

Assessment - As I stated earlier, the CPE will be replaced by the PSAC. Progress in preparing the PSAC 2017 has been achieved in terms of design and format of question papers, assessment syllabi which have been included in the Annual Programme for the PSAC and an Annual Programme which itself was gazetted at the end of 2015.

Training - In line with the implementation of the reform, a comprehensive training plan has been worked out for all Primary School Educators, Headmasters, Deputy Headmasters, Deputy Head Teachers, Inspectors, Educators for Holistic Education, Support Teachers and ICT Support Officers.

In-service training had already started since November 2015 –

- 2,395 Educators of Grades 1 to 5 have been trained;
- 750 Headmasters, Deputy Headmasters, Inspectors and Asian language teachers have been trained, mentors as well.
- As for Rodrigues, 210 Educators, Headmasters, Deputy Headmasters and Inspectors have been trained and workshops are being carried out there also.

Moreover, a plan has been worked out for further structured training during the months of November and December 2016 for –

- Grades 5 and 6 Educators on new curriculum materials, communication skills, modular assessment and the specimen papers;

- 146 ICT Support Officers are being trained on the new curriculum materials and assessment and ICT Skills;
- Inspectors, Supervisors and Assistant Supervisors on Early Support Programme are being trained on the remediation process, but also on the Digital Learning Programme;
- 718 Educators of *Kreol Morisien* are being trained on communication skills, and
- 1,230 Educators of Asian Languages, Arabic and Mandarin are also being trained on communication skills.

It is also to be noted that Educators from the private fee-paying primary schools have also been asked to attend the courses organised by the MIE and the MES. We are also having two more workshops early next week for heads of primary schools, both private and public, to make sure that everybody is on the same page prior to the resumption of schools in 2017.

On the other hand, a recruitment exercise has been initiated -

- during 2016, 40 Educators were recruited, at the first stage, for Early Support Programme and then an additional 51 Educators have been recruited in October for the same process. They are being trained by the MIE;
- the services of 259 Educators for Holistic Education Programme have also been enlisted to teach health, physical education, civic values, road safety, music, dance, painting and drama;

The Deputy Speaker: Hon. Minister, I am sorry to interrupt. There is one minute left.

Mrs Dookun-Luchoomun: Okay, I'll finish it in time.

I would like to inform the House that the recruitment of 340 Trainee Educators is currently in the process at the PSC. In the Pipeline, Mr Deputy Speaker, Sir, this Reform Programme is quite extensive and comprises a whole set of components since it is geared towards preparing our children for the future.

Hence, for the first time, the Early Digital Learning Programme is being put on rails in the first quarter of 2017. This programme will provide tablets to children of Grades I and 2 with the support of the Government of India. This is mainly because we want to make sure that equity prevails.

Digitised course material will be uploaded in these tablets for equitable learning opportunities to all children.

Thank you, Mr Deputy Speaker, Sir.

At 1.10 a.m. the Assembly was, on its rising, adjourned to Wednesday 14 December at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

MAURITIUS POLICE FORCE - REFORM & MODERNISATION

(No. B/1098) Mr R. Rutnah (Third Member for Piton & Rivière du Rempart) asked the Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the proposed reform and modernization of the Mauritius Police Force, he will state when it is proposed to introduce the Police and Criminal Evidence Bill in the Assembly.

(Reply not available)

INTERNATIONAL CRIMINAL COURT – AFRICAN UNION STAND

(No. B/1100) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the *Cour Pénale Internationale*, he will state –

- (a) if he is aware of any African initiative as to the recognition thereof, and
- (b) the stand of Government in relation thereto.

Reply: I am informed that since 2009, the African Union has expressed concern that the International Criminal Court (ICC) is unfairly targeting the continent through the alleged misuse of indictments against African leaders. Thus, in July 2009, a resolution was adopted by the African Union calling for ICC Member States of the African Region not to cooperate in the arrest of the Sudanese President against whom an International Arrest warrant was issued.

The situation got worse following the indictment of the current Kenyan President Kenyatta and his Deputy. As such an Extraordinary Summit of the AU was held on 12 October 2013 under the theme “Africa’s relation with the ICC”, during which Member States agreed that sitting Heads of State and other senior State officials of Africa should not be tried

or continued to be tried in front of the ICC during their tenure in Office, in accordance with national laws and international customary laws.

A decision was also taken to fast-track the process of expanding the mandate of the African Court of Justice and Human Rights to try international crimes such as genocide, crimes against humanity and war crimes. Thus, in June 2014, the AU approved the Malabo Protocol to create an International Criminal Law Section in the African Court of Justice to investigate and prosecute international and other crimes, while still allowing immunity to Heads of State and senior Government officials. In so doing, the AU would no more recognise the ICC and would have its own court for International Criminal Justice.

The Protocol has not yet entered into force as it has not yet obtained 15 instruments of ratification. As at date, there are only nine signatories to the Protocol and Mauritius has not signed same.

During the June 2015 AU Summit, an open-ended Ministerial Committee was formed with the mandate to ensure the implementation of previous decisions of the AU on the ICC and one amongst its Term of Reference was to develop a Comprehensive Strategy on the ICC, including the option of collective withdrawal from the ICC.

However, during the July 2016 Summit in Kigali no firm call for mass withdrawal by African Member States from the ICC was obtained. The work of the open-ended Ministerial Committee is ongoing and an AU High Level Retreat on the ICC will be convened from 06 to 07 December 2016 in Addis Ababa to further discuss the matter.

Mauritius has so far always conveyed its strong and unflinching support to the ICC and its commitment to combat impunity for serious human rights violations in international fora and has, in this connection, domesticated the Rome Statute through the International Criminal Court Act, which came into operation on 15 January 2012.

Mauritius is committed to upholding the rule of law as a party to the Rome Statute. However, in case the AU Assembly takes a decision for the collective withdrawal of African States from the ICC, a decision will have to be taken as to whether to follow the recommendation or not. But as matters stand, no decision has yet been taken at the AU level.

Mauritius will be hosting the inaugural session of the African Economic Platform, one of the flagship projects under Agenda 2063, in March 2017.

The creation of the African Economic Platform constitutes one of the twelve flagship projects adopted in June 2015 in the first ten-year plan for the implementation of Agenda 2063.

