No. 17 of 2016


REPUBLIC OF MAURITIUS

**SIXTH NATIONAL ASSEMBLY**

# PARLIAMENTARY

# DEBATES

# (HANSARD)

**FIRST SESSION**

**TUESDAY 19 JULY 2016**

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

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| 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 |
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| Hon. Pravind Kumar Jugnauth | Minister of Finance and Economic Development |
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| Hon. Mrs Leela Devi Dookun-Luchoomun | Minister of Education and Human Resources, Tertiary Education and Scientific Research |
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## PRINCIPAL OFFICERS AND OFFICIALS

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| Deputy Speaker | Duval, Hon. Adrien Charles |
| Deputy Chairperson of Committees | Hurreeram, Hon. Mahendranuth Sharma |
| Clerk of the National Assembly | Lotun, Mrs Bibi Safeena |
| Adviser | Dowlutta, Mr Ram Ranjit |
| Deputy Clerk | Ramchurn, Ms Urmeelah Devi |
| Clerk Assistant | Gopall, Mr Navin |
| Hansard Editor | Jankee, Mrs Chitra |
| Serjeant-at-Arms | Pannoo, Mr Vinod |

**MAURITIUS**

**Sixth National Assembly**

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**FIRST SESSION**

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**Debate No. 17 of 2016**

**Sitting of 19 July 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 –**

Certificate of Urgency in respect of the Public Officers' Protection (Amendment) Bill
(No. XVI of 2016). (In Original)

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

The Finance and Audit (*Lycée Polytechnique* Sir Guy Forget Fund) (Revocation) Regulations 2016. (Government Notice No. 147 of 2016)

## ORAL ANSWERS TO QUESTIONS

## ELECTORAL REFORMS

**The Leader of the Opposition (Mr P. Bérenger)** *(by Private Notice)* asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to electoral reforms in mainland Mauritius and in Rodrigues, he will state –

(a) if the United Nations Human Rights Committee has been informed of the stand of Government in relation thereto, and

(b) when the Ministerial Committee chaired by the Honourable Deputy Prime Minister, Minister of Tourism and External Communications, is expected to publish the recommendations thereof on the –

(i) introduction of a dose of proportional representation in the National Assembly, and

(ii) proposed amendments to the electoral system in Rodrigues, indicating if the State Law Office has already prepared a draft Bill in relation thereto.

**The Prime Minister**: Madam Speaker, as I explained in my reply to the Private Notice Question on 20 October 2015, prior to the last general election, every candidate at any general election was required to declare his community pursuant to section 3(1) of the First Schedule to the Constitution.

In 2007, the political party *Rezistans ek Alternativ* challenged the above requirement before the United Nations Human Rights Committee (UNHRC). The Committee concluded that the requirement of mandatory classification of a candidate for a general election constituted a violation of Article 25 of the International Covenant on Civil and Political Rights. The UNHRC also reminded that Mauritius was under an obligation to provide the complainants with an effective and enforceable remedy and avoid similar violations in the future.

In December 2011, following a judgment of the Judicial Committee of the Privy Council, *Rezistans Ek Alternativ* entered two constitutional plaints which are still pending before the Supreme Court.

In July 2014, Parliament passed the Constitution (Declaration of Community) (Temporary Provisions) Bill, which removed the mandatory requirement for a candidate to declare his community.

However, that piece of Legislation was applicable only to the first general election held after the commencement of the Act. For subsequent general elections, candidates will still have to declare their community if no change is brought to the Law. For this reason, *Rezistans Ek Alternativ* has maintained its constitutional plaints.

The case was last called before Supreme Court on 07 April 2016 and Counsel for Plaintiff stated that his client had taken note that the Ministerial Committee on Electoral Reform has submitted a first Report on the financing of political parties, but argued that the issue of mandatory declaration of community has still not been addressed by the Committee. The case has now been fixed for trial on 03 November 2016.

Madam Speaker, in regard to part (a) of the question, I wish to inform the House that in the same reply of 20 October 2015, I underlined the fact that Mauritius can only report new developments to the Human Rights Committee once the matter has been resolved at the level of the Supreme Court.

Nevertheless, in our Fifth Periodic Report on the International Covenant on Civil and Political Rights, which was submitted to the Human Rights Committee in April 2016, we did inform the latter that in the light of its findings, Government is pursuing its discussions and consultations to work towards an electoral reform that will suit the long term interest of the country and that would be based on the following five criteria -

(i) stability;
(ii) fairness;
(iii) inclusiveness to ensure representation of all components of the Mauritian rainbow nation;
(iv) gender representation, and
(v) transparency and accountability.

We also informed the Human Rights Committee that Government stands committed to reform the electoral system so as to introduce a dose of proportional representation in the National Assembly and guarantee better women's representation. The issue of mandatory declaration of community will be addressed in the wider context of the electoral reform. In this context, a Ministerial Committee has been set up to examine the various implications of

the proposed changes and make recommendations. Thereafter, appropriate consultations will be held with all the stakeholders prior to implementation.

Madam Speaker, in regard to part b(i) of the question, the introduction of proportional representation in our electoral system does form part of the Terms of Reference of the Ministerial Committee chaired by the Deputy Prime Minister, Minister of Tourism and External Communications.

As the House is aware, the Ministerial Committee has already submitted its recommendations on the financing of political parties. The State Law Office has already been requested to prepare the draft Bill. In fact, the Deputy Prime Minister made a statement in the National Assembly in this context on 05 April 2016.

I also understand that the Ministerial Committee has already started to examine other issues in the Terms of Reference, including the electoral system in Rodrigues, women's representation and the powers of the Electoral Supervisory Commission. The Committee has not yet considered the issue of proportional representation, mandatory declaration of community and anti-defection measures.

Madam Speaker, with regard to part (b)(ii) of the question, at the time the Rodrigues Regional Assembly Act was being passed in 2001, a new electoral system was introduced for electing Members of the Rodrigues Regional Assembly (RRA), so as to address the disproportionate differences that are often observed between the percentage of votes and the percentage of seats obtained by the Party in the First Past the Post System.

Thus, a new Mixed Member Proportional System was accordingly introduced in Rodrigues whereby out of a total number of seats, 12 seats are returned through the First Past the Post System in the 6 local regions, with each region returning 2 elected Members. On the day of the Poll in Rodrigues, a voter has to complete two ballots, one to indicate his or her choice of two candidates in the local region and one for the island region vote.

All parties that poll 10% or more of the total votes cast are eligible for a total of 6 Proportional Representation (PR) seats. The allocation of the 6 PR seats is supposed to take into account any disproportionality which builds up between the percentage of votes polled and the number of seats obtained in the First Past the Post System.

Since the introduction of this new system, three elections have been held in Rodrigues in 2002, 2006 and 2012, respectively.

In 2002, the OPR obtained 8 seats and the MR 4 seats from the First Past the Post vote. The OPR, the winning Party, was allocated 2 PR seats and the MR, the losing Party, was allocated 4 PR seats. This had the effect of shrinking the difference between the initial number of seats obtained by the OPR and the MR from 4 seats to only 2 seats.

In 2006, the MR and the OPR obtained 6 seats each under the First Past the Post System. With the allocation of the PR seats the MR obtained a total of 10 seats and the OPR a total of 8 seats. Here, due to the PR system the difference in the number of seats between the two parties has been increased by 2, making one Party the Winner and the other one the Loser.

In 2012, under the First Past the Post System, the *Front Patriotique Rodriguais (FPR)* won no seat, the MR 4 seats and the OPR 8 seats. With the allocation of the PR seats, the FPR was allocated 2 seats, the MR 4 seats and the OPR 3 seats, thereby again shrinking the difference of seats between the winning party and the two losing parties this time from 4 to 1.

Madam Speaker, it is, therefore, clear that this system has some important flaws which are not conducive to political stability and prosperity of any country or region. It is not acceptable that a Winning Party which has won a comfortable majority of seats through an election system which has stood the test of time in both Mauritius and elsewhere is unjustly penalised due to the existing system.

Madam Speaker, no electoral system is perfect, but one cannot continue with a system which, on one hand, addresses the percentage issue, but on the other hand, makes an allocation of seats which jeopardizes, the stability, confidence and thrust of a Party to conduct the affairs of the region under its jurisdiction, in this case the Rodrigues Regional Assembly.

This is why my Government will soon introduce a Bill to bring a new election system to Rodrigues which will do away with the shortcomings of the PR system.

Madam Speaker, however, I am fully conscious that no system is perfect. But I have taken note that the two main Parties in Rodrigues, namely, the OPR and the MR are in favour of the new amendments. However, this is not enough. The inhabitants of Rodrigues should also be made aware of the amendments before they go to vote for the next Regional Elections.

I am informed that the services of Sir Victor Glover were retained for the drafting of the Bill. I am further informed that he had consultations with the leaders of the main political parties in Rodrigues during the drafting of the Bill.

The first draft which has been submitted to my Office is not it its final form.

There is still some fine tuning and consultations to be made, including with the Ministerial Committee under the chairmanship of the Deputy Prime Minister.

I am also given to understand that the Electoral Supervisory Commission has been apprised by the Electoral Commissioner of the amendments which are proposed to be brought to the Rodrigues Regional Assembly Act, notwithstanding the fact that such consultation is not mandatory under the Constitution.

Madam Speaker, let me reassure everybody that I will make it a point to take the necessary steps, through my Office, to ensure that the Rodriguans are informed of the amendments prior to the Bill being introduced to the National Assembly.

**Mr Bérenger**: Madam Speaker, if I can start with the first part of my question that refers to the United Nations Human Rights Committee in Geneva, can I have the date? It was difficult to catch when the Rt. hon. Prime Minister was saying the date on which we communicated Government of Mauritius stand to the United Nations Committee. The date!

**The Prime Minister**: Well, I don't have the date with me.

*(Interruptions)*

I don't have the exact date, but it was in April 2016.

**Mr Bérenger**: April 2016! Can a copy of that communication to the United Nations Human Rights Committee be laid?

**The Prime Minister**: Sorry!

**Mr Bérenger**: I repeat my question. My question is whether a copy of that communication on behalf of Mauritius to the UN Human Rights Committee - we don't have the exact date, I hope it is not 01 April, the Rt. hon. Prime Minister said 'April' – be laid in the Assembly?

**The Prime Minister**: Yes. I am laying, on the Table of the Assembly, a copy.

**Mr Bérenger**: Thank you. Can I know whether there has been any reaction from the UN Human Rights Committee in Geneva, any communication from the Committee after we have sent the document?

**The Prime Minister**: There has been no reaction, so far.

**Mr Bérenger**: The Rt. hon. Prime Minister himself reminded us that *Rezistans ek Alternativ* case before the Supreme Court is coming for merits on 03 November 2016. Can we know what stand Government is going to take before the Supreme Court on that day?

**The Prime Minister**: There is no stand to be taken by us. We are waiting for the decision of the Supreme Court.

**Mr Bérenger**: If I can move on to the second point of my question, that is, the dose of proportional representation to be introduced in our Electoral System for the National Assembly here. The idea of introducing a dose of proportional representation was in the present Government's Electoral Programme, in the Government Programme; it has therefore been referred to at the United Nations and forms part of the very first Terms of Reference of the Ministerial Committee chaired by the Deputy Prime Minister, the introduction of a dose of proportional representation, and yet, these recent times, the Rt. hon. Prime Minister has made statements that gave a different impression. Can I, therefore, have it from the Rt. hon. Prime Minister that indeed the introduction of a dose of proportional representation in our Electoral System in Mauritius, Government still stands committed to that?

**The Prime Minister**: Yes, we are committed and there will be a dose of proportional representation, but I cannot say more because the Committee is still working on that.

**Mr Bérenger**: Still on the same subject, when I put a PNQ to which the Rt. hon. Prime Minister has referred to on 20 October 2015, right at the end of my questions and with the replies from the Rt. hon. Prime Minister, I said –

> "A lot of work was done at the Attorney General's Office until the eve of the last general elections. I am not saying that the work was completed, but a lot of progress was made. Has the Rt. hon. Prime Minister been able to get help from the Attorney General to trace the latest drafts that had been ready at the level of the Attorney General's and Solicitor General's Office?"

And the reply from the Rt. hon. Prime Minister was –

> "We will certainly consult all these. We will certainly do that."

Has it been possible to trace, at the Attorney General's Office, the latest draft and has this been communicated to the Committee chaired by the Deputy Prime Minister?

**The Prime Minister**: The Attorney General forms part of the Committee and what he is doing there, what has been done there, so far I cannot say. We will have to wait until they conclude.

**Mr Bérenger**: If I can move on to Rodrigues. I have pointed out that the sixth Term of Reference of the Ministerial Committee chaired by hon. Xavier-Luc Duval, the Deputy Prime Minister, is 'Amendments to the Electoral System of Rodrigues'. Can I know, whilst this Committee is supposed to work on Amendments to the Electoral System in Rodrigues, why in parallel have discussions taken place, and even from what I heard, a draft of Electoral Reforms to be brought about in Rodrigues, why has this taken place, including the involvement of the Attorney General's Office in parallel with the Duval Committee whose Terms of Reference include precisely that?

**The Prime Minister**: They proceeded in that way, I have been told, because the Regional Elections are due in Rodrigues early next year.

**Mr Bérenger**: Does the Rt. hon. Prime Minister think that it is healthy for such amendments to be brought on the eve of elections to be carried out in Rodrigues? And can I ask whether - because I heard the Rt. hon. Prime Minister say that the Electoral Commission has reacted to the first draft of that piece of legislation – the Electoral Commission has objected in any way to such amendments being brought to the Electoral law of Rodrigues on the eve of elections there?

**The Prime Minister**: Well, the draft Bill will be submitted to the Committee after consultation by my Office.

I am being told that discussions are being held with the Electoral Commission. But insofar as the eve of elections is concerned, I don't think it will be on the eve, but it won't be a long time before; but I say it is better late than never.

**Mr Bérenger**: Can I make two requests: firstly, has the Electoral Commissioner reacted in writing to that proposal? I understand that it is not the Prime Minister's Office or the Attorney General's Office which communicated a copy of that first draft to the Electoral Commission. It was communicated to the Electoral Commission by somebody else, that is, the Solicitor General's Office which is not a normal procedure. Has the Electoral Commissioner reacted in writing, and, if yes, can we have a copy of their reaction?

Secondly, being given that, on directives of Government, the Attorney General's Office has prepared a first draft - what I heard the Rt. hon. Prime Minister say – of the law to come, is there any harm in circulating that first draft right from now?

**The Prime Minister**: Meetings with the Electoral Commission is still going on, and, insofar as other information is concerned, once the Bill is ready, it will be circulated and thereafter Rodriguan organisations, including NGOs, will be consulted. We will request Sir Victor Glover to undertake the consultancy exercise, as late Justice Robert Ahnee did in 2001. At this moment, I don't think it is advisable to circulate the draft as it is.

**Mr Bérenger**: These recent days, the Rt. hon. Prime Minister has been widely reported as saying that what pertains in Rodrigues and by extension what could, with the introduction of a dose of proportional representation, pertain in Mauritius, is that *minorité vine majorité*. From what the Rt. hon. Prime Minister, himself, has said, the systems set up in Rodrigues on the recommendation of *feu* former Judge Ahnee, would he agree with me – he said it on three occasions - it reduced the difference in seat, but will he agree that, including the last elections, in no case, has it *faire minorité vine majorité*? At least, will he acknowledge that?

**The Prime Minister**: Well, we have seen how unstable it has been in Rodrigues and with the shifting of one Member from one side, the majority went to the other side. Don't try to fool us!

**Mr Bérenger**: Precisely, will the Rt. hon. Prime Minister agree with me that the majority changed not because of the electoral system, but because two elected Members changed sides. Therefore, come with an *anti-transfuge* legislation! Can I ask him…

*(Interruptions)*

Shut up! You don't understand anything!

*(Interruptions)*

**Madam Speaker**: Order!

**Mr Bérenger**: Will the Rt. hon. Prime Minister agree, in fact, he is confirming that, in no case, did the *majorité vinn minorité*? Will he agree with that?

**The Prime Minister**: Well, one thing is certain, that the system has shrunk the difference of six.

*(Interruptions)*

The new system proposed has received the concurrence of the two major parties.

**Mr Bérenger**: Wrong! Wrong, as usual from your advisers! But, in due course, you will hear the detail! Not the OPR, but the other party I mentioned, you will hear further development! But, anyway, will the Rt. hon. Prime Minister agree with me that there is agreement on one thing, that 12 is very tight. And I think, today, there is agreement that 12 elected Members, instead of being 12, should be 18. Has he got that? Will the Rt. hon. Prime Minister agree with me, on that, there is unanimity, in fact, for 12 elected Members to become 18? But, supposedly, what is contained in the first draft is that, apart from these 18, after the results are out, the winner will appoint 2 additional elected Members and the losers will appoint 2. Being given at regional level, elections were very tight, that proposal, does the Rt. hon. Prime Minister realise, if results are divided in 2 at the level of constituencies, regions, and when you allot 2, it is total deadlock? Has this been pointed out to the Rt. hon. Prime Minister, the possibility of a complete deadlock?

**The Prime Minister**: I don't agree with the hon. Leader of the Opposition. His information is wrong. In any case, I said I am not going to discuss about the draft. They are still working on it. When the whole thing will be finalised, then I will be prepared to bring it to the National Assembly. In any case, we have to. So, the hon. Leader of the Opposition will know what are the contents.

**Mr Bérenger**: Well, the Rt. Hon. Prime Minister made speeches in Rodrigues, spelling out the details of what is proposed to be amended. That is why I am reacting; the Rt. Hon. Prime Minister has gone in public with the idea of 4 appointed Members. Is he aware of what has just taken place in Tobago? As we know, hon. *feu* Judge Ahnee went there, Trinidad and Tobago, with Serge Clair and so on. And there, they have 12 elected Members and 4 appointed Members, three by the winning party and one by the loser party. Is he aware that, that went wrong completely at the last regional elections in Tobago in 2013? Why? Because they have got their 12-0! Therefore, there was no one to appoint from the Opposition side. So, it is very possible that this will happen with what is being proposed at this stage, with the result that in Tobago, the new Chief Minister has had to appeal to the President of the Republic of Trinidad and Tobago to appoint 2 independent people to represent the Opposition. Can I point out that in Tobago, the Opposition did not get a single elected

Member and the whole system is stuck although they have got 36% of the vote? Has the present situation and the problem in Tobago been pointed out to the Rt. hon. Prime Minister?

**The Prime Minister**: Well, what has happened in Tobago did not necessarily happen in Rodrigues. In any case, the allocation of seats is still to be finalised. Therefore, as I said, I am not prepared to discuss that now.

**Mr Bérenger**: Well, I have the following question. In 2001, the Government sent hon. Serge Clair, *feu juge* Ahnee and *feu* Prudence, all the way to Tobago, to learn from their difficulties and their experience. Will the Government in Mauritius as Prime Minister, Sir Anerood Jugnauth, agree with me that, at least, what we can do is to go and find out what went wrong there with this system of appointing 4 after results and that is apparently being proposed these days, contained in the first draft?

**The Prime Minister**: Well, so far, there has not been a request for that and personally I don't think it's necessary. If they have gone wrong in Tobago, we are not prepared to go and learn from them again.

*(Interruptions)*

The hon. Leader of the Opposition is wrong!

**Madam Speaker**: Time is over! Hon. Jhugroo!

**HORSE RACING – ALLEGED CHEATING – LEGISLATION**

**(No. B/768) 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 horse racing, he will, for the benefit of the House, obtain from the Gambling Regulatory Authority, information as to the number of reported cases of breaches of the Mauritius Turf Club Rules, including cheating, which have allegedly been committed in the course of meetings thereof over the past three years, indicating if consideration will be given for a toughening of the legislation in relation thereto, including the provision of terms of imprisonment therefor.

**The Prime Minister**: Madam Speaker, I am advised by the Gambling Regulatory Authority that the Mauritius Turf Club has not specifically reported any case of breach of the Mauritius Turf Club Rules to the Authority from 2013 to date. According to the Mauritius Turf Club, the Racing Stewards Reports dispatched to the Authority are self-explanatory and they did not deem it necessary or compulsory to address formal communication to the Authority.

Taking this into account, a Directive namely Directive 4 was issued, on 16 October 2015, under Section 100 of the Gambling Regulatory Authority Act whereby the Mauritius Turf Club was required to notify, forthwith, the Authority, in writing, if it has decided to apply sanctions against a jockey.

Despite this Directive, the Mauritius Turf Club failed to report accordingly on sanctions taken against Jockey Noel Callow in June 2016. The Mauritius Turf Club has been advised, on 10 June 2016, that henceforth, in compliance with Directive 4 of 16 October 2015, it is required to communicate, in writing to the Authority, the sanctions imposed on a jockey immediately after the jockey is informed, even verbally, of the sanctions imposed upon him. The Mauritius Turf Club was also advised that any comprehensive written report that includes the detailed facts and circumstances pertaining to such sanctions should, as in the past, be forwarded to the Authority within 24 hours of the completion of the inquiry.

I am further informed that following the communication issued by the Gambling Regulatory Authority, on 10 June 2016, there have been 15 instances where jockeys have been suspended under section 160 A of the Rules of Racing where the Mauritius Turf Club has still not notified the Authority in the precise manner required. The Gambling Regulatory Authority is looking into any action warranted in such cases of non-compliance.

According to the Commissioner of Police, since January 2013 to date, that is 14 July, there have been 10 cases of cheating in breach of the Gambling Regulatory Authority Act 2007, out of which seven were reported by the Mauritius Turf Club to the Police.

As at date, seven cases of cheating are pending before Court. Three cases have been shelved, the reasons being that one case has been filed, the second case has been dismissed by the Court and in the third case, the Director of Public Prosecutions has advised no further action.

However, from information available in the Racing Stewards Reports, since 2013 to date, it is noted that there have been 251 cases of breaches of the Rules of the Mauritius Turf Club, as follows –

- both fines and suspension, 44 cases;
- fines only, 104 cases;
- suspension only, 100 cases, and
- three cases are minor offences.

The offence of cheating in horseracing is defined under section 146 of the Gambling Regulatory Authority Act 2007, and both the quantum of the fine and the term of the imprisonment are provided under this section and are related to the nature of the offence.

As regards the proposal of the hon. Member to toughening the legislation, including the provision of terms of imprisonment**,** I am advised that the penalty for any offence must be proportionate to the offence and this principle is already incorporated in the Gambling Regulatory Authority Act.

In practice, it has been very difficult so far to sustain any suspicion of cheating in Court, due to a lack of expertise and evidence.

I have stated in my replies to previous Parliamentary Questions, namely B/607 and B/608, that the Gambling Regulatory Authority is in the process of setting up an Integrity and Intelligence Unit which could be provided with the necessary expert resources and logistics to be able to probe further into matters relating to cheating and eventually initiate Police enquiry and subsequent legal action.

In addition, in the restructuring plans of the Gambling Regulatory Authority, provisions are being made to ensure better compliance and accountability of the Mauritius Turf Club towards the Authority.

**Mr Bhagwan**: Madam Speaker, apart from the GRA, does not the Rt. hon. Prime Minister think that it is also essential to beef up the knowledge of the *Police des jeux* in terms of training and adaptation to modern electronic equipment, that is, new technologies? If the *Police des jeux* is not capable to trace these *fraudeurs* then it is useless to follow up.

**The Prime Minister**: I understand that this is being done.

**Madam Speaker**: Next question, hon. Ms Sewocksingh!

**16ÈME MILLE, FOREST SIDE – POLICE STATION**

**(No. B/769) Ms M. Sewocksingh (Third Member for Curepipe & Midlands)** asked the Rt. hon. Prime Minister, Minister of Defence, Home Affairs, Minister for Rodrigues and National Development Unit whether, in regard to the village of 16ème Mille, in Forest Side, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if consideration will be given for the construction of a Police Station thereat.

**The Prime Minister**: Madam Speaker, I am informed by the Commissioner of Police that the village of 16ème Mille, Forest Side has a small population of around 3,500 inhabitants and is adequately covered by the Curepipe Police Station and Midlands Police Station. These two Police Stations are situated at a distance of 3.8 kilometres and 1.5 kilometres, respectively from the village.

Furthermore, different specialised units of the Police Force, such as the Emergency Response Service, Criminal Investigation Department, Anti-Drug and Smuggling Unit, Divisional Support Unit, Divisional Traffic Police, also, carry out regular foot and mobile patrols thereat by day and by night.

Therefore, as at present Police do not contemplate to set up a Police Station at 16ème Mille, Forest Side.

**Madam Speaker**: Hon. Ms Sewocksingh!

**Ms Sewocksingh**: Thank you, Madam Speaker. I would like to thank the Rt. hon. Prime Minister for the answer. May I request the Rt. hon. Prime Minister to, at least, consider if the Government could add more *effectifs* and logistics to the Midlands Police

Station as in Midlands the number of inhabitants is increasing with the development of *morcellements*, State lands and so on?

**The Prime Minister**: Well, if the number increases to such an extent which will warrant to consider this, then it will be considered.

**Madam Speaker**: Next question, hon. Uteem!

**POLICE CUSTODY - MR I. T. – DEATH**

**(No. B/770) Mr R. Uteem (First 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 Police inquiry initiated into the death of Mr I. T. whilst being in Police custody, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to where matters stand.

**The Prime Minister**: Madam Speaker, I am informed by the Commissioner of Police that the inquiry initiated into the death of Mr I. T. has been completed and the case file has been referred to the Office of the Director of Public Prosecutions.

**Mr Uteem**: Madam Speaker, there has been a judicial inquiry into the death of Mr Toofany which has concluded foul play. May I know from the Rt. hon. Prime Minister whether he has any information as to what happened to the four Policemen who are involved in this alleged case of foul play?

**The Prime Minister**: Well, I am being informed that they have been interdicted.

**Madam Speaker**: Next question, hon. Baloomoody!

**TRAFFICKING IN PERSONS - US DEPARTMENT OF STATE REPORT**

**(No. B/771) 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 combatting of trafficking in persons in Mauritius, he will state the actions taken since January 2015 to date to implement the recommendations contained in the Trafficking in Persons Reports of the US Department of State for Mauritius, particularly, regarding the protection of the children, indicating the reported number of victims thereof over the past two years.

**The Prime Minister**: Madam Speaker, I have taken note of the US Department of State Report on Trafficking in Persons 2016 published on 30 June 2016. I must say that the

contents relating to Mauritius are grossly exaggerated and inaccurate though Mauritius has been placed under Tier 2, as opposed to last year when we had been placed under Tier 2 Watch List. I must also add that every year, the US authorities consult Mauritius to gather information and statistics prior to the publication of their Report on Trafficking in Persons. However, my attention has been brought to the fact that the information submitted by the relevant Ministries and Departments are not fully taken into consideration at the time of the publication of the Report.

Madam Speaker, in the recent past, I have also expressed my serious concern on the inaccuracies of the US Department of State Report on Human Rights in respect of Mauritius, to the UN Office of the High Commissioner for Human Rights.

I wish to emphasise that Mauritius enjoys a solid reputation not only on the African Continent, but also internationally for its respect for Human Rights.

Madam Speaker, in my reply to Parliamentary Question B/622 at the sitting of the National Assembly on 06 October 2015, I mentioned that a series of measures were being taken to address the issue of Trafficking in Persons in line with the recommendations contained in the US Department of State Report on Trafficking in Persons.

In fact, since January 2015, measures taken by the Ministry of Gender Equality, Child Development and Family Welfare, the Ministry of Labour and Employment, the Police Department as well as the Office of the Director of Public Prosecutions Report include the following -

(i) the setting up of a hotline to enable the public at large to report any alleged case of child abuse, including Child Trafficking and Commercial Sexual Exploitation of Children either anonymously or otherwise;

(ii) joint interviews by the officers of the Police and the Child Development Unit to avoid repeated narrations of incident;

(iii) provision of assistance to victims of child trafficking for medical and Police Medical Examinations as well as HIV testing and pregnancy tests;

(iv) provision of psycho-social counselling to victims and their families;

(v) a close collaboration between the *Brigade Pour la Protection des Mineurs* and other stakeholders to assist in the identification of victims and providing them support. The *Brigade Pour la Protection des Mineurs* carries out raids in

game houses, hotels, discotheques and also investigates any suspected/alleged cases of child trafficking and Commercial Sexual Exploitation of Children;

(vi) the setting up, on 26 May 2016, of L'Oasis Residential Drop-In-Centre at Grand River North West which presently houses 25 victims of Sexual Abuse and Commercial Sexual Exploitation of Children, including Child Trafficking;

(vii) the establishment of a Protocol of collaboration by the Ministry of Gender Equality, Child Development and Family Welfare with other stakeholders by way of a 'Working Together" Committee to ensure that a continuum of care is provided to children victims.

(viii) the setting up of a Community Child Watch Committee for surveillance of children exposed to any form of violence inclusive of commercial sexual exploitation and trafficking at local levels. It operates with the collaboration of a pool of volunteers, social workers, NGO's, community leaders and other key stakeholders;

(ix) the setting up of Child Protection Committees at district level for the implementation of Government's policies related to the survival, development, protection and welfare of children through the adoption of a participatory approach, and

(x) the preparation of a National Action Plan on Combatting Trafficking in Persons at the level of my Office in consultation with all stakeholders.

Madam Speaker, emphasis is also laid on capacity-building for officers having to deal with cases of Trafficking in Persons at different levels. From January 2015 to date, five training sessions have been organised on Trafficking in Persons for Law Officers of the Office of the Director of Public Prosecutions and the Attorney General's Office as well as Law Enforcement Officers.

Insofar as statistics are concerned, according to Police records, only one case of Trafficking in Persons has been reported since January 2015 up to 15 July 2016.

Madam Speaker, I wish to inform the House that an Inter-Ministerial Committee has been set up under the chairmanship of the Attorney General to ensure proper coordination on issues relating to Trafficking in Persons.

**Mr Baloomoody**: Madam Speaker, in the 2015 Report, and I quote –

> "Despite this measure, the Government did not demonstrate overall increasing anti-trafficking reports compared to the previous reporting period".

Therefore, Mauritius is placed on the Tier 2 Watch List. This year again, we are still on the Tier 2 Watch List.

This is what they have to say –

> "The Government of Mauritius does not fully meet the minimum standards for the elimination of trafficking."

When I asked the previous PQ last year, the Rt. hon. Prime Minister informed us that there was a Ministerial Committee under the chairmanship of the Attorney General. May I know from the Rt. hon. Prime Minister how many times this Committee has sat and whether there is a report as far as this Committee is concerned?

**The Prime Minister**: I understand numerous sittings have been held and a report was submitted.

**Mr Baloomoody**: Can I know whether that report was submitted to the United Nations Commission, and if so, can a copy of the report of the Committee chaired by the Attorney General be laid on the Table of the National Assembly?

**The Prime Minister**: The answer is yes.

**Mr Baloomoody**: So, can a copy of that report be laid on the Table of the National Assembly?

**The Prime Minister**: Yes.

**Mr Baloomoody**: May I know from the Rt. hon. Prime Minister since the last report, how many convictions and arrests there have been for human trafficking in Mauritius?

**The Prime Minister**: I think I mentioned it. There has been only one case.

**Mr Baloomoody**: May we know what Government intends to do with regard to the 2016 report?

**The Prime Minister**: Well, I do not pay much attention to that report because it is not a reliable one and I have said it before in public.

**Mr Baloomoody**: May the Rt. hon. Prime Minister agree that such a report which is published not only by the UN, but also on the Internet, gives a very bad image of Mauritius

and something positive should be done so that this report is not taken for granted by any other person?

**The Prime Minister**: Well, we are doing our work. I do not care about those people.

## ROGUE & VAGABOND OFFENCE – REPORTED CASES

**(No. B/772) 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 offence of rogue and vagabond, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof over the past two years.

**The Prime Minister**: Madam Speaker, I am informed by the Commissioner of Police that, from July 2014 to 14 July 2016, 969 cases of Rogue and Vagabond have been reported and their outcomes are as follows -

(a) in 587 cases, the accused have been fined or sentenced to imprisonment;

(b) in 322 cases, police enquiries are still in progress;

(c) 59 cases have been filed since the accused are unknown or dead or cases have been withdrawn, and

(d) in one instance, the case has been dismissed.

**Mr Baloomoody**: It is clear that the number of convictions is very high with regard to rogue and vagabond. Can I ask the Rt. hon. Prime Minister whether he will see to it with the Commissioner of Police because rogue and vagabond is an arrestable offence and the fine is very low? So, most of the people who cannot afford to pay the bail, prefer to plead guilty the next day that they are arrested. It is a simple offence where very many times, Police officers abuse of their position.

**Madam Speaker**: Hon. Baloomoody, put your question!

**Mr Baloomoody**: Can I ask the Rt. hon. Prime Minister whether he will consider requesting the Commissioner of Police or the Police Superintendent to seek advice from the DPP's Office before asking for bail and before trying to prosecute the accused party?

**The Prime Minister**: I do not think it is necessary to do that.

**Madam Speaker**: Hon. Ameer Meea!

**Mr Ameer Meea**: Madam Speaker, in my Constituency, since the start of the year, more specifically in the region of St François Xavier, Route Nicolay and Camp Yoloff, there has been an increase in the number of reported cases in relation to rogue and vagabond. Therefore, can I ask the Rt. hon. Prime Minister to see to it that there are regular patrols by the Police, especially at night in the regions that I have just mentioned?