The decision to host the African Economic Platform in Mauritius by the AU is in line with the theme “A new era of development” of the 2016/2017 Budget and the principles of our Vision 2030 for an expanded Africa strategy.

As far as the invitation to attend the Platform is concerned, it is an established practice at the level of the African Union for invitations to be extended to all Heads of Member States. Since this is an African Union event, invitations have been issued to all AU Heads of State and Government, including to the Sudanese President, Mr Omar Hassan Ahmad Al Bashir.

DRIVING SCHOOLS & DRIVING INSTRUCTORS – LICENCE – APPLICATION

(No. B/1101) Mr A. Ganoo (First Member for Savanne & Black River) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the driving schools and instructors, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the number of applications for the issue of a driving school licence and of an instructor’s licence respectively which are presently pending, indicating the –
 - (i) procedure for the processing and granting thereof, and
 - (ii) number of driving instructors presently operating, and
- (b) if consideration is being given for a review of the Road Traffic(Driving School and Instructors) Licence Regulations of 1966.

Reply: Concerning part (a) of the question, I am informed by the Commissioner of Police that as at 01 December 2016, 244 applications for the issue of a driving school licence and driving instructors’ licence are pending.

The procedures for the processing and granting the licences are as follows –

- (a) A person applying for a driving school and instructors’ licence has to submit an application to the Commissioner of Police, satisfying the following conditions –
 - (i) He should have at least five years’ experience in the driving of motor vehicles;
 - (ii) He should have sufficient knowledge of the highway code and be able to explain to any pupil the contents and meaning thereof, and

- (iii) He should be of good character.
- (b) The applications are forwarded to the Traffic Branch for processing;
- (c) An enquiry on the person is carried out following which an advanced driving test is held;
- (d) Upon an applicant passing the test, a site visit is effected to ensure that the building to be used by him as driving school meets the requirements under the Road Traffic (Driving Schools and Instructor's Licence) Regulations 1966. The applicant has to acquire a dual control car, in good condition and approved by the Commissioner of Police, to be used for the purpose of teaching driving;
- (e) The Applicant should submit the school's curriculum of teaching to be approved by the Commissioner of Police, and
- (f) The successful candidate has to satisfy the conditions imposed under the Road Traffic (Driving Schools and Instructors Licence) Regulations 1966 before any such licence is granted to the applicant by the Commissioner of Police.

As regards part (a) (ii) of the question, 144 driving instructors are presently licensed to operate.

With regard to part (b) of the question, I am informed by the Ministry of Public Infrastructure and Land Transport that the Road Traffic (Driving Schools and Instructors) Regulations are being reviewed and are being split into two new regulations cater for driving schools and driving instructors separately.

The proposed new Road Traffic (Driving School) Regulations will take into account the setting up of different categories of driving schools for different motor vehicle types including '*moto-écoles*', while the proposed new Road Traffic (Driving Instructors) Regulations will provide for driving instructors to undergo theory, practical and instructional ability tests.

I understand that the regulations are being finalised and would be gazetted by 31 January 2017.

INTERNATIONAL CRIMINAL COURT (ICC) – AFRICAN COUNTRIES - MEMBERSHIP

(No. B/1102) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the resolution/decision of the African Union regarding the membership of the African countries to the International Criminal Court (ICC), he will state the stand of Mauritius in relation thereto, indicating the stand Mauritius will take with regard to inviting the President of the Republic of Sudan who has been indicted by the ICC and against whom an international warrant of arrest has been issued, to participate in the African Economic Platform to be held in Mauritius in March 2017.

(Vide reply to PQ No. B/1100)

POLICE OFFICERS - RISK ALLOWANCE & FINANCIAL REWARDS

(No. B/1103) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Police Officers, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the total amount of money paid thereto in terms of risk allowance and/or financial rewards since 2015 to date, indicating the –

- (a) mode of calculation thereof, and
- (b) if consideration will be given for the granting of additional incentives/benefits to the Police Officers posted at the Anti-Drug and Smuggling Unit and at the Central Criminal Investigation Department respectively in view of the nature of the work Thereat.

Reply: I am informed by the Commissioner of Police that a total amount of Rs147.4 m. has been paid as Risk Allowance and Financial Rewards to Police Officers for the period January 2015 to November 2016.

In regard to part (a) of the question, I am informed that payment of Risk Allowance is effected to Police Officers in accordance with paragraph 14.2.46 of the Pay Research Bureau Report 2016.

Concerning part (b) of the question, I am informed by the Commissioner of Police that the Pay Research Bureau has taken into account the nature of duties performed by officers posted at ADSU and CCID while determining the quantum of Risk Allowance payable to them. It is to be pointed out that ADSU Officers are already drawing the

appropriate Risk Allowance commensurate with the nature of the risks associated with their duties.

Accordingly, the necessity for any additional incentive or benefit will be considered by the Pay Research Bureau at the appropriate time.

COMMISSION ON THE PREROGATIVE OF MERCY – CHAIRPERSON & MEMBERS

(No. B/1104) Mr G. Lesjongard (Second Member for Savanne & Black River) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Commission on the Prerogative of Mercy, he will, for the benefit of the House, obtain therefrom, information as to the –

- (a) names of the Chairperson and of the Members thereof, and
- (b) number of cases dealt with by the Commission since 2010 to date.

Reply: Section 75(2) of the Constitution provides for the establishment of a Commission on the Prerogative of Mercy consisting of a Chairman and not less than two other members appointed by the President, acting in his own deliberate judgement.

In regard to part (a) of the question, I am informed that the current composition of the Commission is as follows –

- Chairman - Sir Victor Joseph Patrick Glover, KT, GOSK
- Members - Mrs Aline Wong-Bossard, MSK;
Mrs Shadmeene Mootien;
Mr Yuvraj Thacoor, and
Mr Shameer Mohuddy.

Concerning part (b) of the question and question B/1105, the information asked for is being compiled as same relates to cases over a period of about six years.

I wish to inform the House that the Commission on the Prerogative of Mercy was previously operating on an *ad hoc* basis. Since 21 September 2015, it has been provided with adequate resources for its operation. Its secretariat is now based at the State House and has a full time personnel.