**The Prime Minister**: Very soon we will be asked to put a Police officer in every house!

*(Interruptions)*

**Madam Speaker**: The Table has been advised that PQ Nos. B/776, B/801 and B/821 have been withdrawn. Questions addressed to Ministers! Hon. Bhagwan!

## MAURITIUS TELECOM - CHAIRPERSON - APPOINTMENT

**(No. B/773) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Technology, Communication and Innovation whether, in regard to the Mauritius Telecom, he will, for the benefit of the House, obtain therefrom, information as to the –

(a) name of the present Acting Chairperson thereof, indicating when the Chairperson thereof will be appointed, and

(b) date and terms and conditions of appointment of the representatives of Government appointed to serve on the Board thereof.

**Mr Sinatambou:** Madam Speaker, I thank the hon. Member for his question.

With regard to part (a) thereof, I am informed that the present Acting Chairperson of Mauritius Telecom Ltd. is Mr Sateeaved Seebaluck, the Secretary to Cabinet and Head of the Civil Service, and that the appointment of the Chairperson is a matter for the shareholders of the company.

As regards part (b) of the question, I am informed that it has been the policy of successive Governments not to give details about private companies. Mauritius Telecom Ltd, being a private company, Government is not prepared to depart from this policy.

I will, therefore, refer the hon. Member to the Annual Report of the Mauritius Telecom Ltd. which gives all the relevant information about the company.

**Madam Speaker**: Hon. Bhagwan!

**Mr Bhagwan**: Without going into the merits, we all know that the Secretary to Cabinet is a very competent person. But can I know from the hon. Minister whether, like in the past, the Secretary to Cabinet is holding the post on a temporary basis or Government intends to appoint, as in the past, an independent person to chair the Board of the Mauritius Telecom?

**Mr Sinatambou**: As I said, I am informed that the present Acting Chairperson is Mr Seeballuck and that the appointment of the Chairperson is a matter for the shareholders of the company, not Government.

**Madam Speaker**: Hon. Uteem!

**Mr Uteem**: Madam Speaker, Mauritius Telecom is bound to follow the code of corporate governance which has been given effect to under the Financial Reporting Act 2004. We have from the hon. Minister that Mauritius Telecom now has an Acting Chairperson, whereas it is clear from the code that we need a Chairperson with the objective leadership of a Chairperson with satisfactory performance and there is a series of role and function of that Chairperson. May I ask the hon. Minister whether he is happy that Mauritius Telecom is flouting the code of corporate governance insofar as appointment of a full-fledged Chairperson is concerned?

**Mr Sinatambou**: As I said, Madam Speaker, Mauritius Telecom is a private company governed by its own Articles of Association. It has got its Board of Directors, a Chairman and Management. Now, if I am stating this, Madam Speaker, it is because this is exactly what the sector Minister stated in a reply dated 11 December 2001 - a Minister who was from the party now sitting in Opposition. That is why I have stated earlier that Government is not prepared to depart from the policy of not giving details about private companies. If the hon. Member has anything regarding any impropriety, he may just refer to the company itself.

**Mr Bérenger**: Is the hon. Minister aware that in the meantime legislation has been passed so that there be full-time Chairperson separate from Chief Executives? Is the hon.

Minister aware that we are supposed to have a Minister for Good Governance and the *b.a.-ba* of good governance is having a full-time Chairperson and a full-time Chief Executive?

**Mr Sinatambou**: If the hon. Leader of the Opposition is so sure of improprieties, he can refer the matter to the hon. Minister for Good Governance, to the Financial Intelligence Unit. There are so many institutions. It is not within my prerogative to actually reply to those matters.

*(Interruptions)*

**Madam Speaker**: Next question! Hon. Ms Sewocksingh!

**DUBREUIL & MONTAGNE BLANCHE – ACCESS ROAD**

**(No. B/774) Ms M. Sewocksingh (Third Member for Curepipe and Midlands)** asked the Minister of Public Infrastructure and Land Transport whether he will state if consideration will be given for the implementation of a link road between Dubreuil and Montagne Blanche.

**Mr Bodha**: Madam Speaker, I am informed by the Road Development Authority (RDA) that access between the villages of Dubreuil and Montagne Blanche is currently via Belle Rive roundabout at B6 through the Quartier Militaire Road (B6) and the Providence Road (A7) to Montagne Blanche (B27) over a length of 14.1 kms.

I am further informed that the road network connecting the two villages is in good condition and there is no major traffic congestion issues along that route.

Madam Speaker, I am also informed that there already exists an untarred track of approximate width of 4.5 metres and length of 5 kms between Montagne Blanche and Dubreuil. The RDA has, in fact, studied the possibility of implementing a direct link between these two villages and a survey was indeed carried out in January 2016. It was, however, observed that the project would require the upgrading of the existing track to an engineering standard road of width of 7 metres and the construction of two bridges. The project would also entail substantial land acquisition and would cost about Rs300 m., excluding the land acquisition costs.

Madam Speaker, the RDA considers this project is not presently viable, so we will look after it later.

**Madam Speaker**: Next question, hon. Rughoobur!

**PUBLIC PROCUREMENT ACT – CONTRACTS – VARIATIONS**

**(No. B/775) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or)** asked the Minister of Finance and Economic Development whether, in regard to the Public Procurement Act, he will state if consideration will be given for proposed amendments to be introduced thereto relating to the conditions regarding variations in contracts after the award thereof.

**Mr Jugnauth:** Madam Speaker, cost overruns due to the variations in contracts have, in the past, been the subject of much concern and consideration will be given to address this issue.

**Mr Rughoobur**: Madam Speaker, I think section 46(3) of the Public Procurement Act speaks of variation. We have got a threshold of 25%. May I kindly request the hon. Minister of Finance and Economic Development to look into this particular section, which I believe should be amended, so that there is no such abuse as it has been in the past?

**Mr Jugnauth**: In fact, Madam Speaker, more important is section 46(4), which says that "no formal amendment of the contract shall be required where the public body wishes to make a variation or invokes a contract price adjustment which is expressly authorised in the contract". That is why in the past there have been such wide variations and even prices have doubled in cases which we know. Therefore, I agree that consideration, as I have stated in my answer, will be given to address this issue.

**FOOTBALL - PROMOTION**

**(No. B/776) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or)** asked the Minister of Youth and Sports whether, in regard to football, he will state the measures taken by his Ministry for the promotion thereof among the children below the age of 15.

*(Withdrawn)*

**PRIMARY & SECONDARY SCHOOLS (PRIVATE)**

**(No. B/777) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the private paying new primary and secondary schools, she will, for the benefit of the House, obtain information as to the number thereof registered zone-wise since 2015 to date, in each case.

**Mrs Dookun-Luchoomun**: Madam Speaker, registration of private fee-paying primary schools is carried out by my Ministry whereas the private fee-paying secondary schools are registered by the Private Secondary Schools Authority.

There are a total of 70 private fee-paying schools that are registered as follows –

- 46 private fee-paying primary schools, out which only one new school was registered in 2016, and
- 24 private fee-paying secondary schools, out of which 2 were registered in 2015 and 2 newly registered in 2016.

I am tabling the list of registered schools zone-wise.

**Mr Mahomed**: Madam Speaker, may we know the cost of registration for primary and secondary schools and are there any yearly or monthly charges for them to be run in the country?

**Mrs Dookun-Luchoomun**: In fact, I don't think there are any charges or costs for registration. At least, I am not aware of this. I will check and let the hon. Member know later on, but I don't really think that there are charges.

**Madam Speaker**: Next question!

**CPE – PRIVATE CANDIDATES**

**(No. B/778) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Certificate of Primary Education Examinations, she will state the number of private candidates registered to take part therein in 2016, indicating the number thereof who had taken part therein in 2013, 2014 and 2015, respectively.

**Mrs Dookun-Luchoomun:** Madam Speaker, private candidates wishing to sit for CPE examinations have to normally register directly at the MES.

I am advised that for the year 2016 and as at 18 July 2016, the number stands at 463.

Madam Speaker, I am tabling the information obtained from the MES on the number of private candidates who sat for CPE Examinations in respect of years 2013 to 2015.

**Mr Mahomed**: Out of these numbers, may we know from the hon. Minister how many of them are from Standard V wanting to sit for the exam beforehand?

**Mrs Dookun-Luchoomun**: Madam Speaker, the private candidates are normally students above the age of 13 and who would wish to enroll for the exams, but we rarely have

cases of students in registered primary schools wishing to take Standard VI, but we do have the numbers and I will give you the number. We rarely have these, but I will give you the numbers that have requested to sit for the examination in the earlier years as well. I have here from the MES a batch of students from a private fee paying school requesting to be allowed to sit for the examination. But, according to Regulation 18.3 of the Education Act, the Director of the MES can, upon her discretion, exceptionally allow students to sit for examinations. We have had a number of requests at the MES, but the MES is scrutinising these requests and trying to find out whether there is, in fact, a justification for students to be allowed to sit for Standard VI. We have to note, Madam Speaker, that we are in the last year of the CPE Examinations and there is this year a certain craze on behalf of parents to get their children to sit for the examinations. But, as I have said earlier, there are certain hierarchical pedagogical issues that we have to consider and we have to see whether it would be right to allow students coming out of Standard IV in Standard V to sit for examinations meant for CPE students.

**Madam Speaker**: Next question, hon. Osman Mahomed!

## CEB –WASTE – ENERGY PRODUCTION

**(No. B/779) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the production of electricity from municipal wastes, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to if a feasibility study has been carried out therefor and, if so, indicate the main outcomes thereof.

**The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo)**: Madam Speaker, electricity generation from waste is referred to in the report of the National Energy Commission and Long Term Energy Strategy 2009-2025, which set a target of 4% of annual energy generation from waste to energy projects.

One waste to energy project is already operational since 2011, namely the Landfill gas to energy and one unsolicited project was approved by the then Government in 2006. No prior study was carried out by the Central Electricity Board.

I am informed by the CEB that on 01 June 2015, it launched an Expression of Interest for the installation of Renewable Energy Technologies and received 17 applications.

On 11 April 2016, it has invited request for proposals and the date limit is 02 September 2016.

I am further informed that the promoter is required to carry out a full feasibility study as well as an Environmental Impact Assessment. One of the mandatory conditions for the project is that it should abide by the European Directive with regard to gas emission.

**Mr Mahomed**: So, no prior feasibility study was done by the CEB. Is the hon. Vice-Prime Minister aware that, on the other hand, the Ministry of Environment and Sustainable Development has embarked onto the updating of the strategy for managing solid waste, an exercise that is being funded by the *Agence Française de Développement,* the closing date of which is 22 June, and the objective of which is to come up with an Action Plan to reduce and recycle waste and not to produce energy from waste? Is the hon. Vice-Prime Minister aware of this?

**Mr Collendavelloo**: You should be careful not to mix. Yes, there is a plan at the Ministry of Environment and Sustainable Development for the management of waste, but it does not mean that the object is to reduce the amount of waste which is going to be used for energy production. The use of waste is going to be used for energy production. We are working in close collaboration with the Ministry of Environment and Sustainable Development, the Solid Waste Management Office or whatever you call it and we have to fine-tune along the way, but we are getting there. We are almost there, in fact.

**Mr Uteem**: Is the hon. Vice-Prime Minister aware that in the past there were projects for generating electricity from waste which did not go through because of the cost involved in sorting out the waste and to ensure that plastic bottles and other high pollutants are not being used and recycled for producing electricity? So, does this report, which he referred to, take into consideration the cost of sorting out the waste before generating electricity out of them?

**Mr Collendavelloo**: That could probably have been the case a very long time ago, but I am not sure that I agree with that statement of fact. The fact, at present, is that the question of sorting is no longer an issue because the techniques have evolved so much that sorting out plastic bottles, etc., is not an issue. This is not the issue. The issue is to ensure that we have adequate waste to furnish these generation stations. The sorting out is not really a problem.

**Mr Mahomed**: With regard to that same project mentioned by hon. Uteem and with regard to quantity of waste to be used to produce electricity, does the State have any commitment still for a waste supply agreement in respect to that promoter for 20 Megawatts

of electricity because the case was referred to the Environment Appeal Tribunal and to what I understand, has not been…

*(Interruptions)*

Gamma-Covanta.

And has not been finalised as yet? Does the State still have a commitment for a waste supply agreement with that promoter?

**Mr Collendavelloo**: Yes, Gamma-Covanta has got stuck along the route, but Gamma-Covanta is not the only one which is in issue. Now, we have 17 bidders who are on this project. Well, let me just read what I have in my note –

> "CEB guarantees to purchase the entire amount of energy exported to CEB's grid under the PPA while the Solid Waste Division of the Ministry of Environment has taken the commitment to supply an average of 600 tonnes a day of municipal solid waste to the successful project developer."

This answers the previous question and this one as well.

There are 17 bidders and there have been 5 applications for inter-connection study. So, we have moved a long way away from Gamma-Covanta and Sotravic which is again one of the bidders, but from the Sotravic Landfill Gas and the Gamma-Covanta, we have moved a long way now.

**Madam Speaker**: Last question, hon. Bhagwan!

**Mr Bhagwan**: Can the hon. Vice-Prime Minister give us an idea whether there has been any specific site identified for the solid waste management?

**Mr Collendavelloo**: I know that each promoter has earmarked the site, but I would not be able to list the sites here. I don't think I have that information.

**Madam Speaker**: Next question, hon. Osman Mahomed!

## AGRICULTURAL PRODUCE (LOCAL) – TONNAGE

**(No. B/780) Mr O. Mahomed (Third Member for Port Louis South & Port Louis Central)** asked the Minister of Agro-Industry and Food Security whether, in regard to local agricultural produce, he will state the tonnage thereof for the year 2015, indicating the percentage change thereof compared to the year 2014.

**Mr Seeruttun**: Madam Speaker, with regard to local agricultural produce, I am informed that according to the official records compiled by Statistics Mauritius, the tonnage of agricultural produce comprising sugar cane, tea, food crops and livestock production for year 2014 was 4,222,124.80 tonnes. For the year 2015, from interim and unpublished statistics compiled by the Food and Agricultural Research and Extension Institute (FAREI) and other Institutions/Departments falling under the aegis of my Ministry, the tonnage of local agricultural produce was 4,169,429 tonnes. These statistics indicate an overall decrease of around 1.25% in the total production level of local agricultural produce.

**Madam Speaker**: Hon. Osman Mahomed!

**Mr Mahomed**: At a time we were talking about food security and the different statements made by the Financial Secretary to reengineer our economy towards agricultural economy what is being done concretely to reverse this trend?

**Mr Seeruttun**: Madam Speaker, we have, at the beginning of this year, come up with a new Strategic Plan to address the problems of food security and food production, and we have come up with a series of measures to see to it that we increase our food security level and also we increase our production of food crops in general. So, we have listed a series of measures, including other ways of doing agriculture be it bio farming, be it sheltered farming. Also, when we talk about agricultural produce we also talk about the livestock sector. We are also coming up with a series of measures to accompany the breeders. So, probably in the forthcoming Budget we will see a series of new measures that are going to be proposed to address the problems being faced by farmers and breeders.

**Madam Speaker**: Hon. Uteem!

**Mr Uteem**: Thank you, Madam Speaker. May I know from the hon. Minister whether he has the figures for the amount of arable land which used to be utilised for agricultural purposes and which has been converted into residential or industrial purpose over the past five years and, if he does not have these figures, can he table them?

**Mr Seeruttun**: Well, I don't have that information with me now, but I can look for it and probably have it made available.

**Madam Speaker**: Hon. Osman Mahomed!

**Mr Mahomed**: Agricultural yield depends on the quality of the land. What is being done concretely at the level of the Ministry to preserve these grade A, grade B agricultural

land at the expense of other developments like *morcellements* which could be done elsewhere?

**Mr Seeruttun**: Madam Speaker, I must say that, since I took office, I put a team to look into all the agricultural lands that are available, what are those that are abandoned, what are those that are being used for agricultural produce and we have come up with, what we call, a land suitability map to ensure what are the regions and what are the different crops that are most appropriate in those regions depending on the temperature, the climate, the soil fertility. So, we are looking into that direction to ensure that we can optimise the agricultural production in Mauritius so that we, like I said, raise the level of food security in Mauritius.

**Madam Speaker**: Next question, hon. Bhagwan!

**Mr Bhagwan**: Madam Speaker, there is one organisation which has been very active at community-based level with regard to the production of vegetables. It is the *Mouvement pour l'autosuffisance alimentaire*. Can I know from the hon. Minister what further incentive his Ministry is planning to give to this very reliable association which is the *Mouvement pour l'autosuffisance alimentaire*?

**Mr Seeruttun**: Madam Speaker, I have met the President of that *Mouvement*, Mr Eric Mungur and he is someone very helpful, I must say, in promoting agriculture in Mauritius and we are working together. I have met him several times. With the measures that we are contemplating to boost up the agricultural sector, I am sure we will also address his request.

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

**HOSPITALS - SURGICAL INTERVENTIONS - VISITING SURGEONS**

**(No. B/781) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Health and Quality of Life whether, in regard to patients requiring surgical interventions, he will state the number thereof who –

(a) have undergone same under the hands of visiting surgeons since January 2015 to date, indicating the costs incurred in relation thereto, and

(b) are presently on the waiting list therefor, indicating the type thereof required.

**Mr Gayan**: Madam Speaker, I wish to inform the House that, after identifying a group of patients in the fields of cardiac surgery, ophthalmology, ear, nose and throat operations, paediatric surgery, plastic surgery and orthopaedic surgery, my Ministry invites

foreign visiting teams to come and operate. The costs of airfare, accommodation and other related costs of the visiting teams are met by my Ministry.

I am informed that 451 patients have been operated by visiting surgeons from January 2015 up to June 2016. The total costs incurred for such visits amount to Rs7,467,664.19.

As regards part (b) of the question, I am tabling the number of cases waiting to be screened and assessed in the different specialities by visiting surgeons for complex surgeries. Visiting teams are also invited to participate in continuous professional development programmes for doctors.

Madam Speaker, I wish to emphasise that there is a transparent procedure for patients to be seen by visiting doctors. Complicated cases from each region are first screened and assessed by the consultant in charge of the region. One of the consultants in charge in a specific speciality is designated to coordinate the visit of the foreign team. The cases are then sent from each region to the consultant in charge who is coordinating that particular unit. A further screening and assessment is carried out by the coordinating consultant in charge and the foreign team. It is at the end of the visit that the foreign team also submits a report to my Ministry on what they have done.

**Madam Speaker**: Hon. Dr. Sorefan!

**Dr. Sorefan**: Thank you, Madam Speaker. May I know from the hon. Minister how many times the same team came back to Mauritius for the same operation?

**Mr Gayan**: I am sorry, could the hon. Member repeat his question?

**Dr. Sorefan**: Madam Speaker, may I know from the hon. Minister how many times the same team came back to Mauritius for the same operation?

**Mr Gayan**: Well, they don't come back for the same operation. They come to operate on different patients. But we have…

*(Interruptions)*

…a group of doctors who keep coming for a number of years.

*(Interruptions)*

**Madam Speaker**: Hon. Dr. Joomaye!

**Dr. Joomaye**: Thank you, Madam. I would like to know from the hon. Minister in which speciality the list is longer and what is the average waiting time in each speciality?

**Mr Gayan**: Well, let me see if I have the information from my file. It used to be in ophthalmology that the list was longer but that has considerably reduced; for example, in 2015, we had 172 cases but today we have so far 29. For ENT as well, the number has gone down. For orthopaedics unfortunately the number has gone up. For the cardiac surgery, it has gone down. But, these are the areas where the visiting teams come to operate.

**Madam Speaker**: Hon. Dr. Sorefan!

**Dr. Sorefan**: Can we know from the hon. Minister whether the doctors that come to Mauritius have made any complaint to his Ministry that they are not too happy with our set up? For example, for brain surgery when they do it in the theatre, the ICU is far away and there is a high incidence of infection?

**Mr Gayan**: I am not aware of this, Madam Speaker.

**Madam Speaker**: Hon. Baloomoody!

**Mr Baloomoody**: Can I ask the hon. Minister whether there is proper collaboration between our visiting doctors, specialists, and our local doctors, especially with regard to the follow-up following the operation because there have been some complaints that some patients do not get the proper attention because they were not operated by the local specialists or the local specialists were not involved?

**Mr Gayan**: Well, it is a fact that the foreign visiting teams come for a short period of time but this is why I mentioned about the screening and the follow-up with the consultant in charge who follows the patients afterwards, but then I have not had any such complaint mentioned by the hon. Member.

**Madam Speaker**: Next question, hon. Ameer Meea!

## PLEASURE CRAFTS – SKIPPER LICENCES & LIFE JACKETS

**(No. B/782) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Deputy Prime Minister, Minister of Tourism and External Communications whether, in regard to the pleasure crafts, he will, for the benefit of the House, obtain from the Tourism Authority, information as to the –

(a) number of –

(i) skipper licences issued constituency-wise, since 2010 to date, and

(ii) contraventions booked for failure to be equipped with life jackets, and

(b) additional security measures that will be taken, if any, following the fatal incident which occurred on or about Wednesday 08 June 2016 at Grand River South East.

**The Deputy Prime Minister**: Madam Speaker, with regard to part (a) of the question, I am informed by the Tourism Authority, that -

(i) 3,201 skipper licences have been issued from January 2010 to June 2016. I am tabling the list of licences issued district-wise, and

(ii) a total of 3,168 contraventions have been established by the National Coast Guard for non-compliance with conditions of the skipper's licence. However, given that it is mandatory for pleasure crafts to be equipped with life jackets prior to issue of a pleasure craft licence, no contravention has been established in this respect.

As regards part (b) of the question, I wish to inform the House that since February 2015, a series of additional measures have been taken to reinforce safety and security at sea.

These are -

(i) setting up of a special flying squad of National Coast Guard commandos to carry out regular inspections at sea;

(ii) wearing of life jacket or other personal floating device made compulsory for all nautical activities outside the lagoon by commercial pleasure craft. This is also compulsory for non-swimmers inside the lagoon;

(iii) hoisting of red flag at Flat Island to warn operators about potential dangers regarding the practicability of the pass;

(iv) suspension of skipper's licence and pleasure craft licence upon establishment of a minimum of 3 contraventions;

(v) demarcation of a speed limit zone and snorkelling zones at Belle Mare;

(vii) organisation of refresher courses to keep skippers abreast of new safety norms and standards;

(viii) setting up of boat free zones at Pereybere and Mon Choisy and the project is being extended to Flic-en-Flac;

(ix) issue of SMS by the Tourism Authority to warn pleasure craft operators and skippers of adverse sea conditions;

(x) prohibition of Jet Ski;

(xi) requirement for all pleasure crafts with carrying capacity above 12 persons operating outside the lagoon to be equipped with a life raft. In the first instance, this measure is being applied to new pleasure craft licences;

(xii) the Monitoring and Compliance Unit has been reinforced with the recruitment of additional Tourism Enforcement Officers at the Tourism Authority, and

(xiii) one year moratorium on the issue of new pleasure craft licence for commercial purposes with effect from 01 June, 2016.

Madam Speaker, following the incident at Grand River South East, I requested the Tourism Authority to carry out a complete review of the existing policies with a view to reinforcing safety and security of pleasure craft activities.

The new policy framework will comprise three main components, namely -

(i) the "Design and construction of Crafts" component which takes into account, among others, the strength, stability, freeboard and down flooding of the craft in accordance with ISO 12217. Consultations are being held with the boat builders for design and construction standard for ferry and excursion activities in the future.

(ii) the "Pleasure Craft Operations" component which provides for categorisation of pleasure crafts and skippers, navigation equipment and a list of safety equipment on board of pleasure crafts, and

(iii) the "Pleasure Craft Management System" component which provides for a new method for determining the carrying capacity of crafts not ISO 12217 certified, and training of skippers and crew members.

Madam Speaker**,** it must be emphasised that the sea remains a dangerous place.

Ensuring maximum level of safety and security at sea at all times is a challenge which requires special attention and effort from all stakeholders.

**Mr Ameer Meea**: Madam Speaker, in relation to security measures, can I ask the hon. Deputy Prime Minister whether - be it for accident or randomly - there are any alcohol tests being performed on skippers and whether this is in the law, and if not, whether he is considering to amend the law so as alcohol tests are being done for cases of accidents and also randomly?

**The Deputy Prime Minister**: Often, Madam Speaker, I remember that there is provision in the law for maximum alcohol in the blood. As to the number of tests that has been carried out, I need prior notice of that.

**Mr Ameer Meea**: Madam Speaker, in relation to what I have just said, is there any medical certificate that the skipper has to produce before getting the licence? Is there something like this in the law that he should be deemed fit to have his licence?

**The Deputy Prime Minister**: We are looking at the whole question of the courses and the exams that have to be taken, Madam Speaker. The new regulation will provide for the skipper on board of a commercial pleasure craft to be accompanied by a helper and the helper also will have to have basic skills in order to be able to take the boat back should there be anything happening to the skipper proper. I am not aware whether there are medical tests carried out.

**Mr Ganoo**: Can the hon. Deputy Prime Minister enlighten the House as to whether there are any provisions in our regulations or law as to the admission of babies or children of tender age on board?

**The Deputy Prime Minister**: Not really. What I must stress, Madam Speaker, is we are looking at the whole thing. A comprehensive document, a draft is already available and I presume within a fortnight it will actually be finalised and issued. We are looking at the whole question. I think there must be some responsibilities also with regard to the parents, Madam Speaker. I mean, you cannot put a regulation for everything. That is one thing.

Secondly, certainly before taking on board a child or even a baby, I think it is the responsibility of the skipper to ensure that he has appropriate life jackets for these persons. I am told that there are no appropriate life jackets for very young children.

**Dr. Joomaye**: I would like to ask the hon. Deputy Prime Minister whether, during the course of training prior to issue of licence to a skipper, they are being given appropriate notions of lifeguard and first aid.

**The Deputy Prime Minister**: In fact, this is one module that is being included in the new regulations, Madam Speaker.

**Mr Jhugroo**: Madam Speaker, can the hon. Deputy Prime Minister state whether the National Coast Guards are equipped to track the skippers from exceeding speed?

**The Deputy Prime Minister**: Yes, Madam Speaker. We bought, some time ago, some speed guns and they are not totally easy to operate in conditions at sea, but they have equipment.

**Madam Speaker**: Hon. Ameer Meea, last question!

**Mr Ameer Meea**: Madam Speaker, we are informed by the hon. Deputy Prime Minister that the wearing of life jackets is compulsory by law, but we all know, what the case is presently, that people do not wear these life jackets. So, can I ask the hon. Deputy Prime Minister to ensure that the National Coast Guards make regular patrol and when contravention has to be taken, it has to be taken, and at the same time to educate the people who are taking the boat that the wearing of life jackets is compulsory?

**The Deputy Prime Minister**: Madam Speaker, you will be surprised, over the last month, I have given a lot of attention to the wearing of life jackets once you leave the lagoon. This is being done daily because we have a number of Tourism Enforcement Officers who have been recruited and we see generally, I must say, compliance with this regulation and this is happening. Sometimes, the crews are not wearing and we are insisting that the crew members also wear life jackets. But generally speaking, I must say that the recent experience is that people are abiding to this, at least, when they leave the lagoon.

**Madam Speaker**: The Table has been advised that the following PQs have been withdrawn: PQ Nos B/802, B/810, B/811, B/818 and A/35. I suspend the sitting for one and a half hours.

*At 1.04 p.m. the sitting was suspended.*

*On resuming at 2.42 p.m. with Madam Speaker in the Chair.*

**Madam Speaker**: Hon. Ameer Meea!

## SUPER CASH BACK GOLD & BRAMER ASSET MANAGEMENT – VICTIMS - REPAYMENT

**(No. B/783) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the Super Cash Back Gold Scheme and Bramer Asset Management policies of the former BAI Co (Mtius) Ltd., he will, for the benefit of the House, obtain from the National Property Fund Ltd., information as to the -

(a) quantum of money recovered by the Special Administrators as at to date, indicating the forecasted amount to be recovered;

(b) amount of money that have been disbursed for the repayment of the policy holders of the -

(i) Bramer Asset Management Ltd., and

(ii) Super Cash Back Gold Scheme

(c) when the policies which are assigned to the other financial institutions will be repaid, and

(d) the subsequent amount that will be refunded, indicating –

(i) when same will be effected, and

(ii) the mode thereof.

**The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun):** Madam Speaker, with regard to part (a) of the question, I am informed that the victims of Super Cash Back Gold and Bramer Asset Management Ltd. are being repaid a total of Rs10.3 billion of which Rs6.8 billion was recovered by the Special Administrators to date and Rs3.5 billion was raised by the then Minister of Finance and Economic Development with the Bank of Mauritius in June 2015.

For the forecast amount to be recovered as at date, I am informed that it is premature to put a figure as the Special Administrator is still in the process of recovering and realising assets of the ex-BAI Group including BAI Exchange, Diplomat Gardens, Bramer House, among others.

Added to these, I am also informed that the two biggest assets, the National Insurance Company Ltd. and the MauBank Holdings Ltd. will open up their share capital to potential investors so as to meet the future commitment made to repay eligible SCBG policyholders and loans of the Bank of Mauritius.

Madam Speaker, with regard to part (b) (i) of the question, for the 3,177 investors of Bramer Asset Management Ltd, I am informed that an amount of Rs1.8 billion has been paid to 3,152 investors in full and final settlement as at date. For Bramer Asset Management Ltd, I am further informed that the FIU is scrutinising the cases of 184 investors.

Madam Speaker, with regard to part (b) (ii) of the question, I am informed that a total amount of Rs7.3 billion has been repaid to 14,982 policyholders as at date out of a total of 16,341 policyholders.

I am further informed that 16,283 policyholders out of 16,341 are eligible for the repayment and there are 475 cases which are currently being scrutinised by the FIU. I am also informed that there are cases of suspected money laundering, drug related trafficking, use of *prête–nom* and unexplained wealth.

Madam Speaker, with regard to part (c) of the question, I am informed that the pledged policies are being repaid together with other policies. There is no distinction.

Madam Speaker, with regard to part (d) of the question, the repayment process is still on-going and the 325 victims of SCBG Scheme are yet to choose their preferred repayment option.

Madam Speaker, for part (d) (i) and (ii) of the question, those who have chosen Option 1 will be repaid on 30 June 2017, 30 June 2018, 30 June 2019 and 30 June 2020.

For those who have chosen Option 2, after a deduction of 25% of the capital, including bonuses, half is being paid immediately and half will be paid on 30 June 2019.

Madam Speaker, I am also informed that the substantive Minister will make a comprehensive statement to further update the House on this matter.

**Mr Ameer Meea**: Madam Speaker, I have listened carefully to what the hon. Minister stated, but in relation to section (d) (i), the question was about the subsequent amount that will be refunded. I recall the hon. Minister gave the date, but he did not give the amount that is remaining to be paid to Super Cash Back Gold policyholders. Does the hon. Minister have the amount that is left to be paid to the Super Cash Back Gold clients?

**Mr Soodhun**: As I mentioned, Madam Speaker, the substantive Minister is coming and he will give a comprehensive statement. I am sure I am going to inform my colleague about the question that has been raised by my hon. friend.

**Mr Ameer Meea**: Referring what the hon. Minister just stated, if he can also pass the message about the option that was available. As he is aware, there were Option 1 and Option 2, but on 28 June, this year, at adjournment time, I have raised the matter of Super Cash Back Gold to the effect that the communiqué that was issued by NPFL for the client to choose between Option 1 and Option 2, they gave a notice of only four days. At adjournment time, I

stated that this was not sufficient for the person to take into account what is Option 1 and Option 2 and today, there are many cases where people who have chosen Option 1 want to change to Option 2. Can the hon. Vice-Prime Minister pass this information as well to the substantive Minister so that these people can be repaid as soon as possible?

**Mr Soodhun**: I will, Madam Speaker.

**Mr Mahomed**: Can the hon. Vice-Prime Minister pass on to the substantive Minister the following as well. There are many old people, above 90 years old, whose money are stuck and they need money badly. In my constituency, there are many cases. They need to go for surgery and to do all kinds of things. Can consideration be given to them as a matter of priority for repayment purposes?

**Mr Soodhun**: I will pass on the message to the hon. Minister, but I know that he will not make any discrimination between young and old or those who are suffering and have been victims. I think my hon. colleague is going to see to it.

**Madam Speaker**: Next question, hon. Ameer Meea!

## HAWKERS – ARTICLES SEIZED

**(No. B/784) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East**) asked the Minister of Local Government whether, in regard to the articles seized by Police Officers and Inspectors of the Municipal Council of Port Louis from the hawkers since January 2015 to date, he will, for the benefit of the House, obtain a list thereof, indicating in each case –

(a) where same have been stored, and

(b) the mode of disposal thereof.

**Dr. Husnoo**: Madam Speaker, I am informed by the Municipal Council of Port Louis that the seized articles are kept at the Central Market and at the Council's main office. The mode of disposal of the seized articles depends on the nature of the articles seized. For example -

(i) Non-Foodstuff (haberdashery, fancy goods, plastic wares, etc.) are kept at the Central Market and at the main office pending the outcome in Court and in

case the hawkers have disappeared or have bolted away, same are disposed of through an auction sale by the Council.

(ii) Fruits and vegetables are usually sent to orphanages and homes. Foodstuff (cooked foods) are usually destroyed and sent to the dumping ground for disposal due to health safety.

I am placing in the Library of the Assembly the list of articles seized by the Police officers and the Inspectors of the City Council of Port Louis.

**Mr Ameer Meea**: Madam Speaker, we have been informed that these articles are being kept at the Central Market of Port Louis. Can I ask the hon. Minister whether there have been cases where these articles have been returned to its owners?

**Dr. Husnoo**: No, Madam Speaker. Usually, these articles are kept as exhibits for Court cases. Normally, they are not returned to the hawkers.

**Mr Ameer Meea**: The hon. Minister also mentioned in his reply that these are taken to auction and put on sale. Can I ask the hon. Minister how many items had been put on auction and how much money has been realised during these auctions, if he can give the figures to the House?

**Dr. Husnoo**: The stuff that was put on auction was for those people who have disappeared, who have bolted away. But, as for the actual figure, in terms of amount, I don't know, but I can ask for the information and let the hon. Member have it.

**Mr Uteem**: This question has been raised previously in the House and we had the same answer. Vegetables and foods that are seized are given to orphanages. I have asked these orphanages, they don't receive them. So, may I ask the hon. Minister to go and have an enquiry about all the vegetables and fruits that have been seized by the Inspectors and Police and to make an audit as to what actually happened by cross-verifying with the orphanages, whether they actually receive those foods or is it just a means for Inspectors to do their *bazar* for free?

**Dr. Husnoo**: Well, Madam Speaker, I have got the list here on what date these foods were collected and sent to the orphanages. Obviously, I am going to circulate the list.

**Mr Baloomoody**: The hon. Minister stated that there are Court cases. May I know how many Court cases there are and how many have been done with?

**Dr. Husnoo**: I am afraid I won't be able to give the hon. Member this information because we have a long list here. Again, I can let him have it later.

*(Interruptions)*

Yes, I am going to table it.

**Madam Speaker**: Last question on this, hon. Ameer Meea!

**Mr Ameer Meea**: In relation to the articles that have been seized, can I ask the hon. Minister whether he has a list of the articles with their respective owners from whom these articles have been seized? And also, coming back to the auction sale, I think if there has been any sale that has been auctioned, the hon. Minister must have a figure of how much money has been realised. How come he has sent all the articles at auction and he does not have the amount of money received from this auction!

**Dr. Husnoo**: I mentioned that I don't have the amount now, but I can ask the Municipal Council to let you have it. They must have it somewhere.

**Madam Speaker**: Next question, hon. Ameer Meea!

## CATTLE, GOATS & SHEEP (LIVE) - IMPORTATION

**(No. B/785) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East)** asked the Minister of Industry, Commerce and Consumer Protection whether, in regard to live cattle, beef, goats and muttons, he will, for the benefit of the House, obtain information as to –

(a) the number thereof imported since September 2015 to date, indicating the names of the –
  (i) importers;
  (ii) sellers, and
  (iii) resellers thereof

(b) the number of complaints received in connection with the 2015 *Eid-Ul-Adha* festival, indicating the outcome of the inquiries carried out thereinto, and

(c) if the price thereof has been fixed in the context of the forthcoming *Eid-Ul-Adha* festival, indicating the –

(i) price per kilogramme thereof, and

(ii) countries of origin thereof.

**Mr Gungah**: Madam Speaker, regarding part (a) of the question, I am informed by the Mauritius Revenue Authority that the number of live cattle, goats and sheep imported from September 2015 to 30 June 2016 is as follows –

- Cattle - 7,633
- Goats - 831
- Sheep - 823

I am further informed that Socovia (Belle Vue) Ltée was the sole importer during that period.

With regard to part (a) (ii) and (iii), I am informed that normally there is no seller of live animals as the importer takes the live animals to the Mauritius Meat Authority for slaughtering and their carcasses are sold directly to butchers. It is only during the *Eid-Ul-Adha* festival that live cattle are sold through resellers.

With your permission, Madam Speaker, I am tabling a list of resellers who were involved in the trade of live cattle during that period.

As regards part (b) of the question, I wish to inform the House that in my reply to PQs B/434 and B/459, at the sitting of 08 September 2015, I informed the House that 22 complaints, relating to the sale of cattle during *Eid-Ul-Adha* 2015, had been received at the Consumer Affairs Unit of my Ministry.

No contravention had been established on account of lack of documentary evidence.

Subsequently, eight more complaints were received from 14 to 22 September 2015. Seven at the Consumer Affairs Unit and one at the Legal Metrology Services out of which three were anonymous. The complaints related to prices being higher than the fixed price, inaccurate weighing scales and country of origin of the animals. Investigation was carried out in all the cases and no illegal practice was found.

As regards part (c) of the question, I wish to inform the House that the price thereof has not been fixed yet as we were waiting for the end of Ramadan in order to start the process of compiling information on the importation of live animals for *Qurbani*.

In this regard, my Ministry has issued a press communiqué inviting all importers of live animals to submit their proposals to the Ministry by Thursday 21 July 2016. Once all

information is obtained a meeting with relevant stakeholders will be held early next week under the aegis of my Ministry to look into the issue of price-fixing and regulations will be made accordingly.

**Madam Speaker**: Hon. Ameer Meea!

**Mr Ameer Meea**: Thank you, Madam Speaker. Last year after the celebrations of *Eid-Ul-Adh*a whereby the price of live cattle had been fixed at Rs125 per kg, just after that the price of carcasses to the consumers had increased although the price had been fixed for the public for *Eid-Ul-Adh*a as soon as the celebrations were over the prices of meat increased on the local market. So, this year as well, as the hon. Minister stated, there is only a sole importer and a sole seller, *il est dans une situation de quasi monopole* can I…

**Madam Speaker**: Ask your question!

**Mr Ameer Meea**: Can I ask the hon. Minister to ensure that this year also this is not the case that when the price is fixed after that throughout the year the price is increased?

**Mr Gungah**: Madam Speaker, I can assure the hon. Member that after the celebrations of *Eid-Ul-Adh*a the price of beef or any other meat that is going to be sold will be the normal price that is being sold. But, I have got some information concerning the prices of cattle and beef meat for the period of *Qurbani* and for home consumption.

In fact, for *Qurbani* like for last year if we consider an animal of 500 kg, the price was Rs125 per kg that was fixed for that period. So, the purchase price came to Rs62,500. There is no slaughter fee and the effective price that was paid was Rs106 per half kg. Whereas for home consumption, if we consider the same weight of animal, that is 500 kg, it is sent to the slaughterhouse and the carcass weight normally comes to 590 pounds, half kg, the price I think was Rs120 which comes to around Rs7,800 purchase price which makes the effective prices at Rs111.20 per half kg and this is sold at Rs120 to butchers.

So, I can assure the hon. Member that the prevailing price that is on the market right now, once after the celebrations are over will be maintained for that.

**Madam Speaker**: Hon. Osman Mahomed!

**Mr Mahomed**: Thank you. Is the Ministry envisaging putting some sort of control on the age of the animal that is going to be imported this year because last year there was huge uncertainty about the age because according to the rules they are not supposed to be too young…

*(Interruptions)*

Two years. What precautions are being taken this year to alleviate this uncertainty?

**Mr Gungah**: Madam Speaker, in fact, last year the question was raised and I explained to the House that officers of my Ministry and that of the Ministry of Agro-Industry and Food Security, that is, the Veterinary Services were present to check the age of the animal and it was found correct. But, I can assure the hon. Member that in the communiqué that was released from my Ministry it is precisely written that cattle intended for *Qurbani* must be aged more than two years, free from wounds and bruises and free from any handicap.

**Mr Uteem**: Madam Speaker, in the past, in order to prevent exploitation during *Qurbani* period, there were suggestions that the State Trading Corporation may itself import live cattle and sell it. Is this an option being considered at this point by the State Trading Corporation or not?

**Mr Gungah**: Madam Speaker, in fact, I had several meetings with different stakeholders on that issue and it was not found to be economic because the market of Mauritius compared to the vessels, that is, the cattle carriers do not match.

**Madam Speaker**: Hon. Jhugroo has a question!

**Mr Jhugroo**: Can the hon. Minister confirm whether last year the market price of cattle, goat and sheep had gone down?

**Mr Gungah**: If we are talking about *Eid-Ul-Adh*a, that is, *Qurbani*, the price went down compared to what it was in 2014 and I must also say that for the end of the year celebrations, we had reduced the price of imported live goat and imported live sheep as well.

**Madam Speaker**: Last question on this, hon. Ameer Meea!

**Mr Ameer Meea**: Yes, last year there was confusion on the price. Firstly, it was announced that it would be Rs125 per kg, then the figure Rs140 per kg for different breed of cattle was also announced namely the Charolais. So, there was so much confusion on the price and some people had paid the price of Rs140. Therefore, can I ask the hon. Minister to ensure that this year these kinds of situations do not repeat and we have a single price for all types of cattle?

**Mr Gungah**: Madam Speaker, I agree that last year there was some sort of confusion in the beginning, but I also explained to the House that those who had paid more than Rs125

would be refunded. That was done and a communiqué was issued to clarify the situation. I can assure the hon. Member that this time we will make sure that everything is done properly.

**Madam Speaker**: Next question, hon. Uteem!

**HAJJ 2015 – STAMPEDE - INVESTIGATION**

**(No. B/786) Mr R. Uteem (First Member for Port Louis South and Port Louis Central)** asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the stampede which occurred in Mina, in Saudi Arabia during the Hajj 2015, he will state if he has requested the Saudi Authorities for the –

(a) submission of a report on the outcome of the investigation carried out to determine the causes thereof, and

(b) payment of compensation to the families of the five Mauritians who lost their lives in the course thereof.

**The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun)**: It is a very good number, Madam Speaker, 786. It starts by the name of God.

Madam Speaker, I am informed by the Islamic Cultural Centre that the enquiry on last year's stampede is still on and it is expected that the outcome thereof will be rendered public by the Saudi authorities in due course.

As regards the payment of compensation, I am further informed that no country including India, Pakistan, Indonesia or any other country has made any claim to the Saudi authorities and as such the question of payment of compensation does not arise.

**Mr Uteem**: Madam Speaker, I did not hear properly with respect to the first part. Is it investigation by the Islamic Cultural Centre or by the Saudi authorities which the hon. Vice-Prime Minister was referring to…

**Mr Soodhun**: As I mentioned, the Saudi authorities will in due course and not the Islamic Cultural Centre.

**Mr Uteem**: Last year after the event the hon. Vice-Prime Minister made a statement in the press and on radio with regard to, and I quote –

*« J'ai demandé une enquête afin de faire toute la lumière sur cette affaire (…) »*

And he was pinpointing a specific Hajj organiser. So, has there been any follow-up on this matter?

**Mr Soodhun**: I have asked for the former president of the Islamic Cultural Centre to come up with an enquiry. In fact, they have submitted the report to us.

**Madam Speaker**: Next question, hon. Ramful!

**CEB - ELECTRICITY METERS – TAMPERING**

**(No. B/787) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien)** asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the electricity meters, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the number of reported cases of alleged tampering thereof over the past five years, indicating the estimated quantum of revenue lost as a result thereof and table a list thereof, indicating the –

(a) measures taken for the recovery thereof, and

(b) amount thereof recovered as at to date.

**The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo)**: Madam Speaker, I am tabling the statistics on the number of cases of tampering detected by the CEB from 2011 to date.

I am informed by the Central Electricity Board, that –

(i) It has a special cell to detect cases of tampering. The cell carries out inspections on a daily basis island-wide;

(ii) It has put in place a dedicated phone number (401 2007) for the public to denounce any suspected case of tampering, and

(iii) It has installed automated meter reading which provides more data and facilitates the detection of cases of illegal use of electricity.

I am also informed that in any case of suspected tampering –

(i) Initially the consumer is invited before the Revenue Protection Committee of the Board for explanations and to agree on the terms of payment to be made to the Board;

(ii) In case no agreement is reached, the CEB issues legal notices for recovery of any amount due;

(iii) In case of non-payment, the Board enters civil proceedings and/or refers the case to the Police as may be appropriate, and

(iv) The Board may also resort to disconnection of electricity supply.

**Mr Ramful**: I have been informed that there is a problem at the level of the inspection and all depends on the frequency at which the inspections are being conducted. May I request the hon. Vice-Prime Minister to have a look into the matter and if instructions could be given so that inspections could be carried out on a timely basis, right from the start, so that we do not discover the tampering at a late stage, thus resulting in an increase in the amount of revenue lost?

**Mr Collendavelloo**: Well, I am sure that they must have a schedule of work and they cannot inspect all houses at the same time. I suppose this is why sometimes frauds are detected at a late stage, resulting in heavier amounts having to be paid, but I have not much sympathy for fraudsters. I am sure the hon. Member also does not share any sympathy with them. The issue is, in cases where the Fraud Detection Unit makes an error and believes that there is fraud. When there is a litigious situation, then the issue must be set right very quick.

**Dr. Sorefan**: I am sure the hon. Vice-Prime Minister is aware that we have two types of electric meters, the old one and the new one which is tamper-proof. May we know from the hon. Vice-Prime Minister how many of these old ones have been replaced and how many are left to be replaced so that we can get away with tampering?

**Mr Collendavelloo**: I will need a specific question for that. There are two types of meters: one is the electromechanical meters which we have mostly in our house and now, the automated meter readings. I am not aware of the number of meters which we have in each category.

**Mr Mahomed**: Normally, I would think that tampering occurs at the level of the meter itself, the bypass. But is it not the duty of the meter readers, while going for the monthly inspection, to read and to also verify that everything is okay?

**Mr Collendavelloo**: Yes, if the meter readers detect it, but I do not think that fraudsters do their bypass in such a way that it is easily detected. Normally, they have better ways to tamper them with the meter than in this case. What I see is, normally, the inspections are targeted to the heavy consumers of electricity and the shift in meter readings alerts that Unit that there is a problem with this heavy consumer.

**Madam Speaker**: Last question, hon. Ramful!

**Mr Ramful**: Can we know if the document that is going to be tabled also contains the quantum and the amount of revenue loss to the CEB over the last five years?

**Mr Collendavelloo**: Absolutely, yes! It has got the estimated loss of revenue and the amount actually collected.

## FLIC-EN-FLAC - SECONDARY ACCESS

**(No. B/788) Mr A. Ganoo (First Member for Savanne & Black River)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the proposed project for the urgent provision of a new secondary access to Flic-en-Flac, he will state where matters stand.

**Mr Bodha**: Madam Speaker, in my reply to PQ B/741 on 20 October 2015, I informed the House that the RDA had identified an alignment for the proposed 'Link Road to Flic-en-Flac' which extended over an approximate length of 7 kms, starting near Junction Palma Road (B2) and Geoffroy Road (B91) at Beaux Songes crossing the Rivière Noire Road (A3) at Cascavelle and ending at the Flic-en-Flac Road (B34) in the region of Flic-en-Flac/Wolmar.

However, the RDA did not proceed with the project as the cost was on the very high side and the alignment passed through environmentally sensitive areas.

Consequently, the RDA, in consultation with the Traffic Management and Road Safety Unit identified another alignment extending from Wolmar with a link to the A3. A comprehensive feasibility study will be required before proceeding with the project.

Madam Speaker, I am further informed by the RDA that, in this context, a sum of Rs9 m. has been earmarked in the budgetary proposals for this Financial Year for Consultancy Services for the study and design of the alignment that would also take into account the road safety issues in the area.

**Mr Ganoo**: Can the hon. Minister inform the House whether there will be need for any compulsory acquisition of land or will the State land which is available there be made use of?

**Mr Bodha**: Yes, we will make use of State land available but, definitely, we will have to go through some land which belongs today to the Medine Sugar Estate.

**Mr Ganoo**: May we know what will be the length of the road?

**Mr Bodha**: The former alignment, Madam Speaker, was 7 kms. I think it is going to be around that figure.

**Dr. Sorefan**: The hon. Minister has mentioned that the RDA did a study for the first alignment and the cost was on the excessive side. May we know from the hon. Minister what was the amount that they proposed?

**Mr Bodha**: In fact, the amount was about Rs40 m. per kilometre. But the issue was, in fact, the connection with the main road and they proposed flyovers. That is why it was about Rs1 billion.

**Madam Speaker**: Last question!

**Mr Ganoo**: Can the hon. Minister inform the House whether there will be any displacement of the families living in the region?

**Mr Bodha**: From what I have been told, I think we can have an alignment where we will not have displacement of families.

**Madam Speaker**: Hon. Barbier!

## PIGS – IMPORTATION

**(No. B/789) Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West)** asked the Minister of Agro-Industry and Food Security whether, in regard to pigs, he will state, in respect of the past five financial years, the total value and quantity thereof –

(a) imported, and

(b) reared locally.

**Mr Seeruttun**: Madam Speaker, I am advised that importation of live pigs is not authorised except for breeding purposes. In that context, during the last five years, a total number of 56 piglets (50 females and 6 males) have been imported from Reunion Island for a total value of 22,000 Euros, i.e. approximately Rs900,000.

With regard to frozen and chilled pork meat and pork products, total imports during the last five years amounted to a total of 6,511 tonnes for a total value of Rs936 m. As regards local pig production, the number of pigs reared by breeders over the last five years is as follows -

| Year | | Qty |
|---|---|---|
| 2011 | - | 23,285 |
| 2012 | - | 15,287 |
| 2013 | - | 15,961 |
| 2014 | - | 17,511 |
| 2015 | - | 21,964 |

However, statistics available at the Mauritius Meat Authority (MMA) indicate that a total number of 46,266 pigs were slaughtered at the Central Abattoir for the period 2011-2015 as follows -

| | | |
|---|---|---|
| 2011 | - | 9,540 |
| 2012 | - | 9,990 |
| 2013 | - | 9,656 |
| 2014 | - | 8,516 |
| 2015 | - | 8,564 |

The total value of the pig carcasses slaughtered amounted to Rs456 m. It is worth pointing out that the slaughter statistics do not reflect the real picture as it is suspected that a large number of pigs are slaughtered illegally.

**Mr Barbier:** Madam Speaker, may I know from the hon. Minister whether he has had the opportunity to meet the representative of pig breeders from the Mauritius Pig Marketing Cooperative Federation recently or whether he has received any representation from any association of pig breeders and what has been the outcome?

**Mr Seeruttun**: Madam Speaker, I have set up a Pig Steering Committee at the level of my Ministry and since the beginning of this year, they met on two occasions, on 18 April 2016 and 14 July 2016. There are a number of representatives of pig breeders who are members on that committee. Their *doléances* are being taken up at the level of that committee.

**Mr Barbier**: The hon. Minister will agree with me that during the past years, there has been a considerable increase in the importation of pig carcasses and this is, I would say, causing much difficulty for the pig business actually in Mauritius. Will the hon. Minister

consider the possibility of giving all the necessary support so that the local producers can have a maximum part of this market?

**Mr Seeruttun**: Yes, Madam Speaker, I am quite aware of that particular problem. That is why this committee is in place to look at ways and means as to how to improve the quality of the meat, and also the way the local breeders are breeding their animals. There are two problems that arise with regard to the meat that is being produced locally which is claimed by the importers that it is of poor quality and that the husbandry is off norm and that we don't have an *abattoir* which is HACCP certified. So, we are working towards overcoming those two problems with regard to having meat of better quality. We have asked for a consultant to come, analyse and test the quality of the meat that we produce locally to ensure whether the claims made by the importers are justified or not. And secondly, with regard to the certification of the *abattoir*, we have already embarked on a project to make that *abattoir* HACCP certified.

**Madam Speaker**: Next question, hon. Barbier!

**Mr Barbier**: With regard to the quality, the hon. Minister may be aware….

**Madam Speaker**: That is the last question on this!

**Mr Barbier**: I have two last questions, if you will allow me.

**Madam Speaker**: We have got so many other questions!

**Mr Barbier**: I will go to the last one. It is about the *teledon* which the pig breeders mentioned in the Press yesterday. May I know where the Rs20 m. recovered from this *teledon are*, and what has been the use of it?

**Mr Seeruttun**: Madam Speaker, that issue also was taken up at the level of that committee. I have been told that they are claiming that - at the time when they made that fundraising after the swine fever outbreak - there were some Rs20 m. collected. But according to the figures that I have obtained from the Ministry, there were some Rs3 m. raised and the money was transferred to the Consolidated Fund. So, that was a few years back and it has already been used in the national Budget.

**Madam Speaker**: Next question, hon. Barbier!

## CATTLE BREEDERS - GRANTS

**(No. B/790) Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West)** asked the Minister of Agro-Industry and Food Security whether, in regard to the cattle breeders, he will state if they are entitled to a yearly grant per head of cattle or otherwise and, if so, indicate why some breeders have not received their grants over the past two years.

**Mr Seeruttun**: Madam Speaker, there is no scheme at my Ministry for the payment of an annual grant per cattle to cattle breeders.

However, the Small Farmers Welfare Fund, which operates under the aegis of my Ministry, is since 2013 running the Calf Productivity Incentive Scheme. This Scheme provides for the payment of a cash grant of Rs2,500 to registered small scale cattle breeders, for each calf of dairy type on reaching the age of 3 months, subject to a maximum of 30 weaned calves annually.

The objective of the Scheme is to increase milk production by giving an incentive to cattle breeders to take better care of their calves to bring them to a later stage when they can be ready to produce milk.

In December 2015, Government decided to extend the Scheme to calves of beef type to encourage production of meat as well. This measure is effective as from January 2016.

In order to benefit from the Scheme, breeders should be registered with the Small Farmers Welfare Fund and the calves should be born out of artificial insemination and tagged by the Division of Veterinary Services prior to the application for the grant.

I am advised by the Small Farmers Welfare Fund that all eligible breeders have been paid the cash grant during the last two years.

**Mr Barbier**: Unfortunately, Madam Speaker, I heard on the radio recently that some breeders were complaining that they have not been paid since the last two years. I don't know whether the hon. Minister is aware. So, may I know, apart from the criteria mentioned by the hon. Minister, whether it is also a criterion to be rearing a certain number of heads to be eligible to have this grant?

**Mr Seeruttun**: Firstly, I must say that from the information that I have from the Small Farmers Welfare Fund, there is no breeder to whom money is owed. All those who have sent their claims, have been refunded as per the eligibility criteria. In terms of criteria, I know that there are no minimum criteria but there are upper limit criteria. So, there is no minimum as such.

**Madam Speaker**: Next question, hon. Barbier!

**BEACH AUTHORITY – IRON SHEETS STRUCTURES**

**(No. B/791) Mr J. C. Barbier (Fourth 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 beaches, he will, for the benefit of the House, obtain from the Beach Authority, information as to if consideration will be given for the advisability of stopping the proliferation of the use of iron-sheet structures by commercial traders thereat and making provision for appropriate buildings to be erected in dedicated areas for the location of the said traders.

**The Minister of Local Government (Dr. A. Husnoo):** Madam Speaker, I am informed that the Beach Authority has not issued any new Beach Trader's Licence as from the year 2015…

**Madam Speaker**: Are you replying to PQ B/791?

**Dr. Husnoo**: PQ B/791, yes! Sorry, I will start again.

I am informed that the Beach Authority has not issued any new Beach Trader's Licence as from the year 2015 with a view to stopping the proliferation of all trading structures (including iron sheet structures) on public beaches.

I am also informed that action has already been initiated by the Beach Authority for the preparation of a Beach Management Plan which includes measures to harmonise beach activities through implementation of traders' zones.

In this context, all beach traders will be relocated to the designated traders' zones in an environmentally friendly structure.

**Mr Barbier:** Madam Speaker, I am happy to hear that some actions are being taken. May I know whether there is a time frame for that plan to be completed?

**Dr. Husnoo**: Well, actually the meeting took place at the Beach Authority on 26 June 2015. So, they are just waiting for the availability of funds and then they are going to start the project.

**Madam Speaker**: Yes, hon. Ganoo!

**Mr Ganoo**: Can I ask the hon. Minister whether the situation at the Flic-en-Flac beach is also being looked into? I have myself raised the matter previously in the House

about the proliferation of many beach traders building their commercial slots in whatever way they want. Is the situation at Flic-en-Flac beach also being addressed?

**Dr. Husnoo:** Yes, Madam Speaker. On a pilot basis, the structures would be implemented on three public beaches, namely, Grand'Baie, Trou aux Biches and Flic-en-Flac.

**Madam Speaker:** Next question, hon. Barbier!

**POINTE AUX SABLES & BAIE DU TOMBEAU – CLEANING & MAINTENANCE**

**(No. B/792) Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West)** asked the Minister of Local Government whether, in regard to the beaches of Pointe aux Sables and of Tombeau Bay which do not fall within the purview of the Beach Authority, he will, for the benefit of the House, obtain information as to the measures taken by his Ministry for the cleaning and maintenance thereof.

**Dr. Husnoo**: Madam Speaker, as the House is aware, all proclaimed public beaches are managed and maintained by the Beach Authority whereas other beaches which consist of *Pas Géométriques* are under the control of the Ministry of Housing and Lands.

As far as Baie du Tombeau is concerned, Baie du Tombeau, the upper part near the bus stop is not a proclaimed public beach and cleaning is being done by the District Council of Pamplemousses.

Tombeau Bay, lower part, known as Le Goulet public beach is a proclaimed public beach and cleaning is being done by the scavenging contractor and the Ministry of Environment, Sustainable Development, Disaster and Beach Management.

As far as Pointe aux Sables is concerned, Pointe aux Sables, near Débarcadère is not a proclaimed public beach. This beach is vested in the Ministry of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands, the Fisheries Division and cleaning is being done by that Ministry.

Pointe aux Sables, near *Ti Lac*, is a popular beach and not a proclaimed public beach. Cleaning is being done by the scavenging contractor of the Ministry of Environment. The five lots at Pointe aux Sables are proclaimed as public beach and cleaning is being done as follows –

(a) Pointe aux Sables, near Martello Tower, by the FSU of the Local Government;

(b) Pointe aux Sables, near the Fisheries, FSU of the Local Government;

(c) Pointe aux Sables (main), scavenging contractor, Ministry of Environment;

(d) Pointe aux Sables (La Pointe), lot 1, scavenging contractor, Ministry of Environment;

(e) Pointe aux Sables (La Pointe), lot 2, scavenging contractor, Ministry of Environment;

**Mr Barbier**: You will agree with me, Madam Speaker, with the lots of authorities concerned, it is not easy for even the public to know to whom to address when there is a problem. So, as concerned, still we have some beaches which are *pas géométriques* and which are not on the list of these authorities. For example, in Pointe aux Sables, there are frequently dead trees which cause an obstruction to the people around. Will the Minister see to it that, at least, a Committee be set up to manage all these cleaning needed so that those parts of the *pas géométriques* are taken care of too?

**Dr. Husnoo**: Yes. I agree, Madam Speaker, that there are lots of people who are looking after the beaches, but, as you are aware, as far as the proclaimed beaches are concerned, we have about 118 under the Beach Authority. As far as the other *pas géométriques* are concerned, we have hundred kilometres. I agree that, at present, it is a bit of a mess; there are so many actors trying to clean these places. I think the hon. Member is right. I will have a meeting with all the Ministries concerned: Environment, Fisheries, Housing and Lands to try to sort it out.

**Madam Speaker**: Next question, hon. Oree!

## PUMP ROAD, ROCHE BOIS – AUCTION MARKET – SECURITY MEASURES

(**No. B/793) 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 of the precarious security situation at Pump Road, in Roche Bois, during the early morning auction sales of vegetables and fruits and, if so, will he, for the benefit of the House, obtain information as to the measures taken to ensure the safety of the stakeholders thereof, especially, that of the planters.

**Dr. Husnoo**: Madam Speaker, I am informed by the Municipal Council of Port Louis that the auction site operates as from Mondays to Saturdays and is open from 1.00 a.m. to 10.30 a.m. the site is adequately lighted and provided with watchmanship services.

I have requested the Municipal Council to be more vigilant in the management of the Auction Market and prevent any unlawful economic activity to take place.

The Municipal City Council of Port Louis has responded promptly to this request and illegal sellers are now prevented from operating in these areas. During the last weekend, a large amount of goods was confiscated and the illegal hawkers were prevented to carry out their trade. Obviously, this operation is going to continue.

I am further informed that the Fanfaron Police Station is providing both foot and mobile patrols between midnight and 10.30 a.m. during the operation of the auction sales. A static police vehicle with two Police Officers are also deployed at the site. In addition to these measures, the Divisional Supporting Unit and the ERS personnel are also providing regular mobile patrols thereat as from 18.00 hours on the eve and until the auction sale is over, that is, around 10.30 a.m.

**MPs - OVERSEAS MISSIONS - EXPENDITURE**

**(No. B/794) 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 hon. Ministers, he will state the number thereof effected since January 2015 to date, indicating the expenditure incurred in relation thereto in terms of airfares, per diem and other allowances.

**Mr Jugnauth**: Madam Speaker, the number of missions undertaken by hon. Ministers during the 18-month period from 01 January 2015 to 30 June 2016 was 184. The expenditure details are being compiled and will be tabled.

Madam Speaker, I wish to inform the House that the schedule of *per diem* payable to officials, including Ministers and Members of Parliament proceeding on missions abroad, has been reviewed and rationalised and for certain categories, the rates of *per diem* have been revised downward. In addition, the rates of entertainment allowance payable have also been reduced.

Furthermore, with a view to making judicious use of the funds allocated for missions abroad, financial clearance, as from 01 July 2016, has been centralised at the level of my Ministry and strict control is being exercised with regard to disbursement of funds.

In this respect, Supervising Officers have been requested to -

- prepare an Annual Mission Plan with the objective to prioritise and plan missions abroad;
- keep the number of delegates to strict minimum, except for missions where specific technical skills may be required;
- have recourse to our representatives in Overseas Embassies and High Commissions for attending those international events, conferences and meetings where possible, and
- also make maximum use of teleconferencing and other modern telecommunication facilities.

**Mr Bhagwan**: I thank the hon. Minister of Finance for the first part of his reply - 184. Can I know from the hon. Minister when the Assembly will be apprised of the figures on how much had been spent? I am sure it won't take so long to be compiled. So, can we have an idea when the figures can be made available to the National Assembly?

**Mr Jugnauth**: Well, Madam Speaker, when all the information have been compiled and sent to the Ministry, of course, we will give the information.

**Mr Bhagwan**: I am sure the message has been well received four-by-four by *certains pigeons voyageurs*. Can the hon. Minister inform the House whether there has been a circular sent to the different Ministries, especially the Ministers who travel so often, so that they can start preparing themselves for *téléconference*?

**Mr Jugnauth**: Well, in fact, the circular has been sent to all Ministries because everybody is concerned. Therefore, Madam Speaker, we should see to it that whenever we need to proceed on mission, it must really be in the interest of the country; whatever missions we attend must bring certain dividends to the country. That's why we need to analyse and judge according to each mission; first of all, according to our resources because the resources are limited, whether we are able to afford to send not only Ministers but officers also to attend those conferences.

**Mr Mahomed**: Prior to the centralisation of missions at the Ministry of Finance and Economic Development as from 01 July 2016, would the hon. Minister be able to indicate to the House whether there have been Ministries that had exceeded their allocated budget for missions and which have had to come to the Ministry of Finance and Economic Development to seek for additional funds to sustain missions that they had to go for?

**Mr Jugnauth**: Well, I don't have the information, but I, probably, can recall there must have been some Ministries.

**Mr Bhagwan**: Can I ask the hon. Minister whether he is aware that there is a small trick going on. When there is no fund available at the level of the Ministry of Finance or other Ministry, there is a small trick of travelling through the parastatal bodies of Government-owned companies falling under the Ministers' purview? Can the hon. Minister check whether there are Ministers who have travelled through the vote of certain parastatal bodies, companies, State-owned companies?

**Mr Jugnauth**: Well, as a matter of principle, the Minister cannot do that. They have to apply to the Ministry. Well, previously, it was under their own vote, but, as I have just answered in my reply, now it is being centralised. In fact, we are going back to the old system where they will have to seek the approval of the Rt. hon. Prime Minister and the Minister of Finance, so they cannot. I mean, I don't see somebody, a Minister who is going to use the funds of a parastatal body; in the event that somebody does that, he will have to account for.

**Madam Speaker**: Hon. Jhugroo!

*(Interruptions)*

Last question on this!

*(Interruptions)*

**Mr Jhugroo**: Thank you, Madam Speaker. Can the hon. Minister of Finance and Economic Development, while compiling questions asked by the hon. Government Chief Whip, at the same time give us information…

*(Interruptions)*

… for the past five years…

*(Interruptions)*

….for all Ministers who have been travelling, the countries, the *per diem*, allowance and everything…

*(Interruptions)*

… so that we can compare what is going on…

*(Interruptions)*

Compare and contrast…

*(Interruptions)*

**Mr Jugnauth**: I can…

*(Interruptions)*

I can certainly do that, but…

**Madam Speaker**: Since 2015. No, I am just drawing attention that the question relates since January 2015.

**Mr Jugnauth**: Yes. The hon. Member wants an extension backwards!

*(Interruptions)*

So, probably we can do that. But, that will take me even more time!