COMMISSION ON THE PREROGATIVE OF MERCY – PETITIONS

(No. B/1105 Mr G. Lesjongard (Second Member for Savanne & Black River))

asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the Commission on the Prerogative of Mercy, he will, for the benefit of the House, obtain therefrom, information as to the number of petitions filed therewith regarding respite and substitution for lesser sentence or remittance of punishment since 2010 to date, indicating the number thereof that have been successful, further indicating the number thereof which are related to imprisonment for drug trafficking offences.

(Vide reply to PQ No. B/1104)

PRISONS – CCTV CAMERAS & MOBILE PHONE JAMMERS

(No. B/1106) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien)

asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to each of the prisons, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to the total number of detainees and prisoners respectively who can be accommodated thereat, indicating –

- (a) the number thereof who are presently accommodated thereat;
- (b) if all the cameras of the Closed Circuit Television Cameras Surveillance System installed thereat are presently operational and, if not, indicate if urgent remedial measures will be taken in relation thereto, and
- (c) if mobile jammers are installed thereat and, if so, indicate if they are operational and, if not, why not.

Reply: I am informed by the Commissioner of Prisons that the Prisons Department is managing eight prisons in Mauritius and is overseeing one in Rodrigues. These prisons can accommodate a total of 1,162 detainees and 1,968 prisoners. As at 02 December 2016, there were 765 detainees and 1,407 prisoners in these prisons. The detailed information in respect of each prison is being tabled.

As regards part (b) of the question, I am informed that there are 1,157 cameras installed in the eight prisons. In four prisons, all CCTV cameras are operational. In the other four prisons, 158 cameras are defective.

The remedial measures taken to repair the defective cameras are as follows –

- (a) the suppliers have been requested to repair the faulty cameras at the Petit Verger Prison and the Eastern High Security Prison;
- (b) the old CCTV systems installed at the Central Prison and the New Wing Prison in Beau Bassin in 2002 will be replaced by the latest technology as the old system requires excessive maintenance costs. Actions are being initiated for the acquisition of a new CCTV Camera system for these prisons.

Regarding part (c) of the question, I am informed by the Commissioner of Prisons that mobile phone jammers have been installed at the Central Prison Beau Bassin and the Eastern High Security Prison, Melrose only. The mobile phone jammers are in good working conditions and are operational.

However, with new technology, the possibility for communication to still get through cannot be discarded.

HELICOPTER DHRUV – OPERATIONAL

(No. B/1107 Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the helicopter 'Dhruv', he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if it has recently been involved in an incident which has resulted in a breakdown thereof and, if so, indicate –

- (a) the circumstances thereof;
- (b) the value of the damages caused, and
- (c) when it will be operational anew.

Reply: I am informed by the Commissioner of Police that on 22 November 2016, he received a report from the Commanding Officer of the Police Helicopter Squadron reported on an incident which occurred on 16 November 2016, during which one of the two engines of the Dhruv helicopter was damaged.

In regard to part (a) of the question, I am informed that according to the report of the Commanding Officer of the Police Helicopter Squadron whilst a pre-extension test was being carried out on the fuel pump of the right engine of the helicopter, flame came out from the engine. The engine was immediately switched off and the flame subdued. Since that incident, Dhruv helicopter has been non-operational.

I understand that in view of the seriousness of the matter, the Commissioner of Police has requested the CCID to initiate an enquiry into the exact circumstances which led to the incident and the enquiry is in progress.

In regard to parts (b) and (c) of the question, I am informed that following the incident, the manufacturer of the helicopter, Messrs Hindustan Aeronautics Ltd. has been approached by the Commanding Officer of the Police Helicopter Squadron. The company has estimated the cost of repairs to the engine to be around Rs5.4 m. The repair works will last about six months. However, in order to minimise the downtime of the helicopter, arrangements are being made by the Police with the firm Hindustan Aeronautics Ltd. for a replacement engine to be put at the disposal of the Police Helicopter Squadron, on lease at the cost of Rs150,000 per month.

I am given to understand that the replacement engine will be sent to Mauritius this week itself and the helicopter is expected to be operational anew by end of second week of December 2016.

MOTOR VEHICLES - PURCHASE - MINISTERS

(No. B/1127) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Minister of Finance and Economic Development whether, in regard to the purchase of motor vehicles for use by the Prime Minister, Deputy Prime Minister, Vice-Prime Ministers and other Honourable Ministers, he will state, in each case and for each of the years 2015 and 2016 respectively, the –

- (a) value thereof
- (b) make thereof
- (c) engine capacity thereof and,
- (d) procurement method used therefor

(Reply not available)

COMMISSION OF ENQUIRY - ACQUISITIVE PRESCRIPTION

(No. B/1135) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes) asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the

report of the Commission of Inquiry on Prescription, he will state when the new legislation in relation thereto is expected to be introduced in the House.

Reply: I wish to inform the House that the report of the Commission of Enquiry on Acquisitive Prescription 2013 recommended changes in the procedures leading to acquisitive prescription with a view to providing better protection to lawful owners and prevent ill-intentioned people to make appropriation of land which does not belong to them.

I also wish to point out that presently, all prescriptions have been suspended.

Recommendations were made to, *inter alia* -

- (1) repeal the Affidavits of Prescription Act (1908) and come up with a Land Council Act;
- (2) amend the Cadastral Survey Act (2011);
- (3) amend and proclaim the Professional Land Surveyors' Council Act (2014), and
- (4) amend a number of other legislations –
 - the Transcription and Mortgage Act 1982,
 - Land (Duties and Taxes) Act 1984,
 - The District and Intermediate Courts (Criminal Jurisdiction) Act 1988,
 - Local Government Act 2011,
 - Registration Duty Act,
 - Bank of Mauritius Act 2004,
 - Financial Services Act 2007,
 - Waqf Act 1941,
 - Legal Aid Act,
 - Supreme Court,
 - Curator of Vacant Estates,
 - Civil Code.

My Ministry has set up an in-house Committee under the Chairpersonship of the Chief Technical Officer to work on these amendments to existing Regulations and Laws and on the introduction of new Legislation; if so required.

The Committee has already submitted its recommendations and these have been submitted to the State Law Office.

MAURITIUS CONTAINER TERMINAL QUAY PROJECT - CONTRACT

(No. B/1136) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Deputy Prime Minister, Minister of Tourism and External Communications whether, in regard to the Mauritius Container Terminal Quay Project initiated by the Mauritius Ports Authority, he will, for the benefit of the House, obtain from the Authority, information as to where matters stand as to the proposed extension and strengthening thereof, indicating to whom the contract for the dredging in the port basin and access channel thereat has been awarded and the date the said contract was awarded.