*(Interruptions)*

**Madam Speaker**: Hon. Bhagwan, next question!

**STATE INVESTMENT CORPORATION - INVESTMENT**

**(No. B/795) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Finance and Economic Development whether, in regard to the State Investment Corporation, he will, for the benefit of the House, obtain therefrom –

(a) details of the returns thereof which have been invested into the Mauritius Telecom, since January 2015 to date, and

(b) the status of the investments thereof abroad.

**Mr Jugnauth**: Madam Speaker, I am informed that the State Investment Corporation has no investment in Mauritius Telecom and therefore no return. Therefore, as regards part (b), the question does not arise.

**ROBINSON-GLEN PARK LINK ROAD PROJECT**

**(No. B/796) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Robinson-Glen Park Link Road Project, he will, for the benefit of the House, obtain from the Road Development Authority, information as to –

(a) the estimated cost thereof;

(b) the expected start and completion dates thereof, and

(c) if compulsorily acquisition of lands will be resorted to therefor and, if so, give details as to the plots of lands that have been earmarked therefor, indicating in each case the –

(i) extent thereof, and

(ii) estimated amount of compensation to be paid therefor.

**Mr Bodha**: Madam Speaker, I am informed by the RDA that the Robinson-Glen Park Link Road project consists of the upgrading and widening of an existing track road of length 1.6 km into an asphaltic concrete single carriageway 6.0 m wide from Malakoff Bridge at Glen Park running across agricultural lands and ending near Robinson Government School in Curepipe.

Madam Speaker, with regard to part (a) of the question, I am informed that the project was estimated to cost Rs49.9 m. (including VAT). However, following a tendering exercise launched by the RDA on 11 March 2016, the lowest evaluated bidder proposed a sum of Rs43.8 m., including VAT.

Concerning part (b) of the question, I am informed that the project will start after completion of the land acquisition procedures by the Ministry of Housing and Lands. The project is expected to last eight months.

Madam Speaker, I am also informed by the Ministry of Housing and Lands that there are 41 plots of land which are being compulsorily acquired for the project. Notices under section 6 of the Land Acquisition Act have been published in the Government Gazette on 18 June 2016 and on 02 July 2016. In line with the legal provisions of 14 days' delay after the second publication of Notice under Section 6 of the Land Acquisition Act, Notices under section 8 are being submitted by my Ministry to the Ministry of Housing and Lands for publication.

In the meantime, the RDA is seeking permission with the landowners to have entry on land for survey purposes.

Madam Speaker, with your permission, I am tabling information in regard to the landowners and the corresponding extent of land to be acquired from each one.

Madam Speaker, regarding part (c) (ii), I am informed by the Ministry of Housing and Lands that the amount of compensation payable to landowners will only be determined by the

Valuation Department upon the first publication of the Notice under Section 8 of the Land Acquisition Act in the Government Gazette.

**Madam Speaker**: Hon. Bhagwan!

**Mr Bhagwan**: Madam Speaker, thank you for the supplementary question. Can the hon. Minister inform the House whether a Traffic Impact Assessment Report has been prepared in view of the delicate site of the region?

**Mr Bodha**: Well, what I can say is that this project has been on for the last 15 years. In fact, different Ministers have addressed this project and between 2010 and 2015 a cement track was proposed and this is seen as a bypass between Glen Park and Curepipe which will, in fact, alleviate traffic to go through La Marie to Curepipe.

**Mr Bhagwan**: Can the hon. Minister inform the House whether on Thursday 22 June 2016, there was a meeting chaired by him and the planters where some of them made representations concerning the extent of land which was going to be compulsorily purchased?

**Mr Bodha**: Yes, we had a meeting to inform the planters about the project and some of them were, I think, surprised by the extent of land that we are taking. Well, this is a technical alignment. So, we are trying to talk to them to see to it that the project would be implemented and it will be to their benefit.

**Mr Bhagwan**: One more question, Madam Speaker. Can the hon. Minister inform us whether he received representations concerning the alignment itself from several planters because they have been there for years? Will the Minister also consider the possibility of reviewing, with his technicians, the alignment because these people have been growing vegetables for years and it would be a problem for them? So, can the Minister inform the House whether he is agreeable to meet again the planters to review *le tracé*?

**Mr Bodha**: Anyway, the area of land we need for the road, Madam Speaker, is going to be the same. So, if we don’t take it from one planter we have to take it from somebody else. But, I am prepared to reconsider the alignment. The problem is that we have already awarded the contract. We have now to allocate the land for the project. This may, to some extent, postpone the project for some time, but what we can do - because it is also my own constituency - I think we will have a meeting with the planters to see whether we can have another alignment in such a manner that nobody feels that he has been to some extent the person who is giving more land than others.

**Madam Speaker**: Last question!

**Mr Bhagwan**: Recently we have had cases of accidents, so can the hon. Minister inform the House whether within the contract all these questions of road accidents, security aspect and lighting have been taken into consideration? The hon. Minister just informed us that the contract has been awarded, can we know to whom the contract has been awarded?

**Mr Bodha**: The contract has been awarded to Gamma Construction, Madam Speaker, and the issue of lighting and road safety has been taken into account when we have designed the alignment of the road.

**Madam Speaker**: Hon. Jhugroo, next question!

**FREE PUBLIC TRANSPORT SCHEME - STUDY**

**(No. B/797) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Free Public Transport Scheme, he will state if consideration is being given for a review of the present policy thereof and for the introduction of alternative measures in respect of the elderly persons, the students and the other beneficiaries thereof.

**Mr Bodha**: Madam Speaker, in my reply to Question B/468 at the sitting of the National Assembly on 08 September 2015, I drew the attention of the House that the present system is fraught with a number of flaws and a study would be carried out to re-engineer the whole public transport system. This would include an assessment of the free bus travel scheme and recommendations for a more transparent, efficient and cost-effective management of the free transport payment mechanism effected by Government to bus operators since a number of years now.

Madam Speaker, after a tender exercise the contract for consultancy services for a study to re-engineer the public transport industry in Mauritius was awarded on 29 June 2016 to PricewaterhouseCoopers. The consultant would start the assignment on the date of signature of the contract agreement which is due in the days to come and the study will be completed within a period of six months.

We will await the recommendations of the Consultants and I welcome any valid proposal from Members of the House for this study to be the best we can have.

**Mr Jhugroo**: Can the hon. Minister inform the House since the introduction of this scheme, how many cases have been reported to his Ministry whereby bus drivers refused to pick up elderly persons and students in the morning while going to school?

**Mr Bodha**: I don't have the exact figure, but we know that we have had numerous complaints and there have been disciplinary committees which have been held by the National Transport Authority.

**Mr Jhugroo**: Can the hon. Minister state whether there have been cases where bus owners have been paid while the buses were not operating and, if so, can we know how many and what action has been taken against these bus owners?

**Mr Bodha**: No, I don't have the number, Madam. But, I know that there have been many complaints and we know that this system which has cost us over the years from 2005 to now about Rs10 billion and it is costing us today Rs1.2 billion and it is a system where, in fact, the NTA just acts as a paying agent. There is no accountability. In fact, there was a Private Notice Question by the hon. Leader of the Opposition when the poor student fell down from the bus. Then we implemented a system where we have now accountability and we know which bus goes to which school, at what time, who are the drivers, the conductors and the number of students travelling. We have no account.

In fact, as regards the elderly, it is based only on a presumption that 40% of the elderly travelled. We know all the abuse that has been done, students, old age pensioners and disabled people are not picked up; students arrived late at school and that school buses picked up students late at school in the afternoon. Bus operators are unwilling to provide school buses and also of buses staying at home and getting the allowance! So, for the first time it is going to be a thorough study which will see to it that we have an accountable system. I think we should have an electronic system where we pay only when the students have travelled or when the elderly have travelled. I think this study will help us to see also a more cost-effective system. I am sure that we should be able to make less wastage in the way this is being done. It has been, at least, one billion per year for the last ten years.

**Mr Baloomoody**: Can I ask the hon. Minister whether in that study he will include the fate of students who are disabled, who cannot travel by public transport and that a specific provision be made for them so that they can attend universities and schools?

**Mr Bodha**: That is where the semi-low floor buses come in. In fact, everywhere now we have low-floor buses. I think that addressing this problem for the elderly, for the disabled, is going to be a priority in the study.

**Dr. Sorefan**: Will the hon. Minister inform the House, knowing that PricewaterhouseCoopers is an auditing company, whether it has the experience in doing transport studies or will it subcontract this study to other people and knowing very well also that we have studies from the University of Mauritius. In fact, Mr Raghuputt did some studies. What happened to all these studies which we have been hearing in the past years?

**Mr Bodha**: The *Cahier des Charges*, terms of reference has been made. A tender exercise was carried out. We have also had the approval of the *Agence Française de Développement* as regards the choice of the Consultant. This consultancy is going to cost us Rs15 m. and it is going to be funded by *l'Agence Française de Développement.*

**Mr Jhugroo**: Can the hon. Minister confirm to the House that since the introduction of this scheme, there have been many school vans all over the island carrying school children in the morning and in the afternoon whereby these school children do not get the privilege of having free transport, and if so, what measure will the hon. Minister consider to take?

**Mr Bodha**: I think we should not start something we cannot stop. I would like to answer to what hon. Dr. Sorefan said with regard to the studies done. In fact, a few studies have been done and the terms of reference is to see to it that we make good use of the available data and documents. Madam Speaker, all the studies carried out in the past have shown one thing, that it was the least worst solution. I think what we should do now is to find the best effective solution.

**Madam Speaker**: Last question on this, hon. Jhugroo!

**Mr Jhugroo**: Will the hon. Minister agree with me that the school vans carrying the students are doing a better job than the bus owners carrying students in the morning?

**Mr Bodha**: This is a matter of opinion, Madam Speaker. I do not think so.

**Madam Speaker**: Hon. Jhugroo, next question!

**NTC – BUS ROUTES**

**(No. B/798) Mr P. Jhugroo (Second Member for Mahebourg &Plaine Magnien)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the National Transport Corporation, he will, for the benefit of the House, obtain therefrom,

information as to the number of routes presently serviced by buses belonging thereto, indicating the routes which are non-profitable and the measures that will be taken in relation thereto.

**Mr Bodha**: Madam Speaker, I am informed by the National Transport Corporation that, as at date, the Corporation has a fleet of 589 buses.

Out of the 284 bus routes over the island, 92 routes are regularly serviced by buses of the National Transport Corporation (NTC) while two routes are operated on special occasions for Maha Shivaratri and Ganga Asnan (Route 125) from La Caverne to Curepipe via Vacoas. Out of these 92 routes, 53 routes are non-profitable ones, while 39 are profitable.

On a daily basis, 150,000 passengers commute through the NTC buses with an average revenue of Rs5,000 per bus. However, a profitable bus should bring in a revenue of around of Rs7,500, which is not the case in some routes.

Madam Speaker, I wish to inform the House that the fare structure has been made in such a manner that it has impacted negatively on the National Transport Corporation. There is a pressing need to re-engineer some of the routes. In fact, this is being considered in the study and this will be taken care as I said in the study. For example, presently from Rivière des Galets to Port Louis, the fare is Rs37, while from Rivière des Galets to Curepipe it is Rs34 only, implying that from Curepipe to Port Louis, the fare is Rs3. However, the fare from Curepipe to Port Louis is Rs34 when you take the bus in Curepipe. So, the fare structure itself has to be re-engineered.

The Corporation is accordingly taking a series of measures to redress the situation. One of these strategies is the re-engineering of the bus routes. The followings are among the main remedial measures that are being taken –

(i) Conversion of social routes into routes where, at least, operating costs are recuperated;

(ii) Rationalisation of off-peak services on non-profitable routes into profitable ones;

(iii) Bus routes should be shortened so as to eliminate unproductive kilometres and recuperate short distance passengers;

(iv) Smart buses with smart lines will be operated using the GPS with online monitoring of services through a Control Centre. These smart lines will be

introduced from Curepipe to Quatre Bornes *via* Floreal and St Paul, provided that the necessary infrastructures are put in place;

(v) Tracking down illegal operators plying along the route networks of the NTC with the collaboration of the National Transport Authority and the Police;

(vi) Reducing duty curtailment and lateness on schedule and tracking of pilferage;

(vii) Strengthening of profitable routes by abiding to schedule timetable and readjusting increasing frequency of departures during peak time, and

(viii) Providing real time information to passengers *via* mobile applications.

Madam Speaker, the objective of the Corporation is to have one-third of its routes profitable, one-third to be social and the remaining one-third to break-even. We will not forget the mission of the Corporation which is to become the backbone of the public transport system with quality service.

**Mr Jhugroo**: I just heard the hon. Minister saying that CNT is going to re-engineer the system where the 53 routes are non-profitable. Would the hon. Minister ask the management to try to consider if there is a possibility to use smaller buses without conductors, as it was before, or having mini-vans where the routes are not so profitable and where there are less passengers?

**Mr Bodha**: Well, this is a suggestion that we are going to consider.

**Mr Mahomed**: Are these 53 routes non-profitable because precisely there vans are plying along these routes as '*vans marron*'?

**Mr Bodha**: No. Most of them are what we call 'social routes', that is, they are routes which are, in fact, provided for where the bus transport system is provided only by the CNT. No public/private company or no private/individual bus owners want to operate on those lines.

**Mr Bhagwan**: Can the hon. Minister inform us right now how many routes are served by the semi-low floor buses and whether he has received representations to that effect? We have heard recently that the running cost of these semi-low floor buses are a bit higher.

**Mr Bodha**: I would like to thank the hon. Member for putting this question, in fact. First of all, we had buses which were, in fact, based on chassis for lorries. They were 64

seats with three seats and two seats and the engine was just underneath the driver, Madam Speaker.

So, for 10 or 15 years, the drivers were sitting on an engine. The semi-low floor bus has changed this dramatically because the engine is at the back. The second fact is that the semi-low floor bus is more adequate for people to access those buses, the elderly and the disabled. There is an increase in the consumption, but the buses, in fact, are providing a better service.

As regards the routes, the NTA has done a study, a survey of routes where the semi-low floor buses can travel and they are the main routes, in fact. It is Route No. 3. They are the routes from Rivière du Rempart to Port Louis and semi-low floor buses will not be used on routes where technically this is not possible, for example, in Rodrigues. But the law was passed by the former Government and never implemented. We are going to make an adjustment because I think it is a very valid suggestion that semi-low floor buses should be used as intra-urban buses, that is, where it is possible to drive in all comfort. But the solution for Mauritius, Madam Speaker, is electric buses and we should gradually move from the diesel buses to the hybrid buses and then to the electric buses because we are told that we have got one of the purest air in the world, and the best way to do that is to control the carbon emission as regard to public transport; when you imagine that we have 589 buses only at the CNT; 2,000 in the country and we have about 150,000 people travelling every day.

**Madam Speaker:** Last question on this issue!

**Mr Jhugroo**: Would the hon. Minister agree with me that consumption of fuel is not only on model of buses, it also depends on the drivers, the way they drive, the route, whether it is on hill, it is steep, all depends on this, not only on the model of the buses?

**Mr Bodha**: It is a very valid suggestion, Madam Speaker. In fact, we are starting a day course for 200 drivers and with my colleague at the MITD, the Ministry of Education and Human Resources, Tertiary Education and Scientific Research, we are having a three months' driving course. I think it is not only the consumption of fuel, but the spare parts; the amount of spare parts we use; the maintenance of the buses depend a lot on the way the drivers adjust to the new buses and we have brought some engineers from China to help us to make the drivers better.

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

**EMPLOYMENT RELATIONS TRIBUNAL - RECONSTITUTION**

**(No. B/799) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Labour, Industrial Relations, Employment and Training whether, in regard to the Employment Relations Tribunal, he will, for the benefit of the House, obtain therefrom, information as to if it has been reconstituted for a period of three years since April 2016 and, if not, why not.

**Mr Callichurn**: Madam Speaker, the Employment Relations Tribunal commonly known as ERT, set up under section 85 of the Employment Relations Act 2008, was last reconstituted for a period of three years in December 2012.

Following amendment brought to section 85 (2) (c) of the Employment Relations Act 2008 in 2013, three additional members were appointed for a period of three years in August 2013.

Consultations are presently being carried out to reconstitute the ERT.

In the meantime, pending the next reconstitution exercise, the Tribunal is functioning by virtue of section 31 (3) of the Interpretation and General Clauses Act.

**Madam Speaker**: Hon. Dr. Sorefan!

**Dr. Sorefan**: Can the hon. Minister inform the House whether this lateness in constituting this ERT, doesn't come from your Ministry that is late in selecting people? The Syndicates have already proposed their names. It is only from the Government side that nomination of people is late.

**Mr Callichurn**: Like I said, following the amendment brought to the Employment Relations Act in 2013 three additional members were added to the existing list of members. Their appointment will come to an end in August 2016. So, I don't see why I should rush when the Board will have to be reconstituted again.

**Madam Speaker**: Next question, Hon. Dr. Sorefan!

**MAUBANK - EX-NCB & EX-MPCB LTD – EMPLOYEES**

**(No. B/800) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Finance and Economic Development whether, in regard to the employees of the ex-Bramer Bank (ex-NCB) and the ex-MPCB Ltd, he will, for the benefit of the House, obtain from the MauBank, information as to –

(a) the number thereof, in each case, who have been re-employed in the MauBank, indicating their respective terms and conditions of employment, and

(b) if there is any disparity in salary for the same grade in the MauBank.

**Mr Jugnauth**: Madam Speaker, I am informed by MauBank that on 04 January 2016, all the 354 employees of ex-NCB and the 331 ex-MPCB employees, that is, a total 685 employees were re-employed by MauBank. Their terms and conditions upon transfer were those prevailing in December 2015 with their ex-employer.

The Board then immediately initiated a harmonisation exercise which became effective on 01 May 2016.

All employees were offered the new terms and conditions and all of them have accepted.

**Dr. Sorefan**: Those who are from the ex-Bramer, ex-NCB employees, have their salaries been brought down to that of the ex-MPCB?

**Mr Jugnauth**: Well, I don't know about whether any officer's salary has changed, but what I know is that I have been informed that all of them were being offered their new terms and conditions and that all of them have accepted.

**Madam Speaker**: Hon. Uteem!

**Mr Uteem**: Thank you, Madam Speaker. The hon. Minister has just mentioned that all the 685 staffs have agreed to the new terms and conditions. May I know from the hon. Minister what happened to those employees who were performing identical tasks? I am talking about things like Human Resource Managers. I mean, we don't need two Human Resource Managers once you have done the exercise. How has that been resolved?

**Mr Jugnauth**: Well, I suppose the new management that is at MauBank they must have looked at the duties of all the employees coming whether from the NCB and MPCB and have found it fit that these people were going to be employed in probably a capacity that they would be fulfilling their responsibilities that are required by MauBank and, therefore, offered these new terms and conditions for the employment.

**Madam Speaker**: Hon. Jhugroo!

**Mr Jhugroo**: Can the hon. Minister of Finance and Economic Development compile and table the salaries of all the Senior Management officers of the ex-Bramer Bank and the ex-MPCB Bank?

**Mr Jugnauth**: Well, I don't think it would be proper to compile all the salaries and then to table. If there is any specific question with regard to an officer, if any hon. Member finds maybe something is not appropriate, maybe a question can be put or I can also find out off record and give the hon. Member – any hon. Member, I am talking in this House - but I do not think it is going to be appropriate and proper to table.

**Madam Speaker**: Hon. Dr. Sorefan, last question!

**Dr. Sorefan**: I was about to go on one line of asking the salary of the CEO, but the hon. Minister has said. I will come with a proper question.

**PUBLIC SECTOR – EARLY VRS – RE-EMPLOYMENT CONTRACT**

**(No. B/801) Dr R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Civil Service and Administrative Reforms, Minister of Environment, Sustainable Development, and Disaster and Beach Management whether, in regard to the employees of the public sector who have retired under the Early Voluntary Retirement Scheme since January 2015 to date, he will state the number thereof who have been re-employed on contract, indicating in each case, the terms and conditions of contract thereof, including the duration thereof.

*(Withdrawn)*

**MITD – BOARD COMPOSITION & DIRECTOR**

**(No. B/802) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Mauritius Institute of Training and Development, she will, for the benefit of the House, obtain therefrom, information as to the –

(a) composition of the Board thereof, indicating in each case, the terms and conditions of appointment thereof, including the allowances drawn;

(b) name of the Officer-in-Charge thereof, indicating the-

(i) terms and conditions of appointment thereof, including the allowances drawn, and

(ii) the reasons as to why no Director has been appointed following the retirement of Professor Dubois on or about 2012, and

(c) reasons as to why the transfer of staff from the ex-IVTB to the MITD has not been completed as at to date.

*(Withdrawn)*

**Madam Speaker**: The Table has been advised that the following PQs have been withdrawn: PQ Nos. B/819, B/820, B/823 and B/824. Time is over!

## MOTION

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

**The Prime Minister**: Madam Speaker, I 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*

(4.01 p.m.)

## STATEMENTS BY MINISTER

## TRANQUEBAR – SQUATTERS - RELOCATION

**The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun):** Madam Speaker, with your permission, I wish to make a statement in reply to the issue regarding occupation of State land at Tranquebar by squatters raised at the Adjournment time by hon. Uteem on 12 July last.

Due to the implementation of the Ring Road Project, 82 squatters at Tranquebar are being relocated at Pointe aux Sables. Drawing of lots exercise was carried out on 13 November 2015 whereby the squatters have been allocated their respective lot. Since then, my Ministry has been working on the modalities to enable these squatters to become owners of their respective housing units and leases of their respective plot of land.

The current policy of my Ministry is to grant a building site lease and the lessee constructs his own residential unit. However, in the present case, the squatters are being allocated State land on which already stands a residential unit.

According to discussions which were held with officers of the State Law Office and the various possible options for the drawing up to the lease agreement, two options were proposed by the State Law Office.

Firstly, the Ministry had the possibility to draw up two separate pieces of legal documents, that is, a notarial deed for the sale of the residential unit and the lease agreement for the lease of the State land on which stands the residential unit.

The second option would be the drawing up of only one legal document whereby all the conditions attached to the lease of the land and conditions attached to the lease of the residential unit would be embodied in a single lease agreement. In this case, the residential unit would not have been sold, but would have been leased. After payment of the rental equivalent of the subsidised cost of the housing unit, a notarial deed would then have been drawn for the sale of the residential unit.

Madam Speaker, it was observed that the two options raised complex issues. In the first option, in the case of lease defaults in the payment of the instalment of the residential unit: the lease may be cancelled. However, if the other conditions related to the lease of the land have been complied with, it would be difficult to cancel the lease and request the occupier to vacate the land and building.

With respect to the second option, if the beneficiary is paying his monthly rental for the residence, but he is not complying with other conditions for the lease of the land, the same problem would arise and it would be difficult to cancel the lease and request the beneficiary to vacate the land and building.

After thorough examination of these two options, my Ministry has decided that the National Housing Development Co. Ltd be requested to manage the project.

I wish to point out that the residential units were constructed by the State Land Development Co. Ltd. for the National Empowerment Foundation and the handing-over exercise is being finalised. The housing unit is, thereafter, sold by my Ministry to the NHDC at the nominal price and the latter will sell it to the beneficiary. Conditions related to the lease of the land will be incorporated in the deed of sale of the housing unit.

The Central Electricity Board and the Central Water Authority have already been requested to do needful to provide power and water supply respectively when a beneficiary makes an application.

I want to reassure the House that I am addressing this issue with the diligence that it warrants.

**HAJJ 2016 – VISAS & SERVICE FEES**

Madam Speaker, with your permission. Recently there has been much interest shown in this House and in the general public in the matters relating to Hajj organisation and the cost implications thereof.

I would, therefore, with your permission, Madam Speaker, wish to inform the House on some pertinent issues concerning the Hajj 2016.

During my recent stay in Saudi Arabia where I went for the Umrah pilgrimage, I seized the opportunity to meet various dignitaries of the Kingdom, including His Majesty King Salman and His Royal Highness Prince Mohammad Bin Salman, to discuss Hajj matters for which I have been given the responsibility by the Rt. hon. Prime Minister.

The main issues for the Hajj 2016 relate to visas for Mauritian pilgrims and the various costs of the services that will be provided to the pilgrims.

Costs of Hajj include various components. The main ones are service fees, the local Hajj operators, Qurbani ritual, airfare and accommodation in Saudi Arabia.

Madam Speaker, the exercise of selection and issuing of licence to the local Hajj operators has been finalised. The maximum recommended fee payable to the operators for the service they provide has been agreed upon by all stakeholders.

Saudi Authorities recommended agencies for the Qurbani rituals and the price indication is around 390 Riyals.

In my statement made to the House at the sitting of 14 June 2016, I had already informed the House that the Government had used its good office to ensure that the airfare for Hajj 2016 be maintained at Rs35,000. I wish to inform the House that, prior to 2015, the fare was negotiated in US Dollars with the risk of fluctuation of the foreign exchange. Emirates Airline has guaranteed the transport of all pilgrims from Mauritius to Saudi Arabia and back.

The other major advantage that has been reached with Emirates Airline is that all our pilgrims will return from Madina and not from Jeddah. This, in itself, gives a major relief and travel comfort to pilgrims after spending about one month or more in Saudi Arabia.

Madam Speaker, the other costs for Hajj include accommodation in Makka and Madina, Tanazul services (local transportation and other facilities), Special Services (provided during the five days of Hajj) etc. These exclude Qurbani and local operators' fees.

Last year, pilgrims stayed in four different buildings and complaints were made regarding shortcomings in the special services provided.

During my last visit, Madam Speaker, I met the Chairman and all the members of the Board of the Establishment Mutawifs for Pilgrims (commonly known as the Muassasa). Our request for better services, including air conditioning in Mina, was acceded to. The cost of these services was quoted to us at 1,500 Riyals and after negotiations a special rate of 1,200 Riyals only for the Mauritian pilgrims for Hajj 2016 has been agreed.

Furthermore, we have been able to find appropriate accommodation for all Mauritian pilgrims in one location in Makka and in one location in Madina also. This will certainly improve logistics and give better comfort to our brothers and sisters.

Madam Speaker, I am pleased to inform the House that the total costs for Hajj this year, excluding Qurbani and local operators' fees will be 99,700 Mauritian rupees compared to the amount paid last year which ranged from Rs106,500 to Rs110,500.

Madam Speaker, I have had the total support of the Rt. hon. Prime Minister in the negotiations I had with the Saudi Authorities to obtain additional visas for the Mauritian pilgrims. I am pleased to inform the House that, after intense negotiations with the Saudi Authorities, Mauritius has now obtained 1,500 visas for Hajj 2016 as compared to the previous quota of 1,040.

Thank you very much.

## PUBLIC BILL

*First Reading*

*On motion made and seconded, the Public Officers' Protection (Amendment) Bill (No. XVI of 2016) was read a first time.*

## MOTION

*"This Assembly is of opinion that, further to the resolution of the House dated 07 June 2016 recommending the setting up of a Broadcasting Committee for the monitoring of the live broadcasting of the proceedings and debates of the House and matters ancillary thereto, it is now necessary and expedient that the Standing Orders Committee be empowered, and it is hereby empowered, to look into the Standing Orders and Rules of the National Assembly 1995 presently in force, more specifically Standing Order 69(5), to make recommendations to increase the number of members of the said Committee from eight to ten."*

**The Prime Minister**: Madam Speaker, I do not propose to move the motion standing in my name.

**Mr Bérenger**: Madam Speaker, can I take a point of order, at the same time a point of clarification. Standing Order 33 relates to 'Withdrawal of Motions'. I have listened to the Rt. hon. Prime Minister. Is he, therefore, proposing to withdraw his motion?

**The Prime Minister**: I am not proposing to move the motion.

**Madam Speaker**: So, the motion automatically lapses when the Rt. hon. Prime Minister does not move the motion.

I suspend the sitting for half an hour.

*At 4.15 p.m. the sitting was suspended.*

*On resuming at 4.50 p.m. with the Deputy Speaker in the Chair.*

*Second Reading*

**THE INDEPENDENT POLICE COMPLAINTS COMMISSION BILL**

**(No. XIV of 2016)**

*Order read for resuming adjourned debate on the Independent Police Complaints Commission Bill (No. XIV of 2016).*

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

(4.47 p.m.)

**Mr J. C. Toussaint (Second Member for Curepipe & Midlands)**: Thank you, Mr Deputy Speaker, Sir. *Simé la lumière, racine pé briler, fam dan zil*, Joseph Reginald Topize,

Kaya. Le 21 février 1999 le corps de ce dernier avait été retrouvé dans sa cellule numéro 6 à Line Barracks. Le lendemain, le 22 février 1999 un autre chanteur, artiste trouva la mort. Il s'agissait de Berger Agathe qui voulait apaiser la foule dans les manifestations qui ont eu lieu par rapport au décès de Kaya. Il avait été tué par les forces de l'ordre.

Après ce drame qui secoua notre si beau pays, notre petite île, il y eut bien sûr une conscience populaire. Il y eut des manifestations pacifiques, des marches symboliques, des émissions à la radio et à la télévision, des campagnes de sensibilisation pour dire plus jamais ça! Malheureusement ce ne fut pas le cas et d'autres personnes encore, hélas, ont trouvé la mort pendant qu'ils étaient en détention policière, pendant qu'ils étaient sous la responsabilité des forces de l'ordre. C'est vraiment navrant d'apprendre qu'un membre de sa famille, quelqu'un qu'on connaît, qui pour 'x' raison s'est retrouvé en détention et qui malheureusement perd sa vie.

Ce projet de loi vient à un moment important parce qu'aujourd'hui dans le monde nous parlons beaucoup de *human rights*. Aujourd'hui dans le monde nous parlons beaucoup de la sensibilisation vis-à-vis de la protection et du respect des droits humains. Et l'île Maurice, bien que nous soyons une toute petite île au milieu d'un si grand monde, n'est pas en reste et je peux même dire avec conviction que l'île Maurice peut donner l'exemple. Et quand notre très honorable Premier ministre a proposé ce projet de loi, cela nous donne espoir et nous envoyons un signal fort aux Mauriciens, aux autorités et au monde entier pour dire que nous avons besoin de protéger nos concitoyens, pour dire qu'à l'île Maurice les droits humains sont respectés et qu'avec ce projet de loi les droits humains seront encore plus respectés.

En parcourant les différentes parties de ce projet de loi dont la partie 4 - *Functions of Commission* (a, b, c, d, et e)

*(a) investigate into any complaint (…);*

*(b) investigate into the cause of death of a person (…);*

*(c) advise on ways in which any police misconduct may be addressed (…);*

La partie (d) m'interpelle et je trouve que c'est une partie très importante dans ce que la commission aura besoin de faire –

*"promote better relations between the public and the Police."*

Très important! Le mauricien doit avoir confiance dans sa police parce que comme les autres orateurs, avant moi, ont dit, la police est là pour protéger tout le monde, qui que nous soyons! Et le mauricien, quand il regarde un policier, il a besoin de comprendre que cette personne est là pour le protéger dans n'importe quel cas. Donc, cette partie (d), c'est vers cela que la police moderne, d'une l'île Maurice moderne doit aller. Il y a aussi quelquechose qui est très importante, c'est par rapport à la partie 5, *Powers of Commission,* et là, je me suis attardé un peu sur la partie (a)(ii) –

> "to produce any article, or any book, record, accounts, report, data, stored electronically or otherwise, or any other*;"*

Ce qui va de pair avec, bien sûr, des campagnes de sensibilisation. Sensibiliser ! Comme on dit souvent : Prévenir vaut mieux que guérir. Bien sûr, la loi va être là, on va dire '*will be a deterrent'*, mais ce n'est pas suffisant dans le sens que ce serait trop dommage que, malgré le fait que la loi soit là, une personne puisse se retrouver en difficulté pendant une détention par les forces de l'ordre et c'est pour cela que je mets l'accent sur la prévention.

J'ai été très heureux qu'en faisant mes recherches d'être tombé sur un article, où l'on parle de *'Teachers in Mauritius trained to educate students on Human Rights',* et là, avec la réforme de l'Education, je salue l'initiative du ministre de l'Education d'inclure les *Human Rights* dans le curriculum, non seulement pour informer nos enfants, nos jeunes des droits humains, mais il ne faut pas oublier que ces enfants et ces jeunes seront peut-être, éventuellement demain, de futurs policiers, qui, déjà à l'école, auraient eu droit à des cours sur les *Human Rights* et d'apprendre le respect de la vie, le respect des droits d'autrui et ils seront de meilleurs policiers encore. Ce projet de loi arrive aussi avec tout un arsenal de facteurs qui seront là pour faire de sorte que Maurice devienne un champion de *Human Rights.*

Il y a aussi une autre façon de mettre en avant la prévention, c'est, bien sûr, l'utilisation de la technologie qui est très importante, et c'est aussi pour la protection de celui qui se retrouve en difficulté ou qui est dans une cellule policière. Mais c'est aussi une protection pour les policiers eux-mêmes parce que, bien sûr, des fois il se peut qu'il y ait des allégations non fondées contre certains policiers dans l'exercice de leurs fonctions, et quoi de mieux que la technologie pour contrôler tout cela, c'est-à-dire, un système de caméra de surveillance pour veiller à ce que et le detenu et les policiers soient protégés. Je redis, la

partie prévention est aussi importante sinon plus même que la loi qui sera votée dans quelques instants.

Je salue aussi les amis qui sont dans le domaine légal et qui ont depuis quelques années démarré une lutte par rapport à tout ce qui est droits humains. Il y a pas mal, ici même, à cette Assemblée. Je salue votre initiative, votre courage et votre dévouement pour ce que vous avez déjà démarré et j'espère qu'avec cette nouvelle loi - bon, *zot pas pu retrouve zot au chomage*, mais vous n'aurez pas beaucoup de travail dans ce sens-là. Je connais beaucoup de policiers et j'ai beaucoup d'amis policiers, et je dois dire qu'en général ce sont des personnes très correctes. Il y a, bien sûr, comme dans n'importe quel domaine, quelques brebis galeuses ; malheureusement c'est comme ça. Mais ce n'est pas pour autant qu'il faut taper sur les policiers en général. Ils sont là pour faire leur travail et du moment qu'ils sont *empowered*, je pense que cela ira mieux.

Je ne vais pas être trop long parce que pas mal de choses ont déjà été dites, que ce soit la semaine dernière. J'espère qu'avec cette loi, notre 'Kaya' trouvera 'so simin la lumière', que ce soit lui ou les autres qui ont malheureusement perdu la vie.

Je vous remercie, *Mr Deputy Speaker, Sir*, pour votre attention et toute l'Assemblée. J'ai été ravi en tant que *PPS* d'intervenir sur ce projet de loi.

Avant de terminer, je tiens à dire que nous, les PPS, nous ne sommes ni paresseux, ni des parasites ; nous ne sommes ni serviles. A bon entendeur, salut !

Merci beaucoup.

**The Deputy Speaker**: Hon Rughoobur !

(5.00 p.m.)

**Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or)**: Mr Deputy Speaker, Sir, thank you for giving me the opportunity to say a few words on this Bill.

I would like to thank all the hon. Members who have intervened before me for their valuable contribution. I would like also to congratulate and thank the Rt. hon. Prime Minister for coming forward with this Bill. We should not forget that it was in our Government Programme in January 2015. Once again, I thank the Rt. hon. Prime Minister for this bold decision.

Mr Deputy Speaker, Sir, there have been concerns expressed by so-called opinion leaders outside this House and by hon. Members on the other side of the House on this Bill.

Outside the House, some have gone as far as stating that the Bill is devoid of any substance. Only last week, a hon. Member on the other side of the House stated that the Bill is only a copy and paste exercise. I am sorry, Mr Deputy Speaker, Sir, I do not share this view.

I am going to define those comments as an expression of the healthiness of our democratic system, Mr Deputy Speaker, Sir, but I believe we should understand that this Parliament is not a Court of law.

Mr Deputy Speaker, Sir, the legal component in the Bill is one of the components, but what we are to debate with this Bill is the setting up of a structure. We should all put our heads together and try to see how best we can debate on issues and factors that can enable that structure to perform effectively, to bring results and to deliver. This is our priority in this House with this Bill, Mr Deputy Speaker, Sir.

There are two issues upon which I want to elaborate today. One which I believe to be very important concerns the objectives. I have identified three. The second issue is: what are the means that you have to devise to meet those objectives?

Mr Deputy Speaker, Sir, those who are exposed to the challenges of the corporate world, those who regularly manage companies, know what it is to handle a structure, to set up a structure, ensure that they are run effectively.

As I stated, Mr Deputy Speaker, Sir, I have identified three major objectives for the Bill, but, at the same time, the structure that we are going to put in place for the Commission.

The first objective, Mr Deputy Speaker, Sir, is the objective of structures that you can find in other parts of the world as well; winning over public perception and trust. We take the case of Trinidad and Tobago. Let us take the case of UK where in 2013, the Home Affairs Select Committee's report – let me quote part of the report, what it said on this public perception -

> "The public do not fully trust the IPCC and without faith in the Commission, the damaged public opinion of the police cannot be restored. Unfortunately, too often the work of the Commission seems to exacerbate public mistrust, rather than mend it."

This is the main challenge, whether it is India, the States, UK, Trinidad or Tobago; whether it is, *à côté,* South Africa; this is the challenge.

The second objective is - as rightly pointed out by my friend, hon. Toussaint - prevention. I know that in the mandate of the Commission, we don't have that part relating to

corruption by public officers. But a preventive strategy, as an Objective, would help also in that direction to prevent misconduct from Police officers whether it is corruption or any other forms of misconduct.

Third is, of course, as an objective, protection of the fundamental rights - not only of the normal citizens, but of the Police officers themselves - as guaranteed by our Constitution.

I believe these are the three objectives that the Commission, as a structure to be, once this Bill is voted, will have to address. Now, Mr Deputy Speaker, Sir, we have to ask ourselves: these are the objectives, what are the ways and means that we are going to devise to ensure that we meet those objectives? This is what should be the debate! This is, I believe, what should be the debate with this Bill.

I have, once again, Mr Deputy Speaker, Sir, identified three key factors. The legal component is one of them, but you have other issues that you have to address which is there in the Bill, but the effectiveness through which you are going to implement, is going to bring results. We are here to bring results whether it is on the Opposition side or on the Government side.

First is the issue of resources and delegation. I think we have, in this Bill, the means. What are the resources that we require for the commission, Mr Deputy Speaker, Sir? Funds! I am sure that the Government is going to ensure that appropriate funding is provided, but, at the same time, in terms of resources, we should understand that in other jurisdictions where such structures exist increasingly these jurisdictions are having less and less recourse to people like retired Police officers or Policemen coming from the Police Force. But Mauritius being a small country, it would be extremely difficult in the short-term, in the medium-term for us, to have investigators outside the Police Department, maybe retired Police officers. I think it would be a bit difficult, but then with this emphasis on training, when we talk of resources, I have talked about funding, but I believe that for the investigators, we will need to have an appropriate budget *pour la formation.* Resources and - to cut short on this first key factor, Mr Deputy Speaker, Sir - appropriate delegation would be extremely important.

The second factor that I wanted to mention is the issue of scope of the Commission. Scope and powers! I have seen that in the Bill, contrary to other jurisdictions, I mentioned a few; the issue of corruption by Police officers, tampering with evidence by Police officers does not form part of the mandate of the Commission. It is my humble opinion that this might be wrong. I thought that it might be in the mandate of the Commission because giving this

particular responsibility to the ICAC, might raise the question of whether the Police will continue to investigate into the Police. So, I was thinking that probably this issue of corruption, we will have to think over it may be afterwards. We will have to think over it and try to see if it is a good decision to exclude this corruption by police, tampering with the evidence from the mandate of the Commission, but, at the same time, powers of the Commission.

When we talk about the powers of the Commission, let me remind the House that in as far back as in 2006, the Supreme Court of India issued 7 directives. One among the directives is that it proposed the creation of a Police Complaints Authority in the different States in India. This is what the Supreme Court had to say, and I quote -

"Once the inquiry is completed, the Authority (…)."

That is, the Police Complaints Authority that he proposed to set.

> "(…) can recommend a suitable disciplinary punishment to the appointing Authority which will be bound by it."

The Supreme Court at that time proposed that the recommendation of that Authority should be binding.

Now, what I propose here also, because from section 16 subsections (2) and (3), you can read that the Commission does not have statutory powers in as far as its recommendation is concerned. I know that my time is up, but still only one minute more. That was the second key factor I was proposing.

The third key factor, I believe, is also important in ensuring that there is effectiveness in the work of the Commission, it is the issue of operation and accountability. I hope that what has been included in this Bill and as per the law, the Statutory Bodies; we had a series of complaints by the Director of Audit that the Annual Report is not submitted on time. I just hope that with the setting up of the Commission, there will be proper accountability and year after year, the Assembly takes note of what has been undertaken by the Commission and we have the opportunity to assess their work.

These were my contributions, Mr Deputy Speaker, Sir. I would like to thank everybody for their attention.

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

(5.11 p.m.)

**Mr E. Boissézon (Third Member for La Caverne & Phoenix):** Mr Deputy Speaker, Sir, thank you. I note with regret that hon. Veda Baloomoody said that he was not voting this Bill, arguing that it was a rebranding exercise.

In fact, Mr Deputy Speaker, Sir, in July 2012, the hon. Member who intervened during the debates of the Police Complaints Bill said that he was welcoming the Bill which was coming at a very important time of renewed demand to review the way Police complaints were handled.

Hon. Steven Obeegadoo said in his intervention on that date, and I quote –

"So, on the basis of the points raised, we would like to say to the hon. Prime Minister that the MMM, and I understand the whole of the Opposition is supportive of these."

Mr Deputy Speaker, Sir, what has changed? Why the introduction of the IPCC? Though he commended the work performed by the Police Complaints Division, the Rt. hon. Prime Minister thought that matters could be dealt in a more expeditious manner for the following reasons -

(1) To fade out the perception that the National Human Rights Commission was not dealing expeditiously the complaints reported to them.

(2) Delays could be construed as an abuse in the process, preventing the conviction of an offender despite existence of evidence against him.

(3) On a compassionate issue, delays are unfair for an innocent officer against whom frivolous and unjustified complaints have been made.

Mr Deputy Speaker, three reasons for the need to be more expeditious and effective, Government has decided to create a new stand alone, Independent Commission, headed by a learned Legal Commissioner, with two qualified Members and a Secretary of the rank of Deputy Permanent Secretary.

In fact, in 2012, when the Government decided to review and increase the efficiency of the National Human Rights Commission, it intended to have four Divisions within the Commission –

(a) The Human Rights Commission;

(b) The Police Complaints Division;

(c) The National Preventive Mechanism Division;

(d) The Equal Opportunities Division.

The then Prime Minister said that, during consultations, it was pointed out that the Equal Opportunities Division should be a full-fledged separate independent Commission which would give better results. Same is being done today for the enhancement of the services against Police complaints.

Mr Deputy Speaker, returning to the intervention of hon. Veda Baloomoody during the debates on the Police Complaints Bill, I would like to quote –

> "The Government has the will for human rights to be observed in Mauritius. We, in the Opposition, are supporting that project. But those who will take up the institution must play their role and Government should see to it that we should not hesitate to sack, because this law allows the President, on the advice of the Prime Minister, to remove a Commissioner, if he feels that he is not delivering. We should apply this, if need be, because human rights, as I said, is very important in our democratic institution.
>
> I have finished, Sir. Thank you."

What has changed? Today, only the set-up has changed as a hon. Member, before me, said.

I shall not lose the time of the House to elaborate on the speech of hon. Mohamed, who clearly misunderstood the motives of the Rt. hon. Prime Minister to enhance the services. I would rather say: select and delete.

Mr Deputy Speaker, I shall refer to the present Bill, at section 4 which relates to functions of the Commission. Clauses (a) and (b) which are the core operational functions of the Act have been dealt with by the previous orators.

I think that the present Bill provides the necessary and clear line of accountability to enable the Commission to perform well.

The IPCC should make sure that the organisation structure is responsive to increasing the number of investigators, when the number of complaints increases, to avoid delays and back log in the interventions.

Regarding section (c), as said by hon. Toussaint, advises on ways in which any Police misconduct may be addressed and eliminated.

Mr Deputy Speaker, we must not forget that independence, confidence and human rights are the drivers of the IPCC.

We welcome the decision of the Government to allow the Commission to recruit its own prosecutors thus, showing a clear demarcation between the Police Force and the Commission.

Investigators (Civilian investigators), as described in section 8 (5) –

> "Notwithstanding this section, no serving police officer shall form part of the staff of the Commission."

We shall train those people who are not in the Police Force as they will deal with Police officers who are accustomed to this exercise.

The new organisation should ensure, through a good communication system that the population perceive that things have changed and that decisions and actions are taken promptly in full independence.

The Police Officers and the population will be aware that any infraction will be sanctioned, thus securing confidence in the Police Force.

And last but not least, human rights culture can be achieved through training and sensitisation. The IPCC has a duty to eliminate Police misconduct.

The Commission, through its sensitisation programme, should ensure that Police Officers should be formed and sensitised, that it is not rational to deprive a human being of his rights just on presumption that he has done an illegal activity.

As suggested in the Annual Report of the National Human Rights Commission of the year ended 2014, the Commission should ensure that members of the Police Force conquer, abide and be guided by the Southern African Regional Police Chiefs Cooperation Organisation, signed in Zimbabwe in 2002, which considers that it is desirable that Police officers have the active moral and physical support of the public they are serving.

Furthermore, regarding the respect of human rights, Police Officials may only use, when strictly necessary and to the extent required for the performance of their duties adhering national legislation and practices.

Secondly, regarding torture, no Police, under any circumstances, shall inflict, instigate and tolerate any act of torture and Police Officials shall ensure protection of the health of persons in their custody.

Mr Deputy Speaker, we must consider the root of the misconduct. The misconduct of Police happens in the Police station; there also much have to be done, but the administration of the stations is not within the scope of this Bill; I shall be very brief. Police orderly responsibility in stations should not be conferred to officers of lesser rank than sergeant. Many of the problems we encounter occur at night when the station is left in the hands of a Policeman who has much difficulty to maintain his command on his peers.

Suspects should be informed that they have a right to legal aid at the initial stage of the investigation, as stipulated in the Legal Aid Act 2012. This will help to lessen the allegations of brutality to extract confession.

To end, Mr Deputy Speaker, Sir, I shall take this opportunity to pay tribute to honest and reliable Police officers who are proud of the uniform they wear.

I end by congratulating the Rt. hon. Prime Minister for the introduction of the Independent Police Complaints Commission Bill which is in line with the proposals of the Manifesto of *L'Alliance Lepep.*

Thank you.

(5.22 p.m.)

**Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien):** Mr Deputy Speaker, in order to have a picture about the present situation on human rights and Police brutality in the country, I propose to make reference to the Country Report of last year on human rights practices. I will also make reference to the facts of two cases, quite recently, the case of Iqbal Toofany as well as the judgment that was delivered recently this year in the case of DPP versus Jagdawoo V. & ors.

I know the Rt. hon. Prime Minister has got his opinion about the Country Report. I do agree; I do endorse his view that the US is not an example as far as Police brutality is concerned. We know what the minority in the US suffer from the hands of Police officers.

But that does not mean that what they have said in the report is not true and I shall refer to the Executive Summary of the Report where it is stated, and I quote –

> "The most important reported human rights problems (in Mauritius) were security force abuse of suspects and detainees (…)"

It goes on to say that –

> "The government took steps to prosecute and punish officials who committed abuses, whether in the security services or elsewhere in the government, but enforcement was inconsistent, and sometimes politically motivated, resulting in the appearance of impunity."

Reference is also made to the case of Mr Toofany as well as the case of the Attorney Thandrayen who was arrested when he came to Mauritius.

So, this report is relevant. It gives us an indication of the situation as far as human rights abuses are concerned in Mauritius. My friend, hon. Toussaint, has made reference to the case of Kaya which is an unfortunate one. I endorse whatever he has said about the case, but I propose also to make reference to the case of Iqbal Toofany. A young father of 43 years old arrested by the Police of Black River Police Station in the early morning of 02 March 2015 for a simple case of rogue and vagabond. At the time of his arrest he was in good health. Unfortunately, a few hours later he was found dead in hospital under Police custody, leaving behind three minor children, including a seven-year old daughter. This is what the autopsy has revealed: "The cause of death was due to acute pulmonary oedema and injuries were noted on several parts of his body."

The Police officers involved in the enquiry were initially charged for torture by public officials and it was following a Private Notice Question addressed by the hon. Leader of the Opposition and the intervention of the Rt. hon. Prime Minister that eventually the Police officers were charged with murder. This is the situation in Mauritius!

I am also going to make reference to the case of DPP against Jagdawoo which involves a suspect who was arrested at Lallmatie in a case of murder. That was back in 2006. Again, in that case as well, the suspect was arrested and he was in good health. Unfortunately, a few days after he was found dead and the cause of death was "as a result of a large intra-cerebral haemorrhage". Four Police officers were arrested and they have been acquitted on the evidence that was placed before the Court. But it is important, Mr Deputy Speaker, Sir, that I make reference to the judgement of the Supreme Court. The case went on

appeal. The DPP appealed; the case went before the Supreme Court and I feel it very relevant to refer to what the learned Judges stated in that case. This is what they stated –

> "We feel bound however to raise some matters of grave concern which the crude facts of this case have brought to light in connection with the treatment of persons detained by the Police. Ramlogun was in good health and condition prior to his arrest and detention by the Police. Although the evidence fell short of establishing, in accordance with the legal standards of proof, the infliction of any inhuman and degrading treatment by the particular Police officers who were charged with an offence under section 77 of the Criminal Code, it is beyond dispute that Ramlogun was subjected to physical abuse and was killed whilst in Police custody. Those responsible remain unpunished."

So, we have a suspect being arrested in good health. He dies in Police custody and those who are responsible remain unpunished! And, this is what also the learned Judges stated –

> "The treatment of detainees who are placed in a vulnerable position is a matter of even greater concern when it comes to protection of these human rights. The detainee is virtually cut off from the outside world and is placed in a situation of weakness and vulnerability, being left to a considerable extent to the mercy of Police or Prison officials.
>
> The State has positive obligations to afford security and protection of the law and human rights to all categories of its citizens. The State has a duty to secure and not to violate the right to life and the right to protection from torture and inhuman treatment. The more so, in respect of its more vulnerable citizens."

i.e. those who are in Police custody, and they concluded by saying this –

> > "We say so because the infliction of torture or inhuman treatment and the killing of a person in such circumstances cannot be treated with levity. Constitutional rights and criminal law provisions would remain purely theoretical and illusory unless there is in place an effective law enforcement machinery endowed with the appropriate legal and investigative mechanism for the prevention, investigation and punishment of any such violation of human rights.

> When the State kills one of its citizens in police custody, it constitutes an intolerable violation of the human rights of the individual. But when the State kills with impunity, it rocks the very foundation upon which a democratic State rests, i.e. the Rule of Law."

This is why…

*(Interruptions)*

**The Deputy Speaker**: No cross-talking!

**Mr Ramful**: Well, sorry! Mr Deputy Speaker, Sir, in issues like these, forget about political colour! Let's think about those victims…

*(Interruptions)*

Well, this is why I had taken the first opportunity following this judgement to put a question to the Rt. hon. Prime Minister and I asked him whether in the light of this judgement would he be coming before this Assembly with an appropriate mechanism, with the appropriate investigative tools so that we can, once for all, finish with those human rights abuses. And, he did say that he will be coming before this House with an appropriate Bill and this is the Bill before the House.

Unfortunately, I have to say that I don't think that this Bill will solve the problem and I say so because we have seen under the Police Complaints Act 2012 tht they had the same investigative and legal mechanism. Nothing has changed except from one marked difference, that is, we have separated the Division from the National Human Rights Commission and we have under this Bill one body, a stand-alone Commission. This is the only change that has been brought under this Bill with the same investigative tools and I don't think things will evolve.

There was a question – let us see and we will have an idea about the situation when there was the Police Complaints Division. Hon. Sesungkur had put a question to the Rt. hon. Prime Minister. He asked for the number of complaints that were lodged against members of the Mauritius Police Force since 2015. He also asked about the number of prosecutions and convictions. And this was the reply of the Rt. hon. Prime Minister, that there were 693 complaints that were lodged at the Police Complaints Division against members of the Police Force. Out of which one case has been referred to the DPP in accordance with section 14; four complaints have been withdrawn, 366 complaints have already been set aside and the

remaining are still under investigation. And there has been no prosecution, so far. Since the introduction of this Police Complaints Division, there has been no prosecution so far as regards human rights abuses. Therefore, my point is this: if you are going to stick to the same investigative tools, if you are going to stick to the same provisions, then, again, the same thing will repeat again, we will not have any prosecution. When I look at the sections of the Bill, for example, we have inserted the word 'Independent' in the title. Well, the insertion of the word 'Independent' in the title of the Bill appears to be merely cosmetic because, in substance, it would appear that the operation of the Commission would largely depend on the Executive. I am making reference here to the appointment of the Chairman and the members. I am making reference here to section 3(5) -

> "The Chairperson and the members shall be appointed by the President, acting on the advice of the Prime Minister, on such terms and conditions as the President may determine."

And we all know how it works.

> "The Prime Minister shall, before tendering advice to the President under paragraph (a), consult the Leader of the Opposition."

We know how it works. Finally, the Rt. hon. Prime Minister will have his say on the appointment of the Chairman.

Then –

> "Subject to subsection (7), the Chairperson or any members shall hold office for a period of 4 years and shall be eligible for reappointment."

Also -

> "The President may, on the advice of the Prime Minister, remove the Chairperson or any member from office for inability to perform the functions of his office, whether arising from infirmity of body or mind, or for misbehaviour."

Again, the final say will rest with the Rt. hon. Prime Minister on the termination of the appointment of the Chairperson and the members. There is no security of tenure. So, if we really want to have an independent Commission why don't we create a constitutional post for the post of Chairperson?

When I look again to the investigatory powers of the Commission, again nothing has changed. The powers on investigation under the Police Complaints Act and under the new

Bill are the same. Nothing has changed. The staff of the Commission shall include persons from the public service on secondment as well as persons employed on contract to work as investigators. This was the problem with old Division. We brought people with no experience, no training, they are not aware of the Police powers, they have not made use of the Police powers, and then what has happened, the DPP's Office has found itself with cases where the investigative procedures and Police procedures have not been followed and now they cannot prosecute any of those cases. So, without proper training, nothing will happen. This reminds me of the early days of ICAC. There again, at the ICAC in the early days, we had investigators who were brought on contract without any knowledge about the Police powers. And what has happened to all these cases that ICAC investigated? They all finished in Courts, being dismissed, because the Police procedures have not been followed.

Now, there is the other issue about the Powers of arrest. In the UK, the Independent Police Complaints Commission makes use of Police officers who are temporary on service at the Commission. These Police officers exercise the Powers of arrest and investigation. What is important is that those Police officers are under the control of the Chairman of the Commission, not the Police Commissioner. And here, although we want to make it appear that the Police officers won't be involved at all in the investigations when it comes to Police officers who are suspected of having committed an offence, but still, we will require the permission of the Commissioner of Police to proceed with the arrest of those Police officers. Who are going to arrest those Police officers? We will need the Commissioner of Police. Now, will the Commissioner of Police exercise his discretion when it comes to arresting his own Police officers? Will he be bound by the recommendation of the Commission? Nothing is mentioned in the law. So, this is another issue.

I will come finally to one important issue that was raised by hon. Baloomoody on section 5(2). There has been much debate from both the Government side and the Opposition side on the power to compel someone who is being interrogated to disclose evidence and to produce document. Now, I agree, true it is that even at the level of investigation, an investigator cannot compel a person to give evidence because that would incriminate him and this is against the principle of the right of silence as guaranteed by the Constitution. However, this might hamper the investigation of the Commission, as rightly pointed out by hon. Baloomoody. If the Police officer comes and says: 'Well, if you ask me for this question, this is going to incriminate me. Therefore, I am not going to answer any question and I am not going to produce any document." But we know how this is done. We have a group of Police

officers who normally carry out the beating. In the ICAC law, there is a very interesting tool. In the ICAC law, it is provided under section 50(3) and (4) that, a person under investigation may be compelled to give evidence if there is an undertaking from the Commission that the evidence given shall not be used in a Court of law against that person. So what you can do? You can bring anyone, use him as a witness against the co-accused; this would be an important investigatory tool to be given to the Commission. So, we have to consider this.

I don't have much time, but then, as I have said, if we are going to stick to the same legal and investigatory tools, nothing will change, we will have the same result, zero prosecution and, therefore, this would be my intervention.

Thank you.

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

(5.41 p.m.)

**Mr S. Rutnah (Third Member for Piton & Rivière du Rempart)**: Thank you, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, let me start by saying –

Friends, Romans, Mauritians, countrymen, lend me your ears!

I have not come here today to bury Caesar, but, today, I have come here not only to bury Jangi but also to bury all those evil Police officers who are involved in commission of crime.

I have also come to bury the Police Complaint Act of 2012. Today this House will give birth to the Independent Complaints Commission which the Rt. hon. Prime Minister brings in this House.

Mr Deputy Speaker, Sir, let me say this very candidly, that the majority of the Police officers in this country are hardworking, industrious civil servants who fight daily against crimes, antisocial behaviour and all sorts of evil in society. My friend, hon. Eddy Boissézon called them *brebis galeuses*, but, of course, there are a few who act like organised criminals and gangsters. In my profession, I have very openly said in open Court in a case, and I will never hesitate to say that there are certain Police officers who act like real gangsters and criminals.

**The Deputy Speaker**: Hon. Rutnah! We are not in a Court of Law. We have Standing Orders that govern the Rules of the National Assembly and I will refer you to Standing Order 40 (5). I will read it out to you –

> "The conduct of the President and the Vice-President of the Republic or the person performing the functions of the President's Office, Mr Speaker, Members of the Assembly, Judges, Members of Statutory Commissions or other persons engaged in the administration of Justice shall not be raised except upon a substantive motion (…)."

I will, therefore, ask you to watch your language concerning Police officers.

**Mr Rutnah**: I am glad that, Mr Deputy Speaker, Sir, you have read it and nowhere it says that I cannot say about Police officers. I am sure if we debate this point, you will not be able to rule on this. I am so sorry to say.

*(Interruptions)*

But I am entitled today, in this House, to say what I have to say because I have a mandate from my constituents and I owe a duty to my country today when I speak here in relation to this Bill.

Now, true it is that there are certain officers. I have experienced it, as a barrister, going to CCID, going to MCIT, going to various CID offices. I have experienced it when my client has already finished giving his statement, when I have gone home and my client has been taken back into custody. The Police officers went and asked him "*fer enn déclaration contre to avocat ki li linn dire twa dire ça. Dimain nou largue li lor caution*".

*(Interruptions)*

And then, they also make allegations on barristers. These are the kinds of things today we are going to put an end to. These are the kinds of things that we are going to put an end!

Mr Deputy Speaker, Sir, today, when we think about the case of Ramlagan - my very able and learned friend, hon. Ramful spoke about it. This man walks into the Police station as a healthy man, a few days later a corpse comes out of the Police station. Kaya walks in as a healthy man, then a corpse comes out of the station. Iqbal Toofany walks in as a healthy man, but a corpse comes out of the Police station. Ramdhony, in relation to the Roches Noires affair, Rivière du Rempart Police station, enters the Police station as a healthy man, comes out a corpse. Today, like Mark Anthony's heart was buried in Caesar's coffin, today my

heart is buried in those people's coffins. And thank you, Rt. hon. Prime Minister, for bringing this piece of legislation. The other day, I heard someone in Vallée Pitot saying that the Rt. hon. Prime Minister has no leadership, criticising the Prime Minister. But this is the Prime Minister who leads his alliance, whereas there, they are led by their respective parties. And thank you that a new era is going to come into the spheres of attacking the very heart of Police harshness and Police brutality.

Now, let me come, to the Bill!

*(Interruptions)*

Indeed, I will say everything that I have to say today because, as a lawyer, I had a great career in England, but when I came here in 2010, I was ashamed the way the Police were performing their duties in cases in which I was involved. I am glad that the Rt. hon. Prime Minister is bringing this Bill and I am going to say everything that I have to say about this Bill today. Independent Police Complaints Commission! 'Independent' is no cosmetic word. You might call it 'cosmetic' because you want to say so by virtue of the political affiliation you have. 'Independent' means independent because when we look at clause 3 and the way this Commission is going to be constituted, there is obviously independence. Are we going to challenge a Supreme Court Judge to say that he or she is not independent? Who has got the guts? There are many barristers here in this House. Who can go and challenge and say that the Supreme Court's Judge is not an independent person? Who? But one thing I will say because I can candidly say it, if the Rt. hon. Prime Minister can consider in this section of the law where it says –

"The Chairperson shall be a person who has –

(i) served as a Judge of the Supreme Court;"

To add if possible the following –

"served as a Judge of the Supreme Court who has got at least five years' experience at the Defence Bar and who has substantial expertise or a track record in dealing with cases at investigatory stage."

*(Interruptions)*

That's the problem! This is what happened with the Human Rights Commission. We have an ex-Judge at the Human Rights Commission. And why, up to 2012, not only 2012, let it go back to 1998 when the Protection of Human Rights Act was passed – thereafter why no

successful prosecution? It is because, unfortunately, in our country, the way Judges are recruited is completely wrong and we have to look at this.

*(Interruptions)*

You may say 'hmmmm' or whatever!

*(Interruptions)*

Yes, you may, but we have to look at it and if only officers of a prosecution background will become Judge in this country and Magistrate, we will continue to have problems with our system.

**The Deputy Speaker**: Hon. Rutnah, this is the second time that I am drawing your attention to Standing Order 40 (5). Do not comment on any member in the administration of justice or any service commissions or independent Statutory Bodies! Thank you.

**Mr Rutnah**: So be it, Mr Deputy Speaker, Sir. The truth will always remain the truth! Now, clause 3 (4) (a) is overwhelming evidence that this Commission is going to be independent and we also know, to supplement this Act, sooner rather than later the Police and Criminal Evidence Act will be passed in this Assembly. I have on various occasions spoken to my very able and learned friend, hon. Ravi Yerrigadoo, the Attorney General and he has given me his undertaking because I have been one of the barristers who have, in this country since 2010, on my own, solo, fought against Police brutality and provisional charge. And when I was fighting against Police brutality and against provisional charge, there were no journalists who were writing about it. There were no members of the Bar who ever came and supported me. There was no Bar Council or Bar Association who ever said anything, but since 2015, I see that many Barristers and many members at the Mauritius Bar Association and journalists have become very, very eloquent in this area of law.

(*Interruptions*)

Yes! Where were they? Where was everybody when I was arrested? Where was everybody when hon. Bhadain was arrested? Where was everybody when the Speaker of this House was once arrested? Where was everybody when hon…

**The Deputy Speaker:** Hon. Rutnah, don't mention the Speaker of this House in your speech!

**Mr Rutnah:** Where was the then? Where? Where were all these people when hon. Pravind Jugnauth was arrested? Where were they when hon. Showkutally Soodhun was

arrested? Where were they when hon. Yogida Sawmynaden was arrested – '*ou koner moi ki sann là!* But, today, I am glad, at least, some people have suddenly woken up from their coma, so to say!

Now, let me come to what certain Members of this House said because I was not here last Tuesday, but I made it a duty to read a little bit about what other Members of this House had said. Last week, my very able and learned friend, hon. Baloomoody flew urgently from Madagascar so that he could take part in the debate. Unfortunately, I could not do so.

*(Interruptions)*

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

*(Interruptions)*

Hon. Baloomoody!

*(Interruptions)*

Hon. Baloomoody, no cross-talking, please!

**Mr Rutnah**: It's okay! Hon. Baloomoody was in the Opposition in 1998 when the Protection of Human Rights Act was passed. He took part in the debate then. When the Police Complaints Bill later on became Act, he was still here in the Opposition and today, in 2016, he is still in the Opposition.

*(Interruptions)*

Constant!

*(Interruptions)*

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

**Mr Rutnah**: It's okay! It's okay, Mr Deputy Speaker!

**The Deputy Speaker:** No, no. I apply the rules of this House, hon. Rutnah!

**Mr Rutnah**: My grandmother used to say: "Dhobi ka kutta na ghar ka na ghaat ka. Samjhne wale samjh gaye jo na samjhe anari hai"

Now, it is okay. Hon. Baloomoody knows what I am going to come about because it is going to be a bit difficult for him to digest, but leave it.

Now, there is a difference between 'disclosure', 'right to silence', 'right to the protection against self-incrimination' and there is a difference between 'investigative stage of

a proceeding' and 'trial'. Now, hon. Baloomoody, I respect him. He has been a barrister of long standing and I respect him for that. But, unfortunately, on this occasion, he has faulted and I am going to correct this so that we give the right impression to the people of this country. He says –

> "Now we say that during the investigation, not the hearing, a person may refuse to answer any question, to provide any information or to produce any article or document which will incriminate him. This was in the Police Complaints Act, and we know this was the main obstacle which the Commission had. It could not inquire because the Police were not disclosing documents, were not disclosing information, they were not producing any document or any article because they said this would incriminate them."

And he goes on to say –

> "But what about this incrimination? Why should the Police have this protection at the inquiry level? He may have his right of silence when he comes to the hearing."

Now, we have a Constitution in this country and by virtue of section 10 subsection (2) of the Constitution, everybody has the right to be treated innocent until guilty and by virtue of section 10 subsection (7) of the Constitution, everybody has the right to protect himself against self-incrimination. This means…

*(Interruptions)*

Yes. Trial! There is Jurisprudence in this country that fair hearing, under section 10 of the Constitution, starts from investigative stage until trial stage.

So, any person in this country can exercise his right to silence, not just because he is a Police officer who has been accused of wrongdoing his rights are taken away from him. We could have amended the Constitution today. But, imagine if we would have come in this House to amend section 10 subsections (2) and (7) of the Constitution, then we would have been told that we are a despotic Government, an undemocratic Government, because we are taking away the rights of the citizens. No! But one thing I agree is that we have not evolved as in the United Kingdom, as in England and Wales, where we have sections 34 to 36 of the Public Order and Criminal Justice Act 1994 which came into force in 1995. We don't have that. We have not evolved where a Court may draw adverse inference against an accused if he chooses to retain his right to remain silent. However, in our Jurisprudence, in our

Jurisdiction what can we do? We can call evidence in Court, we produce all evidence against the accused and if he continues to choose his right of silence, that means that he has got no explanation. If the case is proved beyond reasonable doubt against him, then he could be found to be the author of the crime. So, it is all down to how the investigation will proceed. It is all down to competence; it is all down to how people, who are involved in the inquiry will compile their evidence. This Commission will not work on the basis of confession based evidence, but the intention of this Commission will be to work on the basis of evidence and evidence only can convict a person of wrongdoing.