Reply: I am informed by the Director-General of the Mauritius Ports Authority that the Authority is undertaking the project for the extension and strengthening of its quay at the Mauritius Container Terminal at Mer Rouge, Port Louis. The different components of the project are -

- (i). Construction of Bunds;
- (ii). Extension of the Mauritius Container Terminal Quay by 240 metres;
- (iii). Expansion of the Container Stacking Yard by 7.5 hectares;
- (iv). Strengthening of the 560 metres long existing Mauritius Container Terminal Quay; and
- (v). Dredging works to deepen the navigational channel and associated land reclamation works.

The various components of the project are being implemented under three contract packages, namely the construction of Bunds package, the Marine and Civil works package and the Dredging works package.

The project is at different stages of implementation. The construction of the Bund has been completed in December 2014. The works under the Marine and Civil works package are ongoing. The extension of the Mauritius Container Terminal Quay by 240 metres and the expansion of the Container Stacking Yard by 7.5 hectares have been completed in June 2016. The strengthening of the 560 metres long container terminal is scheduled to be completed in October 2017.

In regard to the dredging works, the contract was awarded after a second tender exercise by the Central Procurement Board, on 26 September 2016, to the contractor Dredging International N.V. The contractor has started mobilisation of personnel, plant and equipment, and works will start by first week of January 2017. The scheduled completion date of the project is April 2017.

MAURITIUS PROFESSIONAL FOOTBALL LEAGUE – FINANCIAL SUPPORT

(No. B/1137) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the financial support of Rs26 m. disbursed by Government for financial year 2016-2017 to the Mauritius Professional Football League (MPFL) for the organization of the Professional Football League, he will, for the benefit of the House, obtain from the MPFL, information as to how same has been/is being spent.

Reply: I have to inform the House that the financial support of Rs26 m. allocated to the Mauritius Professional Football League (MPFL) for the financial year 2016-2017 is meant for payment of salaries to football players of clubs forming part of the professional league.

Out of the Rs26 m., Rs14 m. has already been released to MPFL to enable it to pay salaries for period ending December 2016 including the end of year bonus.

The remaining Rs12 m. will be used for payment of salaries for period January to June 2017.

CEB - COMPACT FLUORESCENT LAMPS - PROCUREMENT

(No. B/1138) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the procurement of Compact Fluorescent Lamps (CFL) in 2013, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the –

(a) total contract value thereof and

(b) name and qualifications of the then General Manager of the Board.

(Withdrawn)

BLOOD BANK – DISTRIBUTION & DISPOSAL

(No. B/1139) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE) asked the Minister of Health and Quality of Life whether, in regard to the supply of blood, he will state –

- (a) the process through which the stock thereof in the Blood Bank is cumulated and distributed/disposed of, indicating if any sum is charged for the supply of blood therefrom to private hospitals and clinics, and
- (b) if he is aware of the amount of money private operators charge, on average, in respect of a pint of blood.

(Withdrawn)

HOSPITALS – ELDERLY PERSONS – EYESIGHT TESTS

(No. B/1140) Mr D. Sesungkur (First Member for Montagne Blanche & GRSE) asked the Minister of Health and Quality of Life whether, in regard to the elderly persons aged over 60, he will state the number thereof who have undergone eyesight tests over the past three years in the public hospitals, indicating –

- (a) the proportion thereof having been diagnosed with defective eyesight, and
- (b) if it has been established that the trend for defective eyesight amongst the elderly is on the increase and, if so, indicate the actions taken by his Ministry in relation thereto, if any.

(Withdrawn)

LIVE CATTLE - IMPORTATION

(No. B/1141) Mr E .Jhuboo (Third Member for Savanne & Black River) asked the Minister of Agro-Industry and Food Security whether, in regard to the importation of live cattle, goats and muttons from Rodrigues for the end of year period, he will, for the benefit of the House, obtain from the Mauritius Meat Authority, information as to the –

- (a) bio security norms that will be put in place to prevent infected animals therefrom, if any, from entering mainland Mauritius and
- (b) number thereof that will be imported.

Reply: Following the outbreak of the Foot and Mouth Disease in Rodrigues in July/August this year, Government decided to freeze the importation of live cattle, goats and

sheep from the island until such time that the sanitary conditions would improve and the risks of the disease recurring would be minimised.

My Ministry has received a number of requests from local importers including the Mauritius Meat Authority for the importation of live goats and sheep from Rodrigues to meet the demand for such meat on the local market for the end of the year festivities.

These requests are under consideration and a Veterinary Officer of my Ministry has been delegated to collect blood samples of animals in Rodrigues for testing to ascertain whether they are free from the FMD virus.

In case importation will be authorised, necessary bio-security norms will be put in place to prevent infected animals from entering Mauritius. A list of these norms is being tabled.

Regarding part (b) of the question, the quantity of animals that can be imported will depend on the availability of space on the vessel to accommodate such cargo and the number of voyages programmed up to the end of December.

The House may wish to note that my Ministry has issued import permits to some importers including the Mauritius Meat Authority for the importation of live goats and sheep by air from South Africa to cater for the demand in December.

LES GRANDES SALINES - HFO TANK FARM AND ASSOCIATED PIPELINE PROJECT - EIA LICENCE

(No. B/1142) Mr P. Armance First Member for GRNW & Port Louis West) asked the Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management whether, in regard to the implementation of a new HFO tank farm and Associated Pipeline Project at Les Grandes Salines, he will state if-

- (a) an Environment Impact Assessment Licence therefor has been issued and, if so, indicate the
 - (i) date of issue thereof and
 - (ii) terms and conditions thereof, and

- (b) his Ministry is in presence of petitions emanating from the inhabitants of Bain des Dames and of the vicinity thereof objecting to the implementation of the said project and, if so, indicate the actions taken in relation thereto, if any.

Reply: I am informed that an Environmental Impact Assessment (EIA) licence was issued to the Central Electricity Board on 30 September 2013, in respect of the Construction of a new Heavy Fuel Oil (HFO) Tank Farm and Associated Pipeline at Les Grandes Salines.