Mr Deputy Speaker, Sir, I know my learned friend, hon. Baloomoody also drew a parallel with Terrorism Act, but let me tell a little bit about how, in case of terrorism, accused are compelled to give evidence. We already have in England section 34 of the Criminal Justice and Public Order Act. With that Act, against that background, a Judge or a Magistrate can draw adverse inference. But, when it comes to the terrorism cases, because they relate to internal security, national security, the UK Government then, before passing this law, asked for advice, whether it will be human rights compliant. Mind you when this law was being passed, it was being passed after England joined European Union and they had to be compatible with whatever law is being passed with the European Conventions and that's why the Terrorism Act made it compellable for anybody to come and give evidence in cases where terrorism is concerned.

Now, in relation to what has been said about all these issues - I am referring to clause 5 Powers of the Commission - a person may refuse to answer any question or provide any information or to produce any article or document which would incriminate him. But, of course, as I said, under our Constitution, under our law we have the protection against self-incrimination. But, those who have perpetrated crime there will be a complaint somewhere and that complaint will be disclosed wherever that complaint has to be disclosed. That complaint will be disclosed at investigatory stage. That complaint will be disclosed at trial stage. That complaint will be disclosed any time when the accused party makes an application for disclosure.

Now, I have to deal with the case which my very able and learned friend hon. Ramful spoke about. The case of, other than Toofany which I dealt with, Ramlogun which I dealt with, I have not yet dealt with the case of Attorney Thandrayen which he referred to. The case of …

*(Interruptions)*

Thandrayen…

*(Interruptions)*

I will come to that as well if you want me to…

*(Interruptions)*

The case of Thandrayen, I am so sorry to say, he was never arrested! When he landed, when he was asked questions, he voluntarily and there are statements…

*(Interruptions)*

No, there are statements…

*(Interruptions)*

there are statements, let me finish…

*(Interruptions)*

There is a statement and I can produce that statement in this House, if need be. There is a statement in which he voluntarily…

*(Interruptions)*

… surrendered all his information and that, I wonder why no one has taken disciplinary action against him for having voluntarily tendered materials which were confidential between him and his client. But, there was never an arrest in that case! Never! It was when he came out and realised that he did something wrong, someone started to give that search a political dimension to score political points. That is what it was!

Now, you want me to speak about Valayden? I will! I will! When Valayden was stopped…

*(Interruptions)*

He was told that he was being arrested. Then he was taken at the CCID at 5:30. At 8 o'clock at night he was told by the officers of the CCID that: "we have not arrested you, but we have brought you here to take a statement from you as a witness." Is it how the Police work? And then there will be some people from the Opposition who will go and campaign outside to say that *gouvernement pe fer sa*! Do you think someone sitting here will give instructions to the CCID to go and arrest people?

*(Interruptions)*

Yes?

*(Interruptions)*

Have you got any evidence?

*(Interruptions)*

Touria Prayag!

*(Interruptions)*

Do me a favour, I just spoke about it! No one wrote this. No one wrote books like this prior to 2014!

*(Interruptions)*

And let me tell you one thing, I am glad because he is a good friend of mine. Let me tell you one thing, whatever this lady is writing today in Mauritius…

**The Deputy Speaker**: Hon. Rutnah, I can see where you are coming with this. Don't mention people outside of this Assembly in a negative way!

*(Interruptions)*

Hon. Jhugroo! I am busy making a ruling right now! Hon. Rutnah, we have already ruled this in this session that you should not be talking about people outside of this Assembly especially a journalist in a negative way!

*(Interruptions)*

**Mr Rutnah**: When I am dealing with this aspect, I am not naming any journalist. But, shame on the journalist who now wrote about this! Why can't she write in relation to all the arrests prior to December 2014…

*(Interruptions)*

Why only now? Because now we know, we know that her friends are in trouble!

*(Interruptions)*

Yes. And let me tell you this lady, I am not naming her…

**The Deputy Speaker**: Hon. Rutnah, I have just ruled.

**Mr Rutnah**: Yes.

**The Deputy Speaker**: Sit down when I am on my feet! This is the third time that I am calling you back to order! I am warning you now, if you go against my ruling, I will have no other choice than to rule your intervention out of order!

*(Interruptions)*

**Mr Rutnah**: Mr Deputy Speaker, I am again saying I am not naming the the journalist.

**The Deputy Speaker**: Hon. Rutnah, we are talking about the Independent Police Complaints Commission, come back to the Bill!

**Mr Rutnah**: I am on my feet doing the debate. I am not naming this journalist! I am saying the journalist who has written about whatever she has written, had she been in her country she would never have dared writing any such thing in her country! But, here we are a democratic State and that is why here we can pass laws like this. And, if today I speak, I speak because my country and my people have given me the right to come and voice my opinion in a manner which is compatible with democracy, in a manner which they have empowered me here to come and say things in order to make wrong right and I will never dither on doing so!

Now, let me come back to the question of judge given that…

*(Interruptions)*

Let me come back to the question. In 1998 what did the Leader of the Opposition say about judges in the protection of the Human Rights Bill? Look at what he said, the then Leader of the Opposition and still Leader of the Opposition –

"The Chair Committee...

*(Interruptions)*

"The Chairman shall be a person who has a right standard of personal integrity and probity exhibited in previous offices held."

This was in the Bill. Then he said –

"It could be a judge, it could be somebody else. You can think of other people who can do a better job than a judge. A judge has been a judge his whole life. There is a mindset, there is an approach to things and you can imagine better qualified than judges even to chair Human Rights Commission."

*(Interruptions)*

Why I cannot make reference to judges? But I am doing it here because I am honest in whatever I am saying and today I will urge upon the Prime Minister to consider bringing the Judicial Complaints Commission Bill in this House, a new Sentencing Guideline Council Bill in this House. Together with this Bill, these two other Bills plus the Police and Criminal Evidence Act will make our country a safe country, will make our country an exemplary country, human rights compliant within the African continent and at international level where others will come and follow our path.

*(Interruptions)*

Mr Deputy Speaker, Sir,…

*(Interruptions)*

Now I will urge upon every Member of this House to support this Bill so that as of tomorrow there will be an independent Commission, not a copy paste Bill, but an independent Commission that is going to decide.

On this note, thank you, Mr Deputy Speaker, Sir.

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

(6.12 p.m.)

**Mr R. Dayal (First Member for Flacq & Bon Accueil)**: Mr Deputy Speaker, Sir, the Rt. hon. Prime Minister has to be commended for bringing a paradigm shift in policing the Police in the interest of the Police and people of the Republic of Mauritius through this Bill. It is happening in the context of unpredicted changes in community policing and transnational security environment. Some two and a half centuries since the establishment of the Police Force in 1768 by the French colonial powers and after 1810 revisited by the British colonial powers. Subsequently, after Independence in 1968 the Police Force started anchoring itself through the Police Act in Mauritian culture and tradition in enforcing the law.

I joined the Police Force in 1971 and I commanded the Mauritius Police Force in 1994 as Commissioner of Police, the days when complaints were handled by the internal mechanisms of Police, I must hasten, however, to state that we had a different generation of

Police officers within the confine of recruitment, training and operational policy in the proper maintenance of law and order in the public interest.

Our Rt. hon. Prime Minister, Sir Anerood Jugnauth, was the privileged witness of the whole process. Policing environment has drastically changed since then and will continue even faster.

The Independent Police Complaints Commission will act as an effective safeguard to ensure that Police conduct is under other scrutiny in the provision of liberty and security. The function of combating, preventing and investigating crime in all its ramifications are part of the responsibility and is anchored in legality. This Bill also ensures the highest degree of ethical professionalism from all Law Enforcement Officers to ensure committee support, cooperation and adoption of a training policy consonant with soundman management. It should be based on a credible leadership, firmly anchored in proper command, control and communication, eliminating to a great extent the mushrooming of complaints, more specifically through self-discipline.

I am convinced that this Government is instituting a bold legislation of control and accountability through the Independent Police Complaints Commission Bill. This will, undoubtedly, pave the way forward for a modern, transparent, acceptable and democratic policing system ensuring safe and secure working and living environment for Mauritians, foreign nationals and tourists alike.

The Mauritian Police Service, as the right arm of democracy, under custody of the rule of law, operates with a number of contexts, social, political, economic, psychological, cultural, natural security and so on. Accordingly, the Police perform three core functions of policing, namely: law enforcement, service provider, maintenance of safety and security, the more so because law and order is the rock foundation of stability and peace in any democracy.

It is important to highlight that the Police is subjected to a first level of internal accountability under the Police Act, Police Standing Orders, Instruction Book, Law Enforcement Guide, Administrative Orders to ensure discretion, restraint, discipline, adherence to ethical code of conduct in fulfilling its role and responsibilities in the national interest. The Police, headed by the Commissioner of Police, under section 71 of our Constitution, enforce the law for the triumph of truth and justice without fear or favour, affection or ill will. This is why this Bill, in part (3) – Investigations, and section 4, strike the

right balance between the protection of the ordinary citizen against arbitrary use of power and the risk of hard-working Police officers who have to bear the brunt of false and malicious denunciation in writing.

The Police have, in the exercise of its duties and responsibilities, a second level of judicial control and accountability to the Courts and the Judicial System as befits *un état de droit*, which Mauritius is. The fundamental rights and liberties of the citizen are protected and there are safeguards to prevent the miscarriage of justice.

The Police is also at a third level answerable to the Legislature through its inter-ministerial rules and regulations, and the Committee, by virtue of its terms of reference for its omissions, acts and doings, hence, the whole importance of committee policing for accountability when complaints are filed. The maintenance of public confidence of the Police does not rest solely on the complaints system, but that system is a factor in public confidence in the service. It is imperative for the Police to operate with public consent and not by coercion, hence, the need for mutual trust and confidence for public police relationship in combating crime and social ills.

This Government has taken the bold decision to institute a fourth level of control and accountability through the Independent Police Complaints Commission to replace the existing system with a view to ensure safeguard in terms of both people and system integrity without undermining the authority of the Police, the prime objective being to ensure greater transparency and to ensure a level playing field in the investigation of complaints. This initiative, no doubt, will have to be accompanied by capacity-building of the Police service in the state-of-the-art support systems in human factor engineering on retrospective and proactive accountability to enhance the credibility and respect of the Police Force, as it is elsewhere in credible democracies.

Section 16 deals with the completion of investigation, bringing an important element of expediency in the furtherance of justice within a set timeframe. We all know: Justice delayed is justice denied. Under section 13 – The Hearings, it will be vital for the Commission to see to it that there is no trial by the Press and Police bashing against Police officers consonant with fair reporting all throughout the investigative process. The general case for an independent system rests on the view reflected in Lord Scarman report in 1981, that it would enhance public confidence in the complaint procedure and arguably produce a more rigorous machinery of internal review of Police conduct and strengthen Police

accountability. This demarche espouses the sacrosanct philosophy of modern policing as stipulated by Sir Robert Peel –

"The police are the public and the public are the police."

This is what committee policing is all about and this is what this Government is doing.

The Police, as an emanation of democracy, are vested with constitutional powers to maintain the rule of law for the protection of the rights and liberties of the people of the Republic of Mauritius. Anyone from the community of nations by virtue of bilateral agreements and international conventions, and in this respect Mauritius aligned itself with South African Regional Police Chief Co-operation Organisation (SARPCCO), which I helped to create as Commissioner of Police for enhancing regional policing. Our alignment is with Interpol and the United Nations Convention on Law enforcement on Transnational Organised Crimes and Drugs.

In the present context, where the benefits of hindsight and lessons learnt in terms of positive feedback, the Police Complaints Division and the Human Rights Commission, the legislator had to intervene in the public interest and the proper administration of justice with the Independent Police Complaints Commission Bill in order to create a climate of trust within the Police as the right arm of democracy and *vox populi vox dei*.

We have a responsibility not only through effective human resource management, but also to bring justice to the victims through the system of compensation and rehabilitation to clear their names.

True it is that Police officers and the Commissioner of Police are accountable to the civil law under the Law of Torts under vicarious liabilities in areas as wrongful arrests, and false and malicious allegations. No doubt, many suits and substantial damages have been paid. This Bill makes provision for referring the case to competent authorities for remedial measures based on recommendations arrived at through independent investigation.

We all know that redress through Court is an expensive venture and also a lengthy process, and access to Legal Aid funds is far more restricted in civil cases than in the criminal process. The provision of conciliation by the IPCC will foster to new heights the relationship between the public and the Police for the general good, with an added forum for the possibility of restorative justice. The speed of service essential to avoid any form of tyranny requires that every Police officer operating in difficult and extreme circumstances with lesser efforts to deserve the public trust, not out of charity, but justice. However effective the checks

and balances of the Government, however extensive the prevention of abuse of power, the Government itself will be less than trustworthy, unless individual Police officers try to be worthy of the trust they bear. This Bill is timely and will improve the system in the national interest.

Thank you.

**The Deputy Speaker**: Hon Benydin!

(6.22 p.m.)

**Mr T. Benydin (First Member for La Caverne & Phoenix)**: Thank you, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, permit me,at the very outset, to thank and congratulate the Rt. hon. Prime Minister for bringing before this august Assembly such an important Bill which meets and responds to the sacrosanct principle and philosophy of universal human rights.

This Bill is another milestone in that it is honouring and implementing an essential and vital component contained and reflected in the Government Programme 2015/2019 for the establishment of an independent Commission to restore public confidence relevant to complaints made against Police officers in the discharge of their duties.

Hon. Ramful said that 'Nothing will happen.', but I think this Government will make things happen. And also, I would like to be on the same line as hon. Ravi Rutnah. We know Shakespeare: "the evil that men do lives after them; the good is oft interred with their bones." So, through this Bill, we want to do away with all sorts of malpractices and misconducts of Police officers.

*(Interruptions)*

Time is limited. I could have continued on the same line as hon. Ravi Rutnah, but I think it would be for another time.

Mr Deputy Speaker, Sir, section 3 of the Constitution of Mauritius guarantees fundamental rights and freedom of the individual, namely the right to life, liberty, security of the person and protection of the law. An individual living in a democratic society, where the Rule of Law prevails, is both free and responsible. His or her dignity is expressed in basic and inalienable rights which must be respected by all, including the State and society. In accordance with international conventions and covenants, human beings are born equal in

dignity and in rights. As such, all acts of discrimination and inhuman treatment through the exercise of physical force, violence and any other form of injustice should, by all means, be rejected and fought against.

Mr Deputy Speaker, Sir, I would like to spell out that the introduction of the IPCC does, in no way, put into question the work and efforts presently undertaken by the Mauritius Police Force to reinforce measures geared at maintaining law and order and, in particular, the various reforms being implemented to provide better service to the citizens.

However, due to abuses and unwarranted action and tendencies of certain Police officers to exceed the authority and powers conferred upon them while dealing with members of the public, the setting up of an Independent Commission has become an urgent necessity and has all its *raison d'être*. This project also reinforces Government's political will to make of Mauritius a country which places the defence and promotion of human rights at the helm and top of its priorities.

Mr Deputy Speaker, Sir, the Police Complaints Division, under the aegis of the Human Rights Commission, has not given the expected results, particularly the effectiveness of Police to investigate and prevent misconduct within their own ranks in view of the perception and concept of party and judge relationship.

In various democracies, demands for independent or external persons in the investigation process and review of citizens' complaints against Police officers are increasing.

The reasons for an independent mechanism have become more pronounced, taking into account the habit of some Police officers to embarrass, humiliate and even harm citizens during enquiry or detention stages. There is also Police tendency, although not to be generalised, to use stereotypes in carrying out their duties while recognising that we cannot blame the Police for all citizens' behaviours or acts.

Mr Deputy Speaker, Sir, in an article written by Andrew Goldsmith from the Faculty of Law, Monash University, Victoria, Australia, it is highlighted that failure of International Complaint Mechanisms reflects a loss of public confidence in the way the Police have responded to citizens' complaints and to evidence of misconduct within their own ranks. It further mentions that there is lack of confidence in Police self-regulation, mainly at four stages of processing a complaint against the Police, namely –

- The making of a complaint by a citizen;
- The recording of the complaint by Police;
- The investigation of the complaint by Police, and
- The response by the Police.

Mr Deputy Speaker, Sir, it is not my intention to cite lengthily from the analysis of Mr Goldsmith. However, the following is very relevant for this debate, namely, the cost of non-receptivity to complaints on the Police measured in terms of loss of public cooperation, trust and confidence. This article also brings into light that internal investigation has lacked commitment and provided lip service to the need for a proper investigation of allegations made.

The article also stressed on the reluctance of senior officers to investigate complaints against their subordinates for fear of the prejudicial effects upon staff relations and force morale.

Mr Deputy Speaker, Sir, views are also expressed that complaints need to be seen not merely as threats to existing policies and procedures or to individual Police officers, but, more importantly, as opportunities for re-examination of reforms with regard to policies and practices, particularly in terms of the implications for good community relations.

Therefore, the new mechanism proposed, that is, the IPCC, I am confident will contribute to set up a new architecture with regard to citizens' complaints and conduct of Police responsibilities. The more so that this Commission will have as Chairperson a Judge or a Magistrate with not less than ten years of experience.

Mr Deputy Speaker, Sir, the IPCC which will function independently of the Police with wider powers to investigate particularly into causes of death of a person in Police custody, brutality or as a result of other allegations made against Police officers will definitely serve as a useful instrument for the promotion of human rights. Public confidence in the new system can also spare complainants to have recourse to long and complicated procedures before Courts of Laws which are both costly and time-consuming.

Mr Deputy Speaker, Sir, the establishment of the IPCC will usher a new mindset and attitude within the ranks of Police officers and will act as a deterrent in the use of physical force, harassment, discriminatory or of arbitrary forms of arrest.

While referring to section 4 (e) on the Functions of the Commission, regarding other functions that it will perform, I would like to suggest, for example, the initiation of

educational programmes to make the citizens more aware of their constitutional rights about Police policies. This could help to meet the objectives of the function mentioned at section 4 (d) of the Bill which is meant to promote better relations and comprehension between the public and the Police. Equally important is the need for information relevant to Police practices to establish accountability with regard to cases filed in connection with brutality and Police misconducts.

Mr Deputy Speaker, Sir, the IPCC with the range of legal powers conferred to it by the Bill, will boost citizens' morale and contribute to, *inter alia*, -

- reduce procedural barriers to filing complaints;
- increase opportunities by the Police to herald other reforms and interact more with the community and make them more responsive;
- promote cooperative treaties and Police programmes to solutions of community crime problems;
- reaffirm a commitment to the principles of equal opportunity and equal protection of the law.

Mr Deputy Speaker, Sir, to conclude, let me quote from the American Administrative Scholar, James Freedman. I quote –

> "The quality of an agency's performance is usually a function of the degree of public support it enjoys for the achievement of its statutory responsibilities or the degree of public ambivalence towards its stated mission."

I thank you, Mr Deputy Speaker, Sir.

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

(6.32 p.m.)

**Mr A. Ganoo (First Member for Savanne & Black River)**: Mr Deputy Speaker, Sir, I have listened to nearly all the hon. Members who have intervened before me, and, to me, an Independent Mechanism to investigate into the misconduct of the Police, is the hallmark of a mature democracy. It is the proof that the Rule of Law is strongly embedded in the democratic culture of this country.

Experiences in our country, in Mauritius, and also in other countries, have shown that the Police complaints system has disclosed how these systems do not easily offer the expected solutions to cases of Police misconduct and Police abuse.

In the UK, Mr Deputy Speaker, Sir - I won't repeat all the details about the UK system - a country which has supposedly one of the fairest Police system in the world, the Police complaints mechanism has been constantly subject to several reforms before becoming in the present state which it is now, not necessarily the ideal Police complaints mechanism. In fact, in the UK, it took 150 years, since the date the Police Metropolitan Force was founded up to 1977, for the establishment for the first time of a Police Complaints Board. As I said, even up to now, they are looking into ways and means to improve this Police complaints system.

It is no surprise, therefore, Mr Deputy Speaker, that in Mauritius, we are still battling in order to establish the perfect model which should provide the right remedy through complaints made against Police Officers in the discharge of their function because, in a democratic society, the Police should be accountable, not only to the different authorities, but also to the civil population for breach of conduct and law. The Mauritian experience has also demonstrated how oversight of the Police is a complex endeavour and fraught with many difficulties.

Indeed, Mr Deputy Speaker, Sir, the present Bill constitutes, as we all know, the fourth attempt to improve the Police complaints mechanism. I recall when I started to practise at the Bar years back, Mr Deputy Speaker, Sir, the course of action resorted to by victims in cases of Police brutality in those days, was for the victims to make a declaration in the Occurrence Book of the Police and then the Police itself to inquire into the matter. Needless to say, Mr Deputy Speaker, Sir, how most of these complaints were shelved and never found their way to our Courts of law! Then, in 1999, the Police Complaints Bureau was set up and this institution, in fact, did not differ from the previous mechanism in terms of its inadequacy and ineffectiveness. The system of enquiry on the Police by the Police clearly has given rise to the inherent bias since Police officers were enquiring on their own peers. With time, all over the world, it became clear that in view of this unsatisfactory state of affairs, it was necessary to set up a new mechanism, which should be independent from the Police in order to investigate impartially in cases of complaints made by the public against the Police.

Then, Mr Deputy Speaker, Sir, came the amendment to the Protection of Human Rights Act in 2012, where the Police Complaints Division was set up under the aegis of the Human Rights Commission, and even this new initiative, as we all know, did not perform to the satisfaction of one and all and did not contribute to improve public opinion on the cases of complaints against Police. The main reason for this has been highlighted by the Rt. hon.

Prime Minister - I do not want to quote extensively what the Rt. hon. Prime Minister said - and also the reasons given by our friend, hon. Ramful, just now when we look at the number of successful cases which have been sent to Court and prosecuted and so on. The Rt. hon. Prime Minister rightly said that the cases were not dealt within a prompt and expeditious manner. The undue delays in these investigations give rise to the impression that there was reluctance to investigate and the connivance between the investigators and the Police officers to conceal the wrongdoings.

Mr Deputy Speaker, Sir, what do we need then? We need a system to deal with complaints against the Police because there have been too many cases of Police abuse which recurrently damage public confidence in the Police. Our case law, our judgements at all levels of our Judiciary are replete with cases of challenge, of alleged confessions by accused parties, commonly known as *'voir dire'*.

Mr Deputy Speaker, Sir, most of us said and we know that all Police officers are not bullies and they do not resort to brutality in order to complete their investigation. But, this well-known phenomenon of Police abuse has, unfortunately, been used, not only against suspects, but also against witnesses, who in the course of enquiry, have not collaborated to the satisfaction of the investigators. We know what is the trick. The interrogators seek to manipulate the suspects into thinking that it is in his best interest to confess and this false evidence ploy is, in fact, the controversial tactic often used by the Police. I just mentioned the witnesses - not only suspects, but also witnesses - who have also been, Mr Deputy Speaker, Sir, victims of Police brutality.

In our recent past, we came across so many of these cases. Mrs Desmarais, in the famous Bernard Maigrot case, won her case before the National Human Rights Commission. She won a Writ of *Habeas Corpus* from a Supreme Court Judge and won a Supreme Court case for damages. Even Barrister Jean Claude Bibi, well-known to all of us, attacked at that time by the Raddhoa team, subjected to verbal violence and abuse. The late Rajesh Ramlogun, who was just referred to civil servant, was called as a witness and subjected, as we all know, to so much brutality that he met his death in detention. The Judicial Enquiry found that there was foul play at the hands of the MCIT team. Dr. Ménager, the Medical Practitioner, who was also called as an expert witness, was kidnapped and tortured by a Police officer.

Mr Deputy Speaker, Sir, I will stop here. I'll rather come to the Bill proper. The debate, Mr Deputy Speaker, Sir, today, is whether this Bill is different or is it a rebranding, the qualification used by hon. Baloomoody. Is it a rebranding, a cut and paste of the previous Police Complaints Act of 2012? Is it the case? But, to me, this argument is meaningless, this debate is meaningless, is futile. True it is that there is an overwhelming majority of the sections of the 2012 Act which have been reproduced. Let us be objective and honest! The majority of the sections of the old law are being reproduced in the Bill before this House today. The present Bill, in fact, introduced a few novel provisions to the old legislation. This is how matters stand! In fact, the two most important features in this Bill, are the qualifications of the Chairman, the differences in the staffing of the IPCC and also there is a new provision in section 4 (d), the need to 'promote better relations between the public and the Police', which was not to be found in the previous Bill. This is the difference. But, Mr Deputy Speaker, Sir, the main question that should be asked today is: in what ways this new Bill will remedy the shortcomings and the flaws of the previous Police Complaints Division under the Human Rights Commission. The task of all of us, today, is to highlight the shortcomings in the previous Bill for Government, today, to plug the loopholes in the present Bill and to ensure that a new mechanism which will be set up, which will hold the Police accountable for their misconduct and build greater public confidence in the system.

Mr Deputy Speaker, I am happy that, firstly, the scope of the investigation, the scope given to the Commission is the same as it was in the last previous Bill and it is as wide as it is.

It is not only linked to Police brutality, in fact, it is as we can see in the Bill -

> "investigate into any complaint made by any person or on his behalf against any act, conduct or omission of a police officer in the discharge of his functions (…)"

This is good. Of course –

> "(…) other than a complaint of an act of corruption or a money laundering offence;"

But, it is so wide and I am happy that this has not changed because we, at the Bar, Mr Deputy Speaker, Sir, you at the Bar also, know how the Police officers unfortunately, some of them, feel so much powerful when you go even with your client or when this poor man sets his foot in a Police or CID office somewhere, when you penetrate into the citadel of Police power.

Today, there is even a practice, Mr Deputy Speaker, Sir, - I hope you have not come across this practice - when the barrister comes with his client sometimes - I don't say at all

times, but sometimes – or some Police or CID officers, do you know what happens to this barrister? The Police officer comes to him and says: "Look, your client who has already been arrested does not want you to assist him. He does not need any lawyer. He has told me that he does not require the services of any barrister and he has not retained the services of any counsel. So, please, Sir, you can leave." I have heard that very often recently, Mr Deputy Speaker, Sir. So, this is why I said the law is sufficiently wide to cater for different types of Police abuse and not only Police brutality or Police violence.

Mr Deputy Speaker, Sir, a Police complaints system should answer…

*(Interruptions)*

Of course, you can go and make a declaration, you can go and report the matter to the Bar Council but, in the meantime, your client has already confessed and has already been lured. We all know what are the tricks of the game, Mr Deputy Speaker, Sir!

*(Interruptions)*

A Police complaints system, Mr Deputy Speaker, Sir, should answer some basic criteria and have a few core purposes. These are the criteria which have to characterise the right Police complaints system –

(i) it should have an accountability mechanism and a transparency requirement;

(ii) it has to be in a position to offer protection and work against the culture of impunity;

(iii) it has to be a tool in the protection of human rights and provide remedy in the violation of individual human rights;

(iv) it has to address grievance of the complainant;

(v) it has to demonstrate that it is responsive in the sense that such a mechanism is a measure of enhancing public trust and confidence in the Police.

This is why I say perhaps today the debate is not to decide whether it is a cut and paste or whether it is a replica. The debate today with regard to this Bill should be for us to assess and evaluate whether the proper mechanism today will respond and meet the criteria I have just enunciated.

I must say that there are some provisions in this Bill which are questionable to which I will come, Mr Deputy Speaker, Sir. I want to make it clear that I am aware that those

provisions which we are going to question today already existed in the previous law and have been reproduced in the present one. But that does not mean that they should not be looked into again because what we need is to draw the attention of Government so that the necessary amendments or corrections be made for the sake of having a more effective piece of legislation.

I will spend some time, Mr Deputy Speaker, Sir, more particularly, on section 4 (b) in connection with the 'Functions of the Commission' pertaining to the investigation in the cause of death of a person in Police custody. But let me come to a few points I would like to make. I wonder whether the Bill should not have made provision for investigation by the Commission *proprio motu,* that is, on its own initiative. Mr Deputy Speaker, Sir, we can well imagine a case when during an enquiry the evidence reveals that it is another Police officer who has also been involved or connected in any misconduct although nobody has made a complaint against him, but the investigation has revealed that this other Police officer is also involved in Police abuse or Police brutality.

Therefore, as we know, Section 10 (1) reads as follows –

"The Commission may conduct an investigation on the basis of a complaint."

The question I would like to ask is: can any investigation be conducted against that Police officer in view of the fact that no complaint has been made against him as such?

In regard to Section 10 (2) with the limitation period of one year, hon. Baloomoody has commented upon this, but I don't think I agree with him because when we look at Section 10 (2) about this limitation period of one year, it does not mean that the Commission cannot investigate into a complaint if the action has taken more than one year to be complained of. It has been mentioned in the course of this debate that the Commission may only conduct an investigation if the complaint has been made within one year of the alleged offence. I don't think this is really the case. What the law provides, what this Bill provides is that –

> "the Commission shall not investigate into a complaint unless it is made within one year from the day on which the complainant first had notice of the matter alleged in the complaint."

I shall be clearer, what the law provides to my understanding, for example, in case a person is informed by a credible witness five years after, for example, his brother has died in Police custody, if after two or five years he is informed that it was due to Police brutality, according to me, he has the right to make the complaint to the Commission although one year

has elapsed after the death of the victim. But since he has become aware of the alleged Police brutality more than one year afterwards, he can still go to the Commission and make a complaint about the Police violence or brutality exercise upon his relative or brother.

When we go down in Clause 10 (2) (b) we see that –

> "The Commission may conduct an investigation into a complaint made after the period"

Of one year –

> "(…) if it considers that there are special circumstances which make it proper to do so."

Therefore, it is up to the complainant or somebody acting on his behalf to prove that there are special circumstances and the Commission may conduct an investigation into a complaint although one year has elapsed after the alleged violence or abuse has been used by the Police.

With regard to Section 13, Mr Deputy Speaker, Sir, in connection with the hearings, the hearings may be held in public as we can see in Section 13 of the Bill. But, it would be interesting to know how many hearings in public have taken place under the previous law. I think for the sake of building trust and confidence in the population and give the right perception of impartiality and transparency, the Bill should have provided that all the hearings should have been held in public. I think that would have been a better safeguard with regard to the perception of partiality and transparency.

In connection with the right of silence, Mr Deputy Speaker, Sir, Section 13 (6) which has been lengthily commented before me, as we have been told and as we know, the right to remain silent is a right guaranteed by the Constitution, but I still think, Mr Deputy Speaker, Sir, that there is a difference, I agree, with the investigation.

Hon. Ramful gave the example of POCA. Even in the Commission of Enquiry Act, we will see that refusal to answer any question before the Commission of Enquiry, according to the Commission of Enquiry Act, will subject a witness to a heavy fine. Whatever be it, Mr Deputy Speaker, Sir, I am of the opinion that the law should have provided that the Commission may draw an adverse inference from the failure of the Police officers in refusing to give any evidence to the questions which have been put to them by the Commission. Interestingly enough, I have gone through other Independent Complaints Commission in other countries and I have found in some legislation that this right of silence does not exist in

some other countries. Be that as it may, if we have chosen to maintain the right of silence in accordance with the provisions of our Constitution in the Bill, I think the Bill should have made mention of the fact that the Commission may draw any adverse inference from the failure of the Police officers to refuse to cooperate or to give any evidence to the questions put to them.

Mr Deputy Speaker, Sir, I also see in section 16(b) - Completion of investigation, that the Bill provides that the Commission may, on completion of the recommendation, refer the matter to the DPP with a recommendation that the Police officer may be prosecuted. The question is: What happens if the DPP does not respond favourably to the recommendation of the Commission? I think that the Bill should have made mention of the need, in such cases, for the DPP to make public why the DPP's Office or the DPP does not abide by the recommendation of the IPCC. The Bill should also have provided that the Commission makes public all cases it has referred to the DPP with a recommendation for prosecution. This will enhance the transparency process. Of course, the complainant should be equally informed of any decision taken by the Commission.

I repeat, Mr Deputy Speaker, Sir, the Bill should have made mention of the need when the DPP does not agree with the recommendation, the DPP should give explanation why he has not followed the recommendation of the IPCC. The Bill should also have provided that the Commission makes public all cases it has referred to the DPP with a recommendation for prosecution for the sake of transparency.

I will now come to the last amendment circulated with regard to the new section 17. This new amendment provides that –

> "(…) the Commission may designate an officer to swear an information and that officer may, (…) conduct …"

Without prejudice to the powers of the DPP under the Constitution.

> "… the prosecution of an offence committed by a police officer."

Mr Deputy Speaker, Sir, provisions exist in other pieces of legislation. For example, in the Mauritius Revenue Act, in the POCA where specific authorities may conduct prosecution under delegated powers with the consent of the DPP. The ICAC, for example, acts under delegated powers. In the present clause, we are concerned with the provision which is made for the officer to do, in fact, two acts –

(i) to swear the information, and

(ii) to conduct the prosecution of an offence committed by the police officer.

Mr Deputy Speaker, Sir, my response to this amendment is that the Bill is only authorising the designated officer to conduct an offence committed by the police officer to prosecute. In the Bill, with regard to the MRA, I see that the MRA Act has taken the precaution of spelling out that this must be done with the consent or the authorisation of the DPP…

*(Interruptions)*

So, the consent of the DPP was needed and I am happy to see that this has been taken care of.

On a completely different note, Mr Deputy Speaker, Sir, there is an important element which is missing in our legislation and which, according to me, should have been addressed. It is the concept of the duty to report, which is now enshrined in different pieces of our legislation. This concept of duty to report is a corollary to the concept of 'A*ssistance* à *personne en danger'*. A police officer or any other person, be it a member of the public, a fellow prisoner or even an attendant working at a police station must be imposed the duty to report to the Commission any act of violence which has been exercised upon a person in custody, if he has willingly or unwilling been a witness to such act of violence. I think that this would have afforded more transparency and protection to those in police custody.

I finally come to cases of death in police custody. Many cases have been mentioned before me and I do not want to go into all these cases, but I just wish, Mr Deputy Speaker, Sir, to highlight the case of Mr Iqbal Toofany. In fact, this case is a test to the provisions with regard to the procedures of investigation of the Police Complaints Act of 2012.

We recall how this case has provoked so much outcry in the population, the cruelty with which the police were suspected of having ill-treated the suspect.

In this case, Mr Deputy Speaker, Sir, we will recall the numerous items of even immense evidence value which were never brought before the Court: the video recording of Victoria Hospital, the police diary book entries because this case was precisely being investigated by officers of the police themselves. In fact, Mr Deputy Speaker, we recall in this case how the casualty card of the victim had disappeared; how those who were responsible at the Victoria Hospital had confided *que le dossier d'admission d'Iqbal Toofany*

was no more in their possession because they had given it to a police officer, and this file had disappeared. There were so many outcries when the families of the victim heard that the documents and the video of his admission had disappeared. When we are debating such a Bill, the question that we have to ask ourselves is: Here is someone against whom the Chief Medical Officer detected 14 injuries all over his body. The provisional charge against him was one of torture by public officials. When the parents and other well-wishers condemned the atrocities of the police, pressure mounted, the DPP launched a judicial enquiry into the death of Mr Toofany, pursuant to sections 110 and 111 of the DICA. Mr Iqbal Toofany died in 2015 and we had a law which was passed in 2012. Yet, when we recall all this and the conditions in which he died, this Police Complaints Act was in force.

Section 4 (b) was, in this Bill, the duty to -

> "Investigate into the cause of death of a person who died whilst the person was in police custody or as a result of police action."

When a judicial enquiry is ordered by the DPP, as it was done in the case of Mr Toofany, when this enquiry is carried out, the Magistrate conducting the enquiry has to rely heavily on the Police officers who enquire into the matter, who record statements from the suspected Police officer; who are responsible for producing the exhibits in Courts. This is what perhaps explains the disturbing features in this case which I have just referred to. And yet, this Commission, at that time, had the function to investigate in such cases. By the 2012 Act, they have the power to investigate; they have the power to take all lawful measures which a Police officer has under the Police Act. They have the power to record the statement. The investigators could enter any Police premises, search any premises occupied by the Police, and inspect any document on those premises, power to take copies of any documents on those premises.

In fact, the widow of Mr Toofany made a complaint to the Human Rights Commission on 07 March 2015, well before the setting up of the judicial enquiry by the DPP. This Toofany case, Mr Deputy Speaker, Sir, can only lead us to the conclusion that the Complaints Division of the Human Rights Commission failed in its duties according to the provisions of the 2012 Act. We will never know on how many occasions the Police Complaints Division, set up under the 2012 Act, failed to shoulder its responsibilities. And we can only hope that this new Commission which we are setting up today, differently constituted, presided by a Judge or a Magistrate of 10 years' experience, will play its role

fully and discharge its responsibilities properly in holding Police officers to account for their misconduct.

The case of Mr Toofany also revealed the issue of the protection of witnesses and the need to bring relevant legislation which is long overdue. The independent witness who witnessed the injuries inflicted on the deceased, refused to participate in an identification parade for fear of reprisal. He preferred to swear an affidavit rather than give a statement to the Police. Government has announced, in its Programme, that it will legislate and present to the House, a Witness Protection Act. I appeal to the Rt. hon. Prime Minister to see to it that this is done so that witnesses may be protected to depone freely and fairly in all cases before Courts or before judicial enquiries.

Having said this, Mr Deputy Speaker, Sir, I just want, before I sit down, to say that a Police Complaints Mechanism cannot be the sole panacea, remedy for Police abuse. What do I mean? The setting up of the best Police Complaints System cannot, on its own, solve all the problems. It should be supported, bolstered by other measures. I have three measures in mind. We have to review our law with regard to the confessions recorded by Accused. For example, in India, in the Criminal Procedure Code provides that in certain cases, statements or confessions made in the course of an investigation can be recorded only in the presence of a Magistrate. Mr Deputy Speaker Sir, we can reflect upon that possibility. In India, in cases of murder, if the Police depend only on confession, the accused can never be convicted. There must be extraneous evidence in serious offences. We have to review our law about confession. We have to invest in technology. We urgently need a pace. We need codes of practice as safeguards to ensure that Police officers' conduct their enquiry in a fair manner. While such requirements relate to a wide range of Police investigating activities, we know that the application in the developing area of technology usage should be maximised, Mr Deputy Speaker, Sir. The usage of advances in technology is assisting all modern Police Forces today. Lord Quinton wrote, and I quote -

> "Criminality has been greatly strengthened by technical advances in recent years. The police need to be able to respond to this effectively."

Lastly, Mr Deputy Speaker, Sir, the recent DNA cases' exonerations have shed light on the problem that people sometimes confess to crimes which they did not commit. In many countries today, recently a disturbing number of high-profile cases we know, have exonerated innocent people who had confessed and were convicted at trial, only later to be exonerated.

Criminal research has suggested that false confessions and admissions are present in 15% to 20% of all DNA exonerations. In the world, the legal history is showing us, is rich in stories about false confessions, untrue confessions. Since 1989, when Gary Dotson was the first wrongfully convicted individual to be proved innocent through the new science of DNA testing, hundreds and perhaps thousands of individuals have been exonerated by post-conviction DNA testing and release from prison and even from the death row, Mr Deputy Speaker, Sir.

We should, finally, I think, in Mauritius, reflect about the possibility of adopting the mandatory electronic recording of interrogation and consider other possibilities for the reform of interrogation practices which will safeguard the legal rights of suspects and the integrity of the process.

So, my conclusion, Mr Deputy Speaker, Sir, is, let us give a chance to this Independent Complaints Commission. Let all of us see to it that it works properly! It delivers, unlike the previous Body which was set up in 2012, but the remedy is not only the Police Complaints Mechanism. We have to accompany this system, this framework, this mechanism by the other measures which I have just suggested when I was concluding my speech.

Mr Deputy Speaker, Sir, I thank you for your attention.

**The Deputy Speaker**: Hon. Members, Madam Speaker will now resume the seat!

*At this stage, Madam Speaker took the Chair.*

(7.11 p.m.)

**Madam Speaker**: Hon. Vice-Prime Minister Collendavelloo!

**The Vice-Prime Minister, Minister of Energy and Public Utilities (Mr I. Collendavelloo):** Thank you, Madam Speaker. Let me start by saying that I am sure that I share the opinion of the overwhelming majority in this House when I say that I have been extremely surprised, dismayed and disappointed to hear the stand of the MMM on this Bill.

I single out the MMM because clearly the Opposition is not united because we have heard three voices today. From the MMM, we have been clamouring for years; MMM, me and so many of my colleagues who had their political career in the MMM, so many of my friends of the MP…

*(Interruptions)*

Yes, the Rt. hon. Prime Minister! For years, the MMM has been clamouring for the setting up of an Independent Police Complaints Commission. Today that a Bill comes before this House, with the object to establish precisely what the MMM has been asking for years, the first MMM Member to stand up, my very good and learned friend, hon. Baloomoody, stands up and says: "I am not going to vote for this Bill although it is establishing what we have been all asking to be done for years." Why? Because it is a copy of the Police Complaints Act. Right! So, I did not know, I had forgotten what had been the stand of the MMM when the Police Complaints Act was passed. And then, my colleague, hon. Gayan, stood up and reminded all of us that the MMM had not only voted, but had applauded the Prime Minister of that time, Dr. Navinchandra Ramgoolam, when he passed the Police Complaints Act. So, when Dr. Ramgoolam passes the Act, it is good. When Sir Anerood passes a similar legislation, it is bad. We can't be very serious when we say that.

*(Interruptions)*

Well, yes! But we can't oppose everything just because we have to oppose.

Yet, why are we debating today? Because the object of the Bill is to establish precisely an Independent Police Complaints Commission! So, are we for or are we against? Because we want to be able to tell the people: "We do not agree to an Independent Commission investigating Police abuses." Because everyone agrees that there are Police abuses. Everyone agrees! The Rt. hon. Prime Minister would not have come with this Bill if he did not agree that there are Police abuses of all sorts of levels. I mean all those, not only Barristers, everyone in the country knows that there is a minority of rogue Police officers who are so incompetent that they have to fall foul of the law in order to pretend that they are carrying on their duty. So, we say the answer to this is to have that Independent Commission.

In fact, my friend, hon. Baloomoody, did not tell us whether he was for the setting up of the Commission or against. Hon. Ganoo criticising the Bill, of course, but, at least, on the main object, he had no problem about telling us what his stand was. I shall be eagerly awaiting my good friend, hon. Uteem. But the impression I have is that the MMM realises that it is in a tight corner on this Bill because of this object to set up that Commission. Therefore, in the deprivation of arguments, we know now that hon. Uteem is going to fall back on a propaganda leaflet to support the stand of the MMM. But we don't need a debate on propaganda leaflets. My good friend, hon. Rutnah, went into that debate. I don't think it was necessary because everybody is in agreement on that side of the House. But if we need a

propagandist to prop up our argument, it only means that we, ourselves, are unable to put forward a serious argument.

So, I appeal to hon. Uteem when he is going to stand up, let us see: do we agree to the setting up of the Commission? If, yes, then the issue arises, as hon. Ganoo has raised, with all the other sections of the Bill. Insofar as we are concerned, we consider that the Police Complaints Act failed the nation not because of the substantive provisions, but because of its composition. The Human Rights Division was so overwhelmed with work, they could not do it and we do need a separate Independent Commission. That is the stand of Government. We might agree with it, we might not agree with it, but it is a step forward in the right direction.

The points made by hon. Ramful and hon. Ganoo may be quite valid. Time will tell! Let me stop on that silly argument on self-incrimination, section 10(7) deals only with trials. We all know that you can't force somebody to incriminate himself or else the whole enquiry will be vitiated at the time of trial. It is normal that we should tell a suspect: "Listen, you are not bound to say anything, but if you want to say something, we will use it against you!" From time immemorial, that is what we have had in our procedure.

The point which I am making very briefly, therefore, Madam Speaker, is that we must all be for the setting up of that Independent Commission which is a step forward. With regard to the rest, of course, the debate is interesting and it is on that, that the debate can also be, but we cannot go against the object of the Bill.

Before concluding, let me thank the Whips of the Opposition and of Government for having allowed me at the last minute to step in to make my very short speech. Five minutes, I promised. It was only because I had been *interpellé* by the speech made by hon. Baloomoody and I felt that I had to contribute to the debate in that course.

Thank you.

**Madam Speaker**: Hon. Uteem!

(7.22 p.m.)

**Mr. R. Uteem (First Member for Port Louis South & Port Louis Central)**: Madam Speaker, with power comes responsibility! With power comes accountability! With power comes sanction!

A policeman is no ordinary citizen. He has very wide powers, constitutional powers: powers to interfere with the fundamental human rights of other individuals; power to interfere

with the right of movement, the freedom of movement of other individuals; power to stop an individual, to search him, to search his vehicle; power to search his premises with or without warrant; power to effect arrests, and if need be, to use reasonable force to effect an arrest and if an accused is trying to escape, he can use reasonable force, including shooting the prisoner. He has the power to seize property which he can then bring and use as evidence. He has power, more importantly, to detain a person and he has power in the evening to release that person on parole or the next morning he can object to bail sending the person to prison.

There is consensus, Madam Speaker, in this House, that we need a mechanism to prevent abuse. We need a mechanism to investigate abuse. We need a mechanism to sanction abuse. There is consensus. There is also consensus that the present situation is unsatisfactory. The Rt. hon. Prime Minister, as far back as last year in March 2015, answering to a Parliamentary Question, said, and I quote –

> "I must say, Madam Speaker, I am not happy at all with the situation myself. I am not happy that whenever there is a complaint against the Police, the Police itself enquire into it. We must have some other independent institution to enquire and to say whether there should be a prosecution or not."

As far back as last year! So, there is consensus.

Where there is no consensus is that we, on this side of the House, do not believe that what is being proposed today in this Bill is going to make any fundamental change, is going to improve the situation, is going to prevent abuse, is going to better help investigating abuses and help sanction abuse. This is our stand.

The hon. Vice-Prime Minister devoted all of his speech attacking the MMM and saying that he cannot understand how the MMM, which had stood all its life against Police brutality, against arbitrary arrests, can be against this Bill. When did we say that we are not going to vote this Bill? Let me quote…

*(Interruptions)*

Let me quote verbatim what we said…

*(Interruptions)*

Let me quote verbatim what we said. The hon. Vice-Prime Minister was in the House, whether sleeping or not, I don't know! But that is what we said –

> "(…) on this side of the House, we, in the MMM, do not agree with that Bill. It is not that we don't agree with the contents of the Bill because the contents of the Bill are exactly what they were when we voted the Police Complaints Division under the Human Rights Act. What we do not agree is that there is nothing new fundamentally in that Bill. It is mainly a desperate rebranding exercise (…)"

This is what we said! We never said that we are not going to vote this Bill. We are only saying that this is a missed opportunity. What we are doing is exactly what was in the Police Complaints Act. I am very surprised to hear what the hon. Vice-Prime Minister said, because he is an experienced Senior Counsel.

But when I listen to the Members of this House - and I listened to all of them - I can't but believe that either they did not read the Bill or they did not understand the Bill, or worse, they did not even try to compare it to what was the existing situation and only paid lip service that what we are doing now is going to create an independent investigating body. And I am going to refer to a few speeches made by the hon. Members.

Hon. Mrs Boygah thought that we were setting up an independent Police Complaints Commission consisting of three divisions, each headed by a Deputy Chairman. She said, and I quote –

> "What is appealing, Madam Speaker, concerning this Commission, is that it will comprise of three distinct divisions, each headed by a Deputy Chairperson with its own staff.

Each of these divisions will address one particular issue -

(1) Human Rights Division (…);

(2) Police Complaints Division (…),

(3) National Preventive Mechanism Division (…)"

Where is this in this Bill? This is what was voted in 2012! Then, the hon. Member went on and said, and I quote –

> "Madam Speaker, as matters stand, complaints by presumed victims of Police violence are being dealt with by the Police Complaints Division of the Police Force."

Police Complaints Division of the Police Force!

> "Police inquiring upon the Police is for sure in an uncomfortable situation, giving rise to a non-confidence in the Police Complaints Division and a pronounced perception of cover-up in many cases. It is a paradox that Police is being called to investigate upon Police and hence finds itself in a position of judge and party at the same time."

But, Madam Speaker, the Complaints Investigation Bureau of the Police has been abolished as far back as October 2013! As far back as 2013, Police have stopped investigating on the Police! But I can understand hon. Mrs Boygah. She is not a lawyer.

But same cannot be said of hon. Minister Gayan. He is a Senior Counsel! He has far more experience than I have dealing with Police complaints. And, yet, he said, and I quote –

> "In fact, as a practicing barrister, I have seen cases of Police misconduct. I know that it exists, but the big problem that we had in the past and we still have today, is that the Police, when they have a complaint made against them, they themselves investigate and because of the familiarity that exists between Police officers, there is the perception that no fair, impartial enquiry can take place."

Hon. Minister Gayan saying, "in the past and we still have today"! So, even he, as a Senior Counsel, thinks that today it is the Police investigating, whereas we have a Police Complaints Division of the Human Rights voted in 2012 which came into operation in 2014. But where I am really disappointed with hon. Minister Gayan is that he does not give us a single valid reason why or how this new Independent Police Complaints Commission is going to fare better than the existing Police Complaints Division.

He quoted section 5, 'Powers of the Commission'. But this section, Madam Speaker, is identical to section 5 of the Police Complains Act. In fact, Madam Speaker, I have to say I went at great length to compare every clause in the two legislations: in the Police Complaints Act and the Independent Police Complaints Bill. I am not going to take the time of the House to go through each of them, but I will just highlight a few -

- Section 4, 'Functions of the Commission', identical to section 4 of the Police Complaints Act;
- Section 5, 'Powers of the Commission', again identical;
- Meetings of Commission, identical;
- Investigations by Commission, identical;
- Making or continuing a complaint (…), identical;
- Hearings, identical;

- Record of complaint and investigation, identical;
- Powers of Investigator, identical;
- Use of evidence, identical;
- Completion of investigation, identical;
- Regulations, identical.

So, all the major clauses that we have in this Bill are identical to clauses that exist under the Police Complaints Act.

Hon. Lepoigneur stated, and I quote –

"Madam Speaker, this Bill is to rectify the inadequacies of the former Government's model. Under the old regime, the Police Complaints Act 2012 provided for the setting-up of the Police Complaints Division within the National Human Rights Commission (…)"

This is what he said –

"It did not provide for an independent body."

And then he goes on to say –

"But this Bill proposes a full-fledged Independent Police Complaints Commission presided over by a former Judge of the Supreme Court, and one of its striking features is that 'No serving Police officer shall form part of the staff of the Commission.'"

Breakthrough! Striking feature, 'No serving Police officer shall form part of the staff of the Commission'. Section 7 (2) of the Police Complaints Act reproduced identically the same thing, 'No serving Police officer shall form part of the staff of the Division.' Identical! Your new Bill is not making any difference. His colleague from the same party, hon. Abbas Mamode, stated, and I quote –

"Madam Speaker, this is not rebranding. *Nous sommes en train de changer. Cette loi sera une loi où il y aura une institution indépendante* to prevent an eventual abuse of power, because there is eventual abuse of power."

Independent! How is it going to be independent?

If we look at section 3(2) of the Protection of Human Rights Act 1988, and I quote –

"(…) the Commission shall not in the exercise of its function be subject to the direction or control of any other person or authority."

This is already in the law. The law already says that the Commission is not going to be subject to the direction or control of any other person or Authority. So, it is already independent. And then, he goes on to say that 'the Commission is an independent body which will comprise of either a Judge, a Magistrate or law practionner to ensure the smooth running of the activities.' But, again, Madam Speaker, when we look at what is being proposed today in this Bill, as to the composition of this new independent Commission, the qualifications are identical to what is in the Police Complaints Act in the Human Rights Division. The Chairperson has to be a Judge. Does the hon. Member know that, today, the Police Complaints Division is headed by a former Judge, honourable D. Seetulsingh, that the Deputy Chairperson is Mrs Marie Lourdes Lam Hung, a respected Barrister-at-Law of over 30 years standing at the Bar? Is the hon. Member suggesting that these people are not independent? Or is he suggesting that to be independent we have to be appointed by this Government, by this Prime Minister?

Madam Speaker, in my humble opinion, the only material change that is being brought by this Bill is the introduction of a New Clause 18 on confidentiality, 'No member or officer shall disclose to any unauthorised person any matter which comes to his knowledge in the performance of his function'. And section 18(2) makes it a criminal offence, leading to a fine of Rs50,000 and a term of imprisonment not exceeding one year. So, we are criminalising any disclosure by members of the Commission of any matter that comes to his knowledge.

Hon. Minister Jeewa-Daureeawoo, a respected Attorney-at-Law, had this to comment on the confidentiality provision: "This criminal sanction would undoubtedly be additional to any disciplinary action that might be taken against a member or officer concerned. Such a stringent approach to the investigation of complaints from the public will reflect the seriousness, and if I may say, the dedication of the institution. Madam Speaker, accountability and transparency guarantee fairness and justice."

But, Madam Speaker, we are talking here about disclosure by members of this new Independent Commission. So, this clause, effectively, is muzzling the Commission. It is telling the Commission: 'You can't speak to strangers, you can't speak to the Press, you can't give interviews, you can't comment on the investigation going on, you can't say anything about it.' How can that be transparency?

Hon. Ganoo just explained that, in fact, in his opinion, we should have made it clear in this Act that, this Commission must communicate, must tell the public how many cases it has been referring to the DPP, must tell the victims what has happened to all its enquiries. And here, today, we are going to muzzle the Commission and we are saying that it is going to operate in more transparency!

Madam Speaker, I have taken the time of the House to go at length through the speeches of various hon. Members from the majority to establish that they did not fully appreciate that this Bill, before this House, will not make an iota of difference to the present mechanism of investigation in Police complaints. The figures are damning. According to the Annual Report of the National Human Rights Commission published in March 2015, out of 529 complaints investigated in 2014 by the Police Complaints Division, only 6 cases have been referred to the DPP. That was in 2014! In May 2016, answering to a PQ, the Rt. hon. Prime Minister stated the following -

> "I am informed by the Human Rights Commission that since March 2015 to 29 April 2016, 693 complaints have been lodged."

Out of these 693 cases, only one case has been referred to the DPP! So, clearly, Madam Speaker, this is not a satisfactory situation. But have the hon. Members, on the other side of the House, analysed the reason why the Police Complaints Division is not performing? Have they taken the time to speak to Mr Seetulsingh, to Mrs Lam Hung, to the people of the existing Commission's division to find out what is the problem? Have they taken the time to read the Annual Report of the Human Rights Commission? If they had taken the time to read the Report, they would have found, for example, at paragraph 3.23 of the Annual Report that the powers of the NHRC-PCD are too restricted. Although considerable time is spent on processing complaints on investigation and on hearing complainant witnesses and Police officers, the PCD can only make representation to the DPP and to the DSC. The time has come to consider endowing the National Human Rights Commission with certain disciplinary powers.

Are we paying heed to the cry of the Police Complaints Division? Are we giving it more powers under this legislation? No, Madam Speaker! Paragraph 3.26 of the Annual Report of the National Human Rights Commission recommends that the Disciplinary Orderly Room of the Police be replaced by a permanent unit within the Police Force, headed by a retired Magistrate or experienced Barrister to deal expeditiously with disciplinary cases

before the Police Force. Is this Bill giving effect to this recommendation, Madam Speaker? No!

Paragraph 3.28 of the Annual Report recommends that certain amendments be brought to the Police Complaints Act to provide for counselling for offending Police officers and victims of Police brutality. Is this Bill giving effect to this recommendation? No!

Paragraph 3.30 of the Annual Report of the National Human Rights Commission recommends that the Police should not arrest a person on the mere allegations of another person and that a purposeful enquiry should first be carried out to verify the allegation before any arrest is made. Again, is this Bill giving effect to this recommendation? No, Madam Speaker! And yet, hon. Members from the other side of the House would like us to believe that not only taken on board any recommendation made by anyone, by the people who have been dealing with these Police complaints, not taking heed to any of these recommendations - what we are proposing today, will solve the problem, will improve the problem?

Hon. Baloomoody, in his intervention, highlighted one of the main reasons why, we, on this side of the House, think that the Police Complaints Division has not been able to deliver on its promise, and that is the time of one year to investigate and the time limit of two years to prosecute.

We know, as a matter of fact, Madam Speaker, that the Complaints Investigation Bureau of the Police Force stopped investigating in October 2013. We know from the Annual Report that it is only in June 2014 that the subdivision of the Human Rights Commission was set up. So, between October 2013 and June 2014, there was no institution in this country collecting information about Police complaints. Nothing during that period of time! And, today, we have the chance to correct this anomaly, we have the chance to give the power to this new Commission to investigate all these cases and we are not doing it! And that is why, on this side of the House, we think it is a missed opportunity.

Hon. Minister Gayan and hon. Boissézon stated that we did not raise that issue in 2012, that in 2012 we fully supported it. Yes, of course! But, in 2012, we could not have anticipated then what would happen two years later! We could not have anticipated that the then Government would take more than two years to set up the Division.

We supported the Police Complaints Act in 2012 because it was an improvement compared to the Complaints Investigation Bureau of the Police. We were then replacing a system where the Police was investigating the Police by a system where an Independent

Commission, headed by a former Judge, was going to investigate into Police complaints. That is why we were all in favour. But now, three years later, we all agree that the system is not working. But are we improving the system? Are we making fundamental change to the system? This is where we disagree because when we look at everything that has been mentioned before, the function, the power, the conduct of investigation, the hearing, they are identical. Nothing is changing as far as substantive provision is concerned.

Hon. Baloomoody also argued that we need to revisit the Public Officers Protection Act of 1957 because there is a two-year time bar. You cannot bring any criminal or civil proceeding against a public officer, including a Police officer after two years of the alleged wrong. And he replied, hon. Sinatambou, who is a lawyer, a barrister, a notary public, argued, and I quote –

> "One may be against the two-year time bar which is afforded to any public officer, not only to a Police officer but to any public officer. But this Bill is not the place to take it. This is not something which falls within the purview of the Independent Police Complaints Commission. This is something which should come, if at all, under an amendment to the Public Officers' Protection Act of 1957."

Madam Speaker, I really don't know the kind of advice which this Government is receiving from its legal advisers. Parliament is sovereign. In a few weeks' time, we are going to be called upon to vote the Finance Bill. In that Finance Bill, we will be amending dozens of legislation, if not more. So, what was the legal reason, the legal impediment preventing this Bill from having a clause saying that – prosecution of Police brutality, of abuse of power will not be subject to the two-year limitation period of the Public Officers' Protection Act. There was absolutely no legal reason. It was a simple drafting procedure. And to add insult to injury, today, this morning, we have been circulated a First Reading of an amendment to the Public Officers' Protection Act. Today, First Reading! Have we taken the opportunity to correct this, to allow victims of Police brutality to sue Police officers after two years? No, we have not! And yet, we are saying that this is going to revolutionise the system.

Madam Speaker, when the Rt. hon. Prime Minister presented the Bill, the only reason he gave, and I quote, is that –

> "This has created a perception in the public opinion that the outcomes of cases of Police complaints which are reported to the National Human Rights Commission are

not dealt with as expeditiously as they should have been and that the outcomes of the complaints are not communicated to the complainants in a timely manner."

So, the only reason which the Rt. hon. Prime Minister has put forward is an administrative one. The existing mechanism does not work. There is delay at this level and, therefore, we are having a new Body. That is the only thing. But have we gone further and investigated why did the Human Rights Commission, the Police Complaints Division take so much time to investigate complaints? There was a backlog of several hundreds of cases that were forwarded to it. Was it given the necessary resource, the necessary staff and the necessary technical assistance to carry out its work? And will this new Independent Commission that is being set up, be given the resources, the staff, the expertise which have not been given to the previous Division? If we don't give them all the financial support, the logistics, the staffing, then there is bound to be a similar result.

Madam Speaker, Police brutality, abuse of power by Police officers is not unique to Mauritius, and we have to learn from experience of other countries. There is a lot of literature on the Internet as to how other countries have tried to prevent Police from abusing their powers. Many studies have been carried out. The old model of public accountability or review has failed to produce adequate Police accountability, primarily because of the resilience and resistance nature of occupational Police culture. The new accountability moves away from the traditional punishment and deterrence towards compliance and modes of regulations aim at preventing harm and reducing risks through title of regulations, audits, surveillance and inspections.

Central to this approach, Madam Speaker, is a change in the recruitment process and in the promotion process of Police officers. New recruits should be asked to pass a psychological test. They must not be subjected to only physical test, but also, and probably in my opinion, more importantly, to psychological test; test that will enable us to establish the ability to cope with the stress, the pressure and exigencies of the profession.

Promotion in the Police Force should not be based only on written examination. We know, in this House, because we have asked questions on this, each time there is a promotion exercise, it creates more frustration than anything else. In the Government Programme, at paragraph 133, the Government announced, and I quote –

"To promote transparency and meritocracy, an independent body will be set up to conduct examinations within the Police."

This Body has not yet been set up and I urge the Government to come forward to this Body, because as far as I am concerned, I think prevention is better than deterrence and having the proper mechanism for recruiting and promoting Police officers will help create a Police which is more apt to serve the nation and prevent abuse.

Madam Speaker, I would end by answering to my friend, hon. Gayan.

*(Interruptions)*

I have to end by that because answering to a PQ which I asked to the Rt. hon. Prime Minister, I was told that there have been 976 provisional charges which have been set aside since January 2015. When hon. Baloomoody thought that this is an inacceptable state of affairs, hon. Gayan stated that: "We need to state our agenda." And said that this is an honourable thing to do; people of honour have to state their agenda. And we have no difficulty, Madam Speaker, to disclose our agenda. We have and we will continue to denounce all cases of injustices; all cases of politically motivated arrests. Our Leader, our Militants have been victims of Police abuse, especially in the 1970s. We have paid the price of our conviction. We have stood against the Government of the day and in the 1970s we have even been imprisoned for doing so. So, we don't have any lesson to take from anyone, Madam Speaker. But whenever the MMM has been in power, no one and I repeat, no one can in good faith state that the MMM used the Police to settle score with his opponents. Quite the contrary…

*(Interruptions)*

Quite the contrary, when the Police arrested hon. Pravind Jugnauth in the most inhumane and humiliating manner at his residence, we did not hesitate to march …

*(Interruptions)*

**Madam Speaker**: Order!

**Mr Uteem**: …to the Central CID. We stayed there until he was released.

*(Interruptions)*

When hon. Sawmynaden was arrested because he took a picture of the infamous lady, we immediately condemned the arbitrary arrest. When hon. Bhadain felt that he was victim of Police conspiracy, he came running to the hon. Leader of the Opposition for support. And just like we stood by the side of the victims of the political vendetta then, today also, we condemn with equal virulence, all cases of arbitrary arrests, all cases of politically motivated arrests and we will continue to do so, Madam Speaker,…

*(Interruptions)*

…because this is our agenda. This is our pledge to our nation.

Thank you.

(7.53 p.m.)

**The Prime Minister**: Madam Speaker, I wish, first of all, to thank all the hon. Members who have participated in the debate on this Bill. The quality of the interventions and the interests shown on the subject comfort my belief that it is the duty and responsibility of any Government to do its utmost to uphold human rights.

However, citizens should also be aware of their civic responsibilities and should know that any unlawful action which may jeopardise the social fabric will not be tolerated.

Madam Speaker, I want to make it clear that coming up with this Bill is not at all a blame against the Police Force. On the contrary, the philosophy behind this Bill is to enhance the already existing trust that the vast majority of the population has in our Police Department.

As Prime Minister of this country, I am very much aware of the difficult tasks that the Police Officers are accomplishing, round the clock, to track criminals and other types of offenders, sometimes putting their own life at risk, with a view to protecting us.

I would like to take this opportunity to convey my full support to our Police Force, in the performance of their noble duties, particularly, at a time where Police investigations are becoming more and more difficult in the face of increasing sophistication of criminal activities through the use of Information Technology.

The proposed Police Complaints Commission will be in a position to set aside the many superfluous and unjustified complaints that are made against Police Officers and will have the necessary latitude to make appropriate recommendations to the DPP, if ever there is evidence that false accusations have been made against a Police Officer.

It is, in fact, very alarming that, out of the 1,741 complaints so far received by the Police Complaints Division, 1244, that is, 71% of them have been found to be unjustified.

I make an appeal to the population not to waste the time of the Commission by making frivolous complaints.

However, we should, at the same time, not forget that the Police Department has a workforce of more than 14,000 officers and, therefore, cases of indiscipline and abuse which are, unfortunately, inherent in human nature, are inevitable.

The very purpose of this Bill, therefore, is not only to shield our citizens from these abuses, but to also act as a deterrent for the very few officers who, by their irresponsible behaviour, may bring such a vital institution to disrepute.

Madam Speaker, moreover, having an Independent Police Complaints Commission, separate from the National Human Rights Commission, is not a new concept. It already exists in several countries such as the UK, New Zealand and South Africa.

As in these countries, I expect that the operation of this new institution will be guided by the five principles which the European Court of Human Rights has developed for effective investigation, namely –

- independence of the investigators;
- gathering of adequate evidence;
- prompt and expeditious conduct of the investigations;
- transparency in decision making, and
- the safeguard of the legitimate interest of the complainant in the process.

Madam, Speaker, I wish to respond to a few of the unwarranted criticisms which have been made by Members of the Opposition during the debate.

Hon. Baloomoody and hon. Mohamed have voiced out the opinion that this Bill brings nothing new as compared to the existing Police Complaints Act. I beg to differ.

I am of the view that this Bill will make a difference as, *inter alia* –

(i) it will enhance the status of the Police Complaints Division by converting it into a full-fledged Commission, completely independent;

(ii) it will be a separate entity and will be a body corporate with its own staff, line budget and reporting obligations, and

(iii) it makes a specific provision for the Commission to promote better relations between the public and the Police.

Hon. Reza Uteem, I listened to him very carefully. His only objection to this Bill is that many clauses of the previous Bill have been incorporated in this Bill. But what the previous Bill was aiming at and what this Bill is aiming at?