The EIA licence was issued with 25 conditions. I am herewith tabling same.

As regards part (b) of the question, I would like to refer the hon. Member to the reply made to PQ B/1025 of 29 November 2016.

My Ministry has also received a petition from *Regrupma Travayer Socyal* dated 11 November 2016 in connection with the project.

Moreover, I am also informed that a site visit was undertaken on 02 December 2016 by officials of my Ministry where it was noted that all earth moving and compaction works have been completed and the erection of fuel storage tanks were around 50% completed. These structural works do not entail significant noise and vibration, and also no environmental nuisances were noted at time of the site visit.

My Ministry will undertake regular monitoring to ascertain that all the 25 conditions of the EIA licence are complied with.

PAILLES BRANCH ROAD - FOOTPATH

(No. B/1143) (Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Grand River North West Road in Pailles, he will state if consideration will be given for the provision of a new footpath along same, at the level of the Pailles Junction Road to the St Vincent de Paul Avenue.

Reply: I am informed by the Road Development Authority (RDA) that the Pailles Branch Road (B77) extends from its junction with M1 at Grewals Underpass through Pailles to its junction with A1 at Grand River North West over an approximate distance of 3.5 km.

I am also informed that construction of footpath over a length of 600 m along Pailles Branch Road (B77) in the vicinity of the school has recently been completed in June 2016 and the project has cost Rs 1.9M.

Moreover, in view of the significant pedestrian flow in the region and to enhance the road safety of the public, the RDA is proceeding with the construction of an additional stretch

of 300 m of footpath along Pailles Branch Road (B77) starting from its junction with Vincent De Paul Avenue towards the Port Louis St Jean Road at A1.

Works Order to the tune of MUR 3.4M has been issued and works are scheduled to start this week and expected to be completed by mid-March 2017.

ALBION - OFFSHORE OIL REFINERY

(No. B/1144) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to the project for the implementation of an Offshore Oil Refinery, he will state -

(a) if a prior feasibility study thereof has been carried out and, if so, indicate

—

(i) when, and

(ii) the names of the consultants therefor, and

(b) how and why the site of Albion was chosen to house the facility in connection therewith.

(Withdrawn)

BATIMARAIS - “LONGÈRES” - SQUATTERS

(No. B/1145) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac) asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the “Longères” found at Batimaraïs, he will state the measures being contemplated for the eviction of the illegal occupiers thereof, especially, following the complaints recently made by the inhabitants living in the locality after the occurrences of violence, on or about 30 October 2016 thereat.

Reply: The cases of the two occupiers found at Batimaraïs were under consideration for regularisation according to my Ministry’s policy to regularise all pre-July 2015 residential squatters until a petition dated 26 July 2015 and signed by 80 inhabitants of Batimaraïs was received, requesting the eviction of the two occupiers and their families from the “Longères”.

Further to the petition, my Ministry has initiated action to relocate the two squatters to Surinam where land is available.

SOUILLAC – FISHERMEN CARD

(No. B/1146) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac) asked the Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands whether, in regard to the fishermen residing in the village of Souillac, he will state –

- (a) where matters stand as to the issue thereto of the Fisherman Card, and
 - (b) if consideration is being given for the –
 - (i) repair/replacement of the Fishing Aggregate Device situated thereat and, if so, when, and
 - (ii) installation thereat of a Fisheries Post and, if so, when and, if not, why not.

Reply: Regarding part (a) of the question, I wish to inform the House that there are 33 registered fishermen who report their catch at the Souillac Fish Landing Station, situated at Le Batelage.

I am informed that 18 new applications for fishermen card have been received in respect of the village of Souillac.

As part of the process for the registration of a professional artisanal fisherman, my Ministry, in collaboration with fishermen associations, has undertaken a due diligence exercise in order to ascertain the genuineness of the applications.

I am further informed that none of the 18 applicants at Souillac have met the eligibility criteria for the issuance of a fishermen registration card.

Regarding part (b) (i) of the question, I wish to inform the House that the Fish Aggregating Device located off-lagoon at Souillac was replaced on 01 November 2016.

Regarding part (b) (ii) of the question, the installation of a new Fisheries Post at Souillac is not justified at this stage because there is already a Fisheries Post at Riambel, which is less than 2 kms from Souillac, and caters for fishermen in the region of Riambel, St. Felix and Souillac Fish Landing Stations.

CAMP TAGORE – VRS MORCELLEMENT - FLOODING

(No. B/1147) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac) asked the Minister of Agro-Industry and Food Security whether, in regard to the flooding problems occurring in the New Morcellement Voluntary Retirement Scheme, Camp Tagore, in l'Escalier, which are caused, *inter alia*, by flows of muddy water emanating from the adjoining sugar cane fields belonging to the Omnicane and/or ENL Estates, he will state if his Ministry will consider taking up the matter with the said Estates with a view to finding a solution thereto.

Reply: I am informed by the Mauritius Cane Industry Authority that the problem of flooding at the VRS Morcellement at Camp Tagore, L'Escalier was raised with ENL Land and the latter has indicated that appropriate drainage system was put in place at the said morcellement in line with the requirements of the Road Development Authority and the Savanne District Council.

I am also advised that a meeting was recently held between representatives of the National Development Unit, the Road Development Authority and ENL Land to discuss the issue of flooding. No particular problem was attributed to ENL Land.

According to information gathered by the MCIA, the flooding problem may be caused by lack of rain water drainage at Grand Bois/L'Escalier link road and the obstruction of the natural drains at Ruisseau Bonne Source by planters.

I propose to meet all the stakeholders to find an appropriate solution to the flooding problem at Camp Tagore, L'Escalier.

SCHOOLS - RAINWATER HARVESTING SYSTEM

(No. B/1148) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac) asked the Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management whether, in regard to the project of rainwater harvesting in schools, he will state where matters stand as to the implementation thereof.

Reply: As at 06 December 2016, the applications for 168 sites have been approved by the Ministry, including for 77 schools.

Out of the 77 schools, the Rainwater Harvesting System has already been implemented in 10 schools. The remaining 67 schools are expected to be completed by the end of the Financial Year 2016/2017.

CAMP FOUQUEREAUX, HIGHLANDS, HERMITAGE & CINQ ARPENTS - POWER CUTS

(No. B/1149) Mr G. Lesjongard (Second Member for Savanne & Black River) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to Camp Fouquereaux, Highlands, Hermitage and Cinq Arpents, he will, for the benefit of the

House, obtain from the Central Electricity Board, information as to the number of unscheduled power cuts, including micro cuts on the electricity network supply thereof, since 2013 to date.

Reply: I am informed by the Central Electricity Board that the Camp Fouquereaux, Highlands, Hermitage and Cinq Arpents regions are supplied from a main line, known as Wootton-Cote D'Or feeder.

The CEB has recorded faults as follows –

- 5 in 2013;
- 0 in 2014;
- 4 in 2015, and
- 3 in 2016.

Micro power cuts –

- 8 in 2013;
- 10 in 2014;
- 1 in 2015, and
- 3 in 2016.

Faults were due mainly to the fact that about 90% of lines are bare conductors and run through sugar cane fields, rivers and vegetation. Micro power cuts in 2016 were mostly due to the quality materials installed in 2014.

I am informed that the CEB is carrying works for -

- (i) insulation and re-routing of bare high tension network at Camp Fouquereaux along Hermitage Branch Road from Hermitage Bus station - Phase 1;
- (ii) laying of 1 km of high tension underground cable from Cinq Arpents to Belle Terre;
- (iii) insulation of and re-routing of bare high tension network at Camp Fouquereaux, from Hermitage Branch Road to junction Tout Court Road -Phase 2;
- (iv) rerouting and upgrading of main feeder Côte D'Or from Belle Terre to Côte D'Or;
- (v) insulation and reconstruction of high tension network at Cité Cinquante Branch Road, Highlands, and

- (vi) maintenance of all distribution transformers in the region.

RIAMBEL - *PÉTANQUE* PITCH - CONSTRUCTION

(No. B/1150) Mr G. Lesjongard (Second Member for Savanne & Black River)

asked the Minister of Local Government whether, in regard to the Riambel Village, he will state if a plot of land has been vested thereto for the construction of a *pétanque* pitch thereat.

Reply: I am informed by the District Council of Savanne that according to information available, no plot of land at Riambel has been vested in it for the construction of a petanque pitch.

However, if such a request is received from the Council, my Ministry will do the needful.

CERTIFICATE OF CHARACTER - MINOR OFFENCES

(No. B/1151) Mrs D. Selvon (Second Member for GRNW & Port Louis West)

asked the the Attorney-General whether, in regard to the Certificate of Character, he will state if he is aware that minor offences such as playing music loud for example are included therein and, if so, indicate if consideration will be given for such minor offences not to appear thereon with a view to avoiding causing hardships to people having committed same from being refused the right to a job on the basis thereof.

Reply: Under the law (i.e the Certificate of Character Act) as it presently stands, offences amounting to crimes or misdemeanours appear in the certificate of character.

Consequently, where minor offences amount to a misdemeanour, and less than 5 years have lapsed since the conviction and the fine imposed was more than Rs 5,000 or where no probation order was made in favour of the person convicted, the said minor offences would appear in the certificate.

On the other hand, Madam Speaker, a crime or misdemeanour will not appear on the certificate where the person has in Mauritius -

- (a) never been convicted of any crime or misdemeanour;
- (b) following a conviction for a crime or misdemeanour, other than an offence specified in the Second Schedule, been given only –
 - (i) an absolute discharge; or
 - (ii) a conditional discharge, and has complied with the terms and conditions of the discharge; or

- (c) more than 5 years before making the application, been convicted of a crime or misdemeanour, other than an offence specified in the Second Schedule, and been –
 - (i) given only a fine of up to 5,000 rupees; or
 - (ii) made the subject of a probation order only, and has complied with the terms and conditions of the order; or
- (d) been granted a free pardon in respect of a crime or misdemeanour pursuant to section 75 of the Constitution.

Insofar as the offence of playing music loud is concerned, it appears on certificates of character as it is a misdemeanour under the Environment Protection (Control of Noise) Regulations 2008 which provides, inter alia, that any person who contravenes the said regulations is punishable –

- on a first conviction, by a fine not exceeding Rs50,000, and
- on a second or subsequent conviction, by a fine not exceeding Rs100,000 and by imprisonment for a term not exceeding 12 months.

It is to be noted that under the Criminal Code, misdemeanours are offences punishable by -

- (a) imprisonment for a term exceeding 10 days;
- (b) a fine exceeding 5,000 rupees.

And crimes are offences punishable by—

- (a) penal servitude;
- (b) a fine exceeding 5,000 rupees.

Examples of other minor offences which are included in the certificate of character are – smoking in a public place, throwing cigarette, consuming alcoholic drinks in a public place, illegal littering, insult, being found in a place of amusement outside prohibited hours.

In line with paragraph 38 of the Government Programme 2015 – 2019, and with a view to implementing the said paragraph in order to increase the employability of people convicted of minor crimes and misdemeanours, officers of my Office, [the DPP] and myself have had brainstorming sessions and have been studying the amendments to be brought to the Certificate of Character Act and maybe the Employment Rights Act and the Equal Opportunities Act as well in order to avoid issues of bias and stigma.

Not to forget that there is also the concept of spent convictions, Madam Speaker. As I stated in a previous PQ relating to the certificate of character, in certain jurisdictions like the UK, for instance, even some minor offences involving an element of dishonesty, though spent, would still appear on the certificate of character with a caveat, which could lead to the employer discriminating against that person who would normally have already repented and served whatever he had to do to the society.

Moreover, it also has to be ensured that the certificate of character is admissible internationally for the simple reason that many of our citizens seek employment abroad or to work on “*bateaux de croisière*” for instance.

Consequently, in view of all the above matters and bearing in mind that misdemeanours also include certain serious offences, consideration is being given to amending the Act in order to exclude certain specific minor offences such as those mentioned earlier, which do not involve an element of dishonesty.

In view of the sensitive nature of the issue, as highlighted above, and the possible implications thereof, we cannot do such amendments in a haste, the more so that the present legislation is a fairly recent one which was passed by the Assembly only in 2012 with a view to remedying then existing defects in the law.

All the different aspects of the problem therefore have to be looked at, Madam Speaker, and consultations are going on before coming up with an appropriate piece of legislation which will address current problems, in line with the Government Programme 2015 – 2019.