We have seen that the previous Bill has not been effective, and, insofar as we are concerned, we have come to the conclusion that, in fact, there has not been a real Independent Commission to do the work. And since we are aiming to have the same objective, the same result as the previous one, therefore, whatever we find was good in the previous legislation, we are not like the previous Prime Minister or Government that whatever had been done by the previous Government must be thrown away. We are not of that view. Whatever we think is correct that should be preserved in order to make this one effective, we are not ashamed to say: 'Yes, we have preserved them.' But, I am confident that this Independent Body is going to give results which we are contemplating. And, please, have patience! Let it work! If it does not give a result, then you will blame us in due course. Don't try to blame us now! If, with all these clauses in 2012, you were so happy and you voted for it very gladly, why today you come and say you are not going to vote this Bill? Why are you so unhappy?

These new characteristics will further consolidate the already existing mechanisms such as the 'Community Policing' and 'Neighbourhood Watch' already put in place by the Police for a better coordination between the community at large and the Police.

Hon. Baloomoody mentioned that no consultation whatsoever was made for the drafting of this new Bill. Well, I wish to inform the House that wide consultations did take place between my Office and several stakeholders such as the State Law Office, the National Human Rights Commission, more particularly with the Police Complaints Division. I should also point out that the two amendments that are being brought in the Bill follow proposals made by the DPP's Office.

Yet, another question was raised by the same Member as to whether we should not amend the Public Officers' Protection Act so as to remove the limit of 2 years within which civil and criminal actions should be initiated against Public Officers.

I am under the impression that the hon. Member has not read the specific provision of the Act carefully. The time limit of two years provided for in the Act relates to any fact, act or omission against public officers in the execution of their duty.

It is clear, therefore, that complaints, which will be made against Police Officers to the IPCC, will not fall under the purview of the limit provided in the Public Officers'

Protection Act because officers, who infringe the rights of victims, cannot be said to be acting in the exercise of their duty.

Madam Speaker, hon. Mohamed came up with the supposedly bright idea of amending the Constitution so as to give the Commission the power of arrest. Since I am in this House, every time I listen to hon. Shakeel Mohamed, I get the feeling that he acts like a joker!

*(Interruptions)*

Every time I listen to him, I never get convinced of what he puts forward. Let me remind the hon. Member that the Protection of Human Rights Act 1998 was amended a first time in 2012 to broaden its mandate and, again in 2013, so as to introduce a new Section 4 (a). Where was he then? Why did he not raise his voice that the Constitution should be amended and the power which he is asking us, why we are not giving…

*(Interruptions)*

Why did he not do that at that time?

As regards the issue of provisional charges, I wish to refer the House to paragraph 21 of the Government Programme 2012-2015 wherein it is stated that Government will introduce a Police and Criminal Evidence Bill providing for codes of conduct that will regulate the conduct of Police and other investigators and address a number of issues relating to criminal enquiries, including victims' rights. I guess that the hon. Members who have argued lengthily on the issue of provisional charges during this debate are either in a state of utter confusion, confounding between the Independent Police Complaints Commission Bill and the present Bill which we are bringing in this House and which we are debating just now or they are just trying to mislead everyone.

Madam Speaker, my Government does not intend to lose its time with the bluffs of the Opposition and we will continue to strive hard in the best interest of our citizens. This is why we were elected and we intend to fulfil our commitments with all the determination it requires.

A few have argued that this Commission as well as the other human rights institution should be given the power to punish for human rights violations. I do not share this view because –

Firstly, we have already established mechanisms under our Constitution such as the Director of Public Prosecutions Office, the Disciplined Forces Service Commission and the Judiciary which are empowered by law to consider recommending and inflicting punishments regarding those who contravene the law.

Secondly, providing the powers to initiate disciplinary action or to convict a new institution entails amending the Constitution which I am not prepared to do at this stage.

Thirdly, it is against established practice, as advocated by the Paris Principles, to which we adhere, for human rights institutions to be mandated to punish human rights violations.

The Paris Principles set out the minimum standards required by national human Rights Institutions to be considered credible and to operate effectively. These principles clearly indicate that the core roles of human rights institutions are to provide opinions, make recommendations and proposals on matters concerning the promotion and protection of human rights. They can also seek amicable settlement through conciliation or, within the limits prescribed by the law, through binding decisions, and where necessary, on the basis of confidentiality.

Madam Speaker, the proposed Commission will have the necessary leeway to conduct investigations and make recommendations for appropriate actions as provided for in the Bill.

For example, following the investigation stage, the Commission may decide to –

(a) set aside the complaint where same is considered to be trivial or frivolous or not made in good faith;

(b) refer the matter to the DPP, with a recommendation for prosecution for a criminal offence;

(c) refer the matter to the Disciplined Forces Service Commission with the recommendation that disciplinary proceedings be taken against the officer, or

(d) refer the matter to the Attorney-General with the recommendation that the complainant be paid such compensation or granted any such relief as the Attorney General may deem appropriate.

Insofar as confidentiality is concerned, Madam Speaker, it is the characteristic of all body corporates and the more so for an investigating institution. The Commission must ensure that there is no undue interference in the course of an investigation.

Disciplinary powers cannot be conferred to the IPCC as it is not the employer. It requires constitutional amendments to review the Disciplined Forces Service Commission and, as I said, at this stage, we don't find it important to bring changes in the Constitution.

Madam Speaker, there has been some concern expressed as to what happens if the Police officer refuses to give a statement under warning. This usually happens when statements are taken. The refusal to give a statement is the fundamental right of any citizen. We cannot compel anyone to give a statement. Just like we are not being able to compel the former Prime Minister to give any statement! He is keeping silence. It is his right. But then, the Commission can make use of the evidence given by the complainant and witnesses and other circumstantial evidences to make its recommendations.

Madam Speaker, I am convinced that an independent and effective Police complaints system will enhance public trust and confidence in the Police whilst ensuring that there is no impurity for misconduct and abuse of authority by Police officers. I am also happy that we are able to honour yet another commitment highlighted in the Government Programme 2015-2019. We have confidence in what we are doing and I am almost certain that we will get the results that we want to get.

With these remarks, I say thank you, Madam Speaker.

*(Interruptions)*

*Question put and agreed to.*

*Bill read a second time and committed.*

**COMMITTEE STAGE**

*(Madam Speaker in the Chair)*

**THE INDEPENDENT POLICE COMPLAINTS COMMISSION BILL**

**(No. XIV of 2016)**

*Clauses 1 to 15 ordered to stand part of the Bill.*

*Clause 16 (Completion of investigation)*

*Motion made and question proposed: "that the clause stand part of the Bill."*

**The Prime Minister:** I beg to move for the following amendment in clause 16

-

(a) in clause 16(4), by deleting the words ", Director of Public Prosecutions";

*Amendment agreed to.*

*Clause 16, as amended, ordered to stand part of the Bill.*

*New Clause 17 (Prosecution of offences)*

*Motion made and question proposed: "that the clause stand part of the Bill."*

**The Prime Minister**: I move for the following amendments.

"**17. Prosecution of offences**

For the purposes of this Act, the Commission may designate an officer to swear an information and that officer may, with the consent of the Director of Public Prosecutions, conduct the prosecution of an offence committed by a police officer."

**The Chairperson:** The question is that new clause 17 be read a second time.

*Question put and agreed to.*

*New Clause 17, as added, ordered to stand part of the Bill.*

*Clauses 18 to 27, as renumbered, ordered to stand part of the Bill.*

*Clause 28 (Transitional provisions)*

*Motion made and question proposed: "that the clause stands part of the Bill".*

**The Prime Minister**: Madam Chairperson, I move for amendment as circulated –

" (c) in the newly numbered clause 28, by inserting, after subclause (1), the following new subclause, the existing subclauses (2) and (3) being renumbered as subclauses (3) and (4) –

(2) Any matter referred to the Director of Public Prosecutions by the Police Complaints Division immediately before the commencement of this Act shall, at the commencement of this Act, be dealt with as if it has been referred to by the Commission."

*Amendment agreed to.*

*Clause 28 as renumbered, ordered to stand part of the Bill.*

*Clause 29, as renumbered, ordered to stand part of the Bill.*

*The schedule was agreed to.*

*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 Independent Police Complaints Commission Bill (No XIV of 2016) was read the third time and passed.*

**ADJOURNMENT**

**The Prime Minister**: Madam Speaker, I beg to move that this Assembly do now adjourn to Friday 29 July 2016 at 5.00 p.m.

**The Deputy Prime Minister rose and seconded.**

*Question put and agreed to.*

**Madam Speaker**: The House stands adjourned.

*At 8.19 p.m., the Assembly was, on its rising, adjourned to Friday 29 July 2016 at 5.00 p.m.*

**WRITTEN ANSWERS TO QUESTIONS**

**INFORMAL ECONOMY - SURVEY**

**(No. B/803) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Minister of Finance and Economic Development whether, in regard to the Mauritian economy, he will state if consideration will be given for the taking of measures to formalise the informal economy as far as possible and, if so, indicate if a survey of the urban and rural economies, including the formal and informal home businesses, cottage industries, street vendors, natural therapists and other categories of self-employed, together with such details as the number of people employed therein, will be carried out, in line with the informal economy research reports and papers published by the ILO and the World Bank.

**Reply:** I am informed that -

(i) there is a legal obligation under the Business Registration Act 2002 for any person carrying out a business activity to seek registration and obtain a unique Business Registration Number (BRN);

(ii) local authorities keep a record of some home based activities, street vendors and other categories of self-employed;

(iii) in the course of their on-site inspections, inspectors of the local authorities usually request non-registered operators to register themselves in accordance with existing laws and regulations of the Councils, and

(iv) furthermore, the City Council of Port Louis and the Municipal Council of Quatre Bornes have recently taken steps to register street vendors when allocating spaces to them in the Municipal Food Court or mini markets.

As regards the Survey, I am informed that Statistics Mauritius does collect data on the formal and informal sectors during the Census of Economic Activities (CEA) which is carried out every 5 years. These data are integrated in all official national estimates of employment and GDP.

At the latest Census conducted in 2013, Statistics Mauritius collected data from all formal and informal production units, excluding agriculture. Based on this exercise, some statistics can be generated on the informal economy. However, consideration will be given to carry out a specific survey on the informal economy.

**POWER STATIONS & INDUSTRIAL FACTORIES - RESIDENTIAL PERMITS - ISSUE**

**(No. B/804) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Minister of Local Government whether he will state if consideration will be given for the setting up of an independent inquiry to look into how the regional administrations have issued residential permits over several decades in the vicinity of power stations and industrial factories which produce noise and other forms of pollution whereas several other industries, including large printing presses, have been moved to dedicated industrial areas, indicating if measures will be taken to –

(a) remedy the existing situations, and

(b) carry out planning exercises for the future.

**Reply**: The Municipal and District Councils are empowered to grant permits for the development of land in virtue of the Outline Planning Schemes and the Development Management Map, wherein are referred the different zoning of any development permitted. A

Local Authority shall, in dealing with an application, have regard to whether the proposed development is, in any way likely to contravene an Outline or detailed Scheme being prepared in respect of the area concerned.

The House may wish to note that the Town and Country Planning Act of 1954 provides for approved Outline Planning Schemes to be the main reference for determining permit applications and, therefore, the provisions of an approved Outline Planning Scheme have to be the key elements when considering appeals against permit refusals.

The House may also wish to note that, according to records available, the Municipal City Council of Port Louis was, for instance, issued with an Outline Planning Scheme as far back as the year 1971 and, as per that Scheme, industrial areas were contiguous to residential areas. For example, the site at Fort Victoria which is industrial is contiguous to a residential area and also the site at Saint Louis Power Station is industrial and the adjacent areas were residential.

According to Section 7(3) of the Town and Country Planning Act, any person who intends to develop land should apply to the relevant Local Authority for a Building and Land Use Permit. All Building and Land Use Permits, as well as Outline Planning Permissions are issued under Section 117 of the Local Government Act and they should be in accordance with the following enactments and any guidelines issued hereunder –

(a) the Building Control Act 2012,

(b) the Town and Country Planning Act;

(c) the Planning and Development Act, and

(d) the Environment Protection Act.

To this end, the Local Authorities make use of different planning tools, such as the Outline Planning Schemes and Planning Policy Guidance issued by the Planning Division of the Ministry of Housing and Lands and other instruments, such as environmental and sanitary guidelines, in assessing applications for Building and Land Use Permit and Outline Planning Permission. These documents assist planning officers and decision makers at both Government and Local Authorities' level in ensuring proposals for development at the local or site level are in compliance with the policies and proposals derived at the national level.

The Local Authorities, therefore, have always stood guided by the different planning tools which I have just mentioned and I do not envisage setting up an independent inquiry to look into the issue of land development permits over the last decades.

Insofar as part (b) of the question is concerned, the House may wish to note that a National Development Strategy has been developed by the Ministry of Housing and Lands

and this document, covering the period up to 2020, comprises a range of policies for nationally significant developments and provides guidance for developing residential, tourism, a range of employment uses as well as major transport and infrastructural proposals.

**DANGEROUS DRUGS ACT - PLANT & SUBSTANCES - PERMITS**

**(No. B/805) Mrs D. Selvon (Second Member for GRNW & Port Louis West)** asked the Minister of Health and Quality of Life whether, in regard to each and every plant and substance listed in Schedule 1 Part 1 of the Dangerous Drugs Act, he will state the number of permits delivered by his Ministry thereof, if any, since January 2012 to date, under section 7 of the said Act, indicating the –

(a) quantities involved therein, and

(b) purpose thereof.

**Reply:** I am informed that a total of twelve permits in regard to plant and substances under Section 7 of the Dangerous Drugs Act have been delivered since January 2012 up to June 2016, namely ten to the Forensic Science Laboratory and two to Quantilab, a private laboratory.

I am further informed that the Forensic Science Laboratory has procured Amphetamine and part of Cannabis plant as well as its derivatives as follows –

1) Amphetamine – 6.83g
2) Cannabis Oil – 2.61g
3) Cannabis Plant – 6.04g
4) Cannabis Resin – 3.59g
5) Cannabidiol – 0.22g
6) Cannabinol – 0.22g
7) Tetra Hydro Cannabinol – 1.14g

With regard to Quantilab, the following substances have been procured –

1) DL Amphetamine – D 100 mcg/ml in Methanol – 1ml
2) Trans 11-Nor-9-carboxy-delta9-THC 0.1mg/ml in Methanol – 1ml

The purpose for the use of these substances by Forensic Science Laboratory and Quantilab is for testing.

**DBM – RESTRUCTURATION**

**(No. B/806) Mr R. Uteem (First Member for Port Louis South and Port Louis Central)** 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 –

(a) the current amount of non-performing loans thereof;

(b) the current financial situation thereof, and

(c) where matters stand as to the proposed restructuring thereof.

**Reply**: With regard to part (a) of the question, I am informed by the DBM that as at 31 December 2015, the bank had non-performing loans of Rs3.0 billion, of which provision of Rs1.83 billion had already been made in its accounts.

With regard to part (b) of the question, I wish to inform the House that a few years back up till the end of 2014, the financial situation of DBM was extremely precarious, so much so that the very existence of DBM as a development finance institution was at stake. While on the liabilities side, the DBM had huge fixed deposits which had matured and depositors were not willing to renew their deposits, on the receivables side, funds were tied up in highly impaired loans. DBM was then facing acute liquidity problems.

However, following the implementation of policies and strategies of the new Board at DBM in 2015, the financial situation of the bank has greatly improved. There has been focussed effort on collection of past dues, on debt reduction which has subsequently led to reduction in financial charges, and on cost containment. As a result, the bank's liabilities have been brought down by an amount of Rs2.26 billion through the bank's own effort. Moreover, the bank reached a break-even position for the 12 months ending 31 December 2015. The Management Accounts for the 18 months period ending 30 June 2016 now show a profit of around Rs15 m.

As regard to part (c) of the question, the DBM has adopted a number of restructuring initiatives, namely a consolidation of its industrial estates operations through renovation and maintenance of the buildings and improved rental collection as well as a Voluntary Retirement Scheme which has helped to right-size the organisation.

**INTEGRITY REPORTING BOARD - BOARD MEMBERS**

**(No. B/807) Mr R. Uteem (First Member for Port Louis South and Port Louis Central)** asked the Minister of Financial Services, Good Governance and Institutional Reforms whether, in regard to the Integrity Reporting Board, he will, for the benefit of the House, obtain therefrom, information as to the -

(a) composition thereof, indicating the terms and conditions of appointment of the Board members thereof, including the fees payable thereto, and

(b) where the meetings thereof are proposed to be held.

**Reply:** With regard to part (a), the Rt. hon. the Lord Phillips of Worth Matravers, KG, PC, will be the Chairperson of the Integrity Reporting Board and he has been consulted on the appointment of the two other members of the Board. This will be done in due course after terms and conditions are agreed. Once letters of appointment are issued in accordance with Section 7(1) of the Good Governance and Integrity Reporting Act, this will be tabled before this House.

With regard to part (b), by virtue of Section 7(2) of the Good Governance and Integrity Reporting Act, the Board will meet "at such time and place as the Chairperson may determine".

**SMEDA – BOARD MEMBERS**

**(No. B/808) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Minister of Business, Enterprise and Cooperatives whether, in regard to the Small and Medium Enterprise Development Authority, he will, for the benefit of the House, obtain therefrom, information as to the composition of the Board thereof, indicating the date and terms and conditions of appointment of each Board Member thereof.

**Reply:** The Board of the SMEDA was last reconstituted on 31 August 2015 for a period of three years. I am tabling the composition of the Board and the terms and conditions of its members.

**NHDC – SPORTS COMPETITION & GAMES**

**(No. B/809) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière)** asked the Vice-Prime Minister, Minister of Housing and Lands whether, in regard to the *Jeux* de la National Housing Development Company Ltd. organised under the aegis of his Ministry, he will –

(a) state the objectives thereof, and

(b) give a -

(i) breakdown of the expenditure incurred in relation thereto, indicating the source of funding thereof, and

(ii) list of the housing estates involved therein.

**Reply**: In the context of its 25th Anniversary, the National Housing Development Co. Ltd (NHDC) is organizing various sports competitions and games for the residents of all the

NHDC housing estates across the island. The activities are being organized under the aegis of my Ministry and in collaboration with the Ministry of Youth and Sports. The regional heats were held on 10 and 17 July 2016 at Germain Commarmond Stadium in Bambous. The finals are scheduled for 07 August 2016. The venue will be finalised in due course. I am informed that 1,191 residents from 69 NHDC housing estates are participating in the activities.

In regard to part (a) of the question, the main objectives of the "*Jeux de la* NHDC" are as follows -

(a) to reinforce the ties and promote social interaction and cohesion among the families living in the NHDC housing estates;

(b) to sensitize the families on the importance and benefits of sports;

(c) to promote the welfare, physical and mental well-being of the residents;

(d) to provide opportunities to discover young talents;

(e) to develop a sense of belonging among the residents of the NHDC housing estates, and

(f) to give the residents the opportunity to participate in a national competition and develop a sense of pride.

With regard to part (b) of the question, I am informed by the NHDC that the expenditure for the organization of the activities is estimated at eight hundred and nine thousand rupees to be financed by the NHDC and through sponsorship from the private sector.

I am hereby tabling the breakdown of the estimated expenditure and the list of the 69 housing estates participating in the "*Jeux de la* NHDC".

**PONT ROUGE, RIVIERE DU POSTE - REHABILITATION**

**(No. B/810) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the footbridge, commonly known as Pont Rouge at Rivière du Poste and which is used by the pedestrians, he will state if consideration will be given for urgent rehabilitation works to be carried out thereat.

*(Withdrawn)*

**TYACK – STADIUM - CONSTRUCTION**

**(No. B/811) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac)** asked the Minister of Youth and Sports whether, in regard to the proposed construction of a stadium in the region of Tyack for the District of Savanne, he will state where matters stand.

*(Withdrawn)*

**PAILLES GUIBIES SEWERAGE PROJECT – PIPES LAYING**

**(No. B/812) Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Pailles Sewerage Project, he will state if he is aware that the inhabitants of Canal Dayot have raised concerns regarding the laying of sewerages pipes at the St Louis River and, if so, will he, for the benefit of the House, obtain from the Waste Water Management Authority, information as to if consideration will be given thereto and ensure that the said pipes will not cause obstructions to the evacuation of excess water thereat.

**Reply**: In my reply to Parliamentary Question B/129 on 05 April 2016, I informed the House that the Wastewater Management Authority is currently implementing Phase 1 of the Pailles Guibies Sewerage Project, which consists of the construction of a pumping station and about 4 km of trunk sewers.

After the implementation of Phase 2, the project will connect about 3066 households and resolve the recurrent sewerage problems in the region.

The contract for Phase 1 was awarded on 23 September 2015 and works started on 05 November 2015.

I am informed by the Wastewater Management Authority that on 28 April 2016, inhabitants of Canal Dayot made representations and subsequently sent a letter on 06 June 2016 to the WMA, expressing their apprehensions that the pipe laying works along the river might create a risk of flood or damage their houses. They also requested that the river upstream of Canal Dayot be deviated to the Grand River North West.

Two meetings were held on 05 May 2016 and 09 June 2016, during which the WMA and the Consultant – Gibbs Ltd. for the project made presentations to the *forces vives* and inhabitants of Canal Dayot. On 27 June 2016, the WMA has also replied to the letter of the *forces vives.*

I am further informed by the Wastewater Management Authority that the pipeline under construction is being laid outside the river, along the river banks and that the Consultant has given assurance that all measures have been taken to ensure that there are no obstructions to the normal river flow and no risk of flooding.

**CEB - CT POWER PROJECT**

**(No. B/813) Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Vice-Prime Minister, Minister of Energy and Public Utilities whether, in regard to the CT Power Project, he will state where matters stand following the decision of the court to grant the judicial review on 07 July 2016 in relation thereto.

**Reply**: By a letter dated 15 July 2016, the Solicitor General has advised my Ministry that his Office is of the opinion that "there are possibilities of an appeal to the Judicial Committee of the Privy Council".

My Ministry is considering that advice and will issue the appropriate instructions shortly.

**POINTE AUX SABLES & ROSE HILL - BUS SERVICE**

**(No. B/814) Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to Pointe aux Sables and the vicinity thereof, he will, for the benefit of the House, obtain from the National Transport Authority, information as to where matters stand as to the proposed coming into operation of a new bus route linking same to Rose Hill, indicating the timeframe set for the implementation thereof.

**Reply**: In my reply to PQ B/858 at the sitting of the National Assembly of 10 November 2015, I informed the House that at present a bus service exists between Pointe aux Sables and Port Louis and is served by the Triolet Bus Service Ltd. However, there is no direct bus service from Pointe aux Sables to Rose Hill. Thus, passengers from Pointe aux Sables commuting to Rose Hill have to travel in two legs, namely from Pointe aux Sables to Grand River North West and from Grand River North West to Rose Hill.

I further informed that on 22 July 2009, the Rose Hill Transport Ltd (now RHT Bus Service Ltd) applied for a road service licence to operate buses along a new bus route from Rose Hill (Place Cardinal Margéot) to Pointe aux Sables via Beau Bassin, Coromandel, Camp Benoit, La Tour Koenig and Pointe aux Sables (Cité Débarcadère) and back.

On 24 March 2010, the Triolet Bus Service Ltd applied as well for a road service licence to operate buses along the same itinerary applied by the Rose Hill Transport Ltd as mentioned above and from Pointe aux Sables to Ebène Cybercity via Cité Débarcadère, La

Tour Koenig, Camp Benoit, Coromandel, Rose Hill (Place Cardinal Margéot) Rose Hill Police Station, Sir Gaëtan Duval Ecole Hôtelière, Ebène and back.

However, on 10 June 2011, both companies withdrew their applications by a joint letter and the Authority decided to set aside the applications.

On 27 February 2015, the RHT Bus Services Ltd applied for an extension of route 174B (Coromandel Industrial Zone – Ebène-Cybercity via Belle Etoile, Beau Bassin, Rose Hill (Place Cardinal Margéot) and back) up to Pointe aux Sables.

On 10 April 2015, the Triolet Bus Service Ltd also applied for a road service licence to operate buses from Pointe aux Sables Terminus to Rose Hill/Ebène-Cybercity and back.

The hearing was delayed as consideration was being given to a bus terminal at Pointe aux Sables, where parking for buses were proving to be difficult due to lack of adequate parking space. However, I am given to understand that the identification of a suitable site for a bus terminal will take time, particularly as it will involve acquisition of land.

For that reason, the National Transport Authority is proceeding with the hearing of applications received from Rose Hill Transport Bus Service Ltd and Triolet Bus Service Ltd in the weeks to come. Once the licence is issued, the implementation will not take time as both applicants are established bus companies with buses readily available from within their fleet to start the service along the proposed route in the days following the grant of the licence.

**GRNW - BUS SHELTER**

**(No. B/815) Mr P. Armance (First Member for GRNW & Port Louis West)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Bus Stop found at Grand River North West on the side of the road going to Port Louis, he will, for the benefit of the House, obtain from the National Transport Authority, information as to if consideration will be given for the replacement of the old bus shelter thereat by a new one.

**Reply**: I am informed by the National Transport Authority that there are different kinds of bus shelters around the island made of concrete, corrugated iron sheets, aluminum or glass.

The old shelters do not offer extra facilities to users apart from a roof and some seating capacity, whereas, newer ones are better designed and are more aesthetic offering additional facilities such as, lighting and passenger information system.

A protocol has been devised since 2015 for the provision of bus shelters on main roads and motorways. The aim of the protocol is to facilitate the construction of new bus shelter/s, free of charge, by interested promoters, as well as, to look into the -

- renovation and maintenance of existing bus shelter/s, and
- demolition and replacement of any bus shelter which is in a deplorable state along main roads and motorways, whilst adhering to the existing legal framework.

On the other hand, the promoter has the exclusive right of commercial exploitation by way of advertisement.

The modernisation of bus shelters all over the country is an ongoing process. So far, there are 413 bus shelters, including 70 modern bus shelters.

I wish to inform the House that Grand River North West (GRNW) has already been provided with two modern bus shelters when proceeding towards Beau Bassin. In addition, the bus shelter in the direction of Port Louis has already been considered for replacement in the next list.

**LES CASERNES, CUREPIPE - HOUSING UNITS - SALE**

**(No. B/816) Ms M. Sewocksingh (Third Member for Curepipe & Midlands)** asked the Minister of Local Government whether, in regard to the ex-CHA housing Estate found at Les Casernes, in Curepipe, he will state if the housing units thereof have already been sold to the lessees thereof.

**Reply (Vice-Prime Minister, Minister of Housing and Lands)**: I am informed by the Ministry of Housing and Lands that there is no NHDC Housing Estate at Les Casernes.

In this regard, I am informed that all the 56 housing units at the Les Casernes Housing Estate have been sold.

Further, my Ministry is in presence of a request from the Municipal Council of Curepipe to extend the policy decision announced in the 2014 Budget Speech to give to those families having a housing unit on State land, the option to buy the land at a nominal price, to

those families having a housing unit on Municipal land. The matter is being favourably considered.

**EAU COULÉE BRIDGE - WIDENING**

**(No. B/817) Ms M. Sewocksingh (Third Member for Curepipe & Midlands)** asked the Minister of Public Infrastructure and Land Transport whether, in regard to the proposed widening of the Eau Coulée Bridge, at the level of the Ramdin Street, he will state where matters stand.

**Reply**: I am informed by the Road Development Authority that the Eau Coulée Bridge at the level of Ramdin Street is not situated along a classified road and does not, therefore, fall under its responsibility.

I am further informed that, since January 2014, the National Development Unit (NDU) had a proposal to enlarge the existing bridge along Rampersad Ramdin Street and Lux Consult Ltd. was appointed to carry out a survey of that bridge. The Consultant submitted the design report to the NDU in August 2015. Clearances from the Water Resources Unit and the Forestry Department are still being awaited by the NDU to proceed with the project.

I am also informed that the Municipal Council of Curepipe will take over and maintain the bridge after completion of the project.

The NDU will be requested to follow up on the matter.

**CITÉ ATLEE – ANNIVERSARY CELEBRATION - EXPENDITURE**

**(No. B/818) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Minister of Local Government whether, in regard to the recent event held to celebrate the anniversary of Cité Atlee, in Curepipe, he will, for the benefit of the House, obtain from the Municipal Council of Curepipe, information as to the total expenditure incurred in relation thereto –

(a) giving a breakdown of the sum paid to each contractor thereof and/or each participant thereto, and

(b) indicating when approval to incur same was obtained.

*(Withdrawn)*

**NATIONAL DRUG OBSERVATORY - REPORT**

**(No. B/819) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Minister of Health and Quality of Life whether, in regard to the National Drug

Observatory, he will, for the benefit of the House, obtain therefrom, information as to the where matters stand as to the works thereof, indicating if it has produced any report on the drugs situation in the country and, if so, give details thereof.

*(Withdrawn)*

**HOSPITALS – SURGICAL INTERVENTIONS – WAITING LIST**

**(No. B/820) Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Minister of Health and Quality of Life whether, in regard to the patients whose names appear on the waiting list to undergo surgical interventions, he will state the number thereof, indicating the expected dates for the carrying out of the said surgical interventions.

*(Withdrawn)*

**COROMANDEL – FOOTBALL PITCH - CONSTRUCTION**

**(No. B/821) Mr J. C. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière)** asked the Minister of Youth and Sports whether, in regard to the proposed construction of a football pitch at Coromandel, he will state where matters stand, indicating the expected start and completion dates thereof.

*(Withdrawn)*

**MAHEBOURG - NATIONAL HISTORY MUSEUM - UPGRADING**

**(No. B/822) Mr P. Jhugroo (Second Member for Mahebourg & Plaine Magnien)** asked the Minister of Arts and Culture whether, in regard to the National History Museum of Mauritius, in Mahebourg, he will, for the benefit of the House, obtain from the Mauritius Museums Council, information as to –

(a) the measures that are being taken to attract more visitors thereat, and

(b) if consideration will be given for the uplifting of the yard thereof, with provision for –

(i) benches;

(ii) lighting, and

(iii)conversion of a part thereof into a children's playground.

**Reply**: I am informed that the Mauritius Museums Council is taking the following measures to attract more visitors to the National History Museum of Mahebourg -

(a) Regular educational visits and inter-college competitions for students and youth with the collaboration of the Ministry of Education and Human Resource and the Ministry of Youth and Sports. In the context of the "*Spécial Vacances*" programme by the Ministry of Youth and Sports, educational tours and visits are scheduled at the Museum on 02 and 03 August.

(b) The opening hours of the Museum is being extended. The National History Museum to be opened on 6-day basis as from 01 August 2016, instead of the present 5-day basis.

(c) The display arrangement in the Museum is being reviewed.

(d) Community outreach programmes are being organised in collaboration with the National Heritage Fund and NGOs such as SOS Patrimoine to further promote visits and educational tours amongst members of the public.

(e) A Media Campaign is being worked out in collaboration with the Ministry of Tourism and External Communications and Tour Operators.

As regards part (b) of the question, although the yard is equipped with some benches, lighting system and only one kiosk, I am not satisfied with the present infrastructural set up of the museum and the annual number of visitors, which is only around 55,000.

In view of the poor state of our museums and the poor audience attendance, I approached the Management of *"Musée du Louvre"* Paris, which is the most visited museum in the world (9.3 m. visitors annually), last year, to assist us in upgrading our museums to international standard.

In fact, two experts from "*Musée du Louvre*" were in Mauritius in February this year with the assistance of the French Government. The experts made a study on the status of our Museums, including the National History Museum of Mahebourg and they have recently submitted their recommendations which include, amongst others, ways and means to increase audience attendance. The recommendations include short, medium and long-term measures.

My Ministry is working on the implementation of the recommendations of the report.

As regards the children's playground, the proposal of the hon. Member is most welcome and will be considered by my Ministry.

## MAURITIUS MARITIME TRAINING ACADEMY - BASIC SAFETY COURSES

**(No. B/823) Mrs M. C. Monty (Third Member for Port Louis North & Montagne Longue)** asked the Minister of Ocean Economy, Marine Resources, Fisheries, Shipping and Outer Islands whether, in regard to the Basic Safety Courses run by the Mauritius Maritime

Training Academy, he will, for the benefit of the House, obtain from the said Academy, information as to the –

(a) various components thereof

(b) number of trainers thereof, indicating in each case, the qualifications held, and

(c) number of students having benefitted therefrom since the opening of the Academy to date.

*(Withdrawn)*

**PUBLIC HOSPITALS – CAESARIAN SECTIONS - STUDY**

**(No. B/824) Mrs M. C. Monty (Third Member for Port Louis North & Montagne Longue)** asked the Minister of Health and Quality of Life whether, in regard to Caesarian Sections, he will state -

(a) the number thereof carried out in public hospitals, since October 2015 to date, indicating the number thereof which are related to *primipara* cases, and

(b) if a comparative study has been carried out to ascertain whether the number thereof is increasing or decreasing.

*(Withdrawn)*

**MITD - PROFESSOR V. P. TORUL REPORT**

**(No. A/35) Mr M. Gobin (First Member for Rivière des Anguilles & Souillac)** asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the Mauritius Institute of Training and Development, she will table the Report of Professor V. P. Torul in relation thereto which was submitted to her Ministry on or about July 2012.

*(Withdrawn)*