SECONDARY SCHOOLS – TEACHERS - REDUNDANCY

(No. B/1152) Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the secondary school teachers who are redundant since January 2016 to date, she will state the number thereof, indicating the –

- (a) reasons why they have not been redeployed;
- (b) number thereof who are core subjects teachers, and
- (c) reasons why the recruitment of supply teachers is being favoured as against the redeployment of existing redundant secondary school teachers.

Reply: I wish to inform the House that in the private secondary schools, there is a structured mechanism for declaration of redundancy of teachers and their eventual redeployment.

This process involves an assessment made by the Private Secondary Education Authority (PSEA) on the basis of the school entitlement and programme of studies offered with a view to ensuring that the teacher is in fact redundant. Then appropriate recommendations are made for eventual redeployment which is to be approved by the Ministry.

With regard to parts (a) and (b) of the question, my Ministry has received no recommendation as such from the PSEA for redeployment. Before such recommendations are made, the PSEA has to, *inter alia*, take into account a number of factors such as -

- i. staff entitlement;
- ii. teaching time of Educators as per PRB provisions, and
- iii. pupil teacher ratio.

However, we have been informed by the PSEA of the proposals from Managers for 7 Educators in 5 private secondary schools to be considered redundant. PSEA did not consider the request to be justified and hence no redeployment was effected in 2016 and the teachers are still in service and receiving their emoluments as per their contract of employment.

In the context of the educational reforms and in line with our policy to enhance the quality of teaching and learning in schools, the Ministry is encouraging smaller class-sizes, allowing for more individualised attention to students with a view of providing scope for remedial support for students showing learning deficits.

Further, managers are being asked to make optimum use of the services of educators by engaging them in pedagogical activities namely in the provision of adequate support to students showing learning deficits.

I wish to reassure the House that my Ministry will see to it that there is no prejudice caused to the educators.

As far as part (c) of the question is concerned, my Ministry redeployed some 400 redundant teachers from the private secondary schools to State Secondary Schools. However, the services of Supply Teachers are enlisted only to palliate to shortages arising during the course of the academic year mainly due to educators proceeding on leave (maternity, vacation or leave without pay).

COPYRIGHT LEGISLATION - AMENDMENT

(No. B/1153) Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West) asked the Minister of Arts and Culture whether he will state if the introduction of a new Copyright Bill in the House before the end of December 2016 is being considered.

Reply: I am informed that following the incidents of December last, and at a meeting with artists on 8 January, 2016, it was decided to review the Copyright Act 2014.

Accordingly a High Powered Committee (HPC) had been set up under the chairpersonship of a representative of the Attorney General's Office with, *inter alia*, representatives of artists, of the Anti Piracy Unit and of the Rights Management Society to review the Copyright Act 2014 and better safeguard the interests of artists.

So far, fourteen (14) meetings of the HPC have been held, the last one being on 01 December 2016.

The draft Bill is being finalised at the level of the Attorney General's Office and will be introduced in the House during its first session next year.

MINISTRY OF BUSINESS, ENTERPRISE AND CO-OPERATIVES - INTERNATIONAL FAIRS – DELEGATIONS

(No. B/1154) Mr J.C. Barbier (Fourth Member for GRNW & Port Louis West) asked the Minister of Business, Enterprise and Co-operatives whether, in regard to the international fairs, he will give the composition of the delegations led by his Ministry, including private persons/organisations who have participated in each one of them over the past five years, indicating the –

- (a) financial and non-financial facilities granted thereto, and
- (b) outcome thereof.

Reply: I am informed that the required information, which relate to over a period of five years, are not readily available.

My Ministry is, therefore, currently compiling those information which will be placed in the Library of the National Assembly, at the earliest.

CEB – ELECTRICITY PRODUCTION – CRUDE OIL

(No. B/1155) Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the use of crude oils and other fossil oils respectively in the production of electricity, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to –

- (a) the amount thereof used on a yearly basis, over the past five years, indicating the cost thereof, and
- (b) if consideration is being given for the possibility of stopping the use thereof in the long term.

Reply: I am informed by the CEB that it uses two grades of Heavy Fuel Oil, namely HFO 180cst and HFO 380cst and a very small amount of diesel and kerosene.

I am tabling the information on the amount and the cost of Fuel Oil, Kerosene and diesel used over the last five years

With regard to part (b) of your question, Government has stated its commitment to adopt a responsible and environmentally sustainable policy regarding energy production. There is a gradual shift to renewable energy as a means to reduce dependence on heavy fuel oil.

Since December 2014, the share of renewable energy has increased from 17.8% to 21% in 2016. We intend to reach the target of 35% by 2025. One new farm is operational since February 2016 and three solar farms will start operations this month. Several other projects are in the pipeline as I have already mentioned in this House.

On a longer term basis, the introduction of Liquefied Natural Gas (LNG) in Mauritius is seriously envisaged. A consultant will be appointed early next year to carry out a full feasibility study on LNG which would gradually lead to the reduction of the use of heavy fuel oil.

FOOT AND MOUTH DISEASE - CATTLE BREEDERS - COMPENSATION

(No. B/1156) Mrs M. C. Monty (Third Member for Port Louis North & Montagne Longue) asked the Minister of Agro-Industry and Food Security whether, in regard to the recent outbreak of the Foot and Mouth Disease, he will state if the registered cattle breeders of Constituency No. 4, Port Louis North and Montagne Longue have been compensated for the loss of their cattle and, if so –

- (a) give details thereof and
- (b) indicate if consideration will be given for additionally supporting them for the consequential loss of income as a result thereof.

(Withdrawn)

COROMANDEL - MEDI-CLINIC - CONSTRUCTION

(No. B/1157) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière) asked the Minister of Health and Quality of Life whether, in regard to the proposed construction of a medi-clinic at Coromandel, in Beau Bassin, he will state where matters stand.

(Withdrawn)

**HERITAGE CITY COMPANY LTD - CHAIRPERSON, BOARD MEMBERS,
SECRETARY – QUALIFICATIONS & APPOINTMENT DATE**

(No. B/1158) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the Chairperson, the Board Members and the Secretary, including of the sub-committee meetings of the Heritage City Company Ltd., he will, for the benefit of the House, obtain from the Company and table information as to the –

- (a) qualifications thereof, and
- (b) date of appointment thereof.

Reply: I am tabling, for the benefit of the House, the requested information.

ROADS – SPEED CAMERAS - INSTALLATION

(No. B/1159) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the speed cameras, he will state –

- (a) the number thereof which are -
 - (i) operational, and
 - (ii) not operational, indicating in each case since when and the reasons therefor, and
- (b) if consideration is being given for the installation of additional ones and, if so, indicate -
 - (i) where, and
 - (ii) when.

Reply: The contract for the supply, installation and commissioning of speed cameras was awarded to Proguard Ltd in 2012. From year 2013 to 2015, speed cameras have been installed at 55 sites out of which 53 are operational. The two speed cameras installed at Valton and Creve Coeur along Terre Rouge – Verdun Motorway M3, were switched off since 2015, due to embankment failure of part of the motorway at the level of Crève Coeur.

With completion of slope stabilisation works along the stretch of the road between Ripailles and Valton roundabouts and the subsequent extension of the carriage way, the two speed cameras will soon be reactivated. Necessary tests are presently being carried out.

I am personally not satisfied with the performance of the speed cameras. Furthermore, many questions have been raised as to the rationale of their siting. I have accordingly decided that an audit of the present speed cameras be carried out to review the whole system including the hardware and software. The Terms of Reference are being finalized in consultation with the Central Informatics Bureau. The Tender will be launched by January 2017. It is planned to come up with a new system of Speed Cameras in the light of the findings of the Audit. One of the possible options would be the introduction of the average zone speed camera system.

Concerning part (b) of the question, I wish to inform the House that, pending the outcome of the Audit Exercise, very few cameras will be installed on a case to case basis. In the meantime, it is planned to install six speed cameras at the following locations which are considered as accident prone areas -

- (a) along Route Intendance - Port Louis;
- (b) along La Baraque road at Malakoff;
- (c) along each carriageway of Motorway M1 at Midlands;
- (d) along Motorway M2 at Callebasses, and
- (e) along Black River – Savanne Coast Road B9 at Case Noyale near the Church.

PORT LOUIS - WARD IV REGION - SEWERAGE NETWORK

(No. B/1160) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien) asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Ward IV region and the vicinity of the Dr A.G. Jeetoo Hospital, in Port Louis, he will state if he has been informed of frequent sewerage overflow causing serious inconveniences to the inhabitants thereat and, if so, will he, for the benefit of the House, obtain from the Wastewater Management Authority, information as to if consideration will be given for the urgent upgrading of the sewerage system thereat and, if so, indicate the expected start and completion dates thereof.

Reply: I am informed by the Wastewater Management Authority that -

- (i) rehabilitation works of the sewerage network in the region of Ward IV and in the vicinity of Dr. A.G. Jeetoo Hospital will consist of laying of

a new trunk sewer of 710 meters along the Raoul Rivet Street and reconnection of 80 houses. The cost estimate for the works is Rs16 m.

- (ii) This project was not included in the 2016/17 budget and will be considered in the next Budget.

PUBLIC OFFICERS - TRAINING COURSES

(No. B/1161) Mrs M. C. Monty (Third Member for Port Louis North & Montagne Longue) asked the Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management whether, in regard to training courses carried out by his Ministry, he will state the number of public officers who have benefitted therefrom over the past two years, indicating the –

- (a) number thereof Ministry-wise;
- (b) modules covered, and
- (c) qualifications of the trainers thereof.

(Withdrawn)

MINISTRY OF PUBLIC INFRASTRUCTURE AND LAND TRANSPORT – ‘SALLES VERTES’ FACILITIES

(No. B/1162) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the allocation of ‘*Salles Vertes*’ by his Ministry, he will state the –

- (a) eligibility criteria therefor;
- (b) mode of allocation thereof, and
- (c) names of the beneficiaries thereof over the past four years, indicating in each case, the –
 - (i) extent of the ‘*Salle Verte*’ allocated, and
 - (ii) fees paid, if any, therefor.

Reply: My Ministry provides ‘*Salle Verte*’ facilities to socio-cultural organisations and religious associations in respect of three categories of events, namely –

- (a) Category A - festivals organised at national level by the National Task Force set up by Government, namely the Cavadee, Mahashivratri, Ganesh Chaturthi, Venkateshwara Puja and Commemoration of the birth of Père Laval;

- (b) Category B - other festivals celebrated at national level, namely the Yaum-Um-Nabee, Eid-UI-Fitr, Divali, Krishna Janmasthan, Govinden, Durga Puja, Ougadi and Eid-UI-Adha, and
- (c) Category C - miscellaneous celebrations of socio-cultural and religious ceremonies at community level.

As regards parts (a) and (b) of the question, prior to July 2015, the provision of '*Salle Verte*' was effected without a clearly defined policy and each year, an additional amount of Rs4 m. to 6 m. over and above the voted amount of Rs8 m. was required to meet the expenses of the '*Salle Verte*'. In order to address the situation, this Government came up with a set of established procedures and criteria for the grant of '*Salle Verte*' facilities as follows -

- (a) for Category A, '*Salle Verte*' facilities are provided according to the requirements of the Task Force and the allocated budget. Part of the '*Salle Verte*' is provided by the sub-offices of my Ministry through in-house labour and the remaining bulk is contracted to private service providers who are selected after a procurement exercise duly carried out in accordance with the Public Procurement Act.
- (b) for Category B, all the requests received from the socio-cultural organizations and religious associations are compiled and examined on a case to case basis by a Technical Committee chaired by the Permanent Secretary of my Ministry. The Committee takes into consideration the available budget and requirements of the main socio-cultural Federation. The erection of the '*Salle Verte*'; is effected similarly to Category A i.e. partly by the inhouse labour and the remaining contracted out
- (c) for Category C, "*Salle Verte*" facilities for a size up to a maximum of 3000 square feet are generally provided to the recognised socio cultural organisation or religious association once per year for a period not exceeding 12 days, on a "first come first serve basis". The '*Salle Verte*' are erected exclusively by the sub-offices of my Ministry through in-house labour. The services of private contractors are not solicited for this category of events.

As regards part (c) of the question, I wish to inform the House that no fee is paid by the beneficiaries for the '*Salle Verte*' facilities. The information relating to the names of the

beneficiaries and the extent of the '*Salle Verte*' allocated is being compiled and will be placed in the Library of the National Assembly.