

## RODRIGUES – ICAC - COURT CASES

(No. 1B/135) Mr J. F. François (Third Member for Rodrigues) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether in regard to cases from Rodrigues reported to the Independent Commission Against Corruption, he will, for the benefit of the House, obtain from the Commission, information as to the number of cases which have been referred to Court since July 2006 to date on a yearly basis, indicating in each case the outcome thereof.

**The Prime Minister:** Mr Speaker, Sir, I wish to remind the House that the ICAC, which has been established under the Prevention of Corruption Act 2002, is meant to operate as an independent body. Its operation is monitored only by the Parliamentary Committee.

Furthermore, according to section 81 of the Act, all Board members and officers of the ICAC are required to take an oath of secrecy and they have a duty to maintain the confidentiality of, and not divulge, any official information that becomes known to them, except as provided under the Act.

The information requested falls within the purview of the Parliamentary Committee.

It would, therefore, be improper for me not only to seek, but also to give such information.

*(Interruptions)*

**Mr Speaker:** As the hon. Prime Minister says, he cannot answer the question. Once a question cannot be answered, there can't be any supplementary question.

## MISS P. S. – ALLEGED RAPE - INQUIRY

(No. 1B/136) Mrs F. Labelle (Third Member for Vacoas & Floreal) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether in regard to the alleged case of rape on the person of Miss P. S. on or about 07 September 2006 reported at the Rivière des Anguilles Police station, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) where matters stand in connection with the inquiry, and
- (b) whether a DNA test has been carried out to establish the paternity of the child born as a result of the alleged rape.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that on 2 October 2006, Miss P. S., then aged 16 and residing at Rivière des Anguilles reported a case to the Rivière des Anguilles Police station, in the presence of her mother, where she accused three persons, H. S., V. B. and I. C. to have allegedly raped her on different occasions during the year 2005 to 2006.

An enquiry was carried out and the three persons were arrested and bailed out.

On completion of the enquiry, the matter was forwarded to the Director of Public Prosecutions on 22 April 2008 for advice. On 22 December 2008, the Director of Public Prosecutions called for a Social Enquiry Report in the case.

On 11 February 2009, the Social Enquiry report was forwarded to the Director of Public Prosecutions. On 30 March 2009, the Director of Public Prosecutions advised no further action into the case. Subsequently, the provisional charges against the three persons were struck out and the case was set aside.

As regards part (b) of the question, I am informed that on 7 February 2007, a male child was born to Miss P. S. In the course of the Police enquiry, Miss P. S. was agreeable to a DNA test being carried out to determine the paternity of the child. I wish to thank the hon. Member for having asked the question because I am now informed that so far no such test has been carried out. I am very much concerned that no such test has been carried out, Mr Speaker, Sir. In fact, to me, this looks like a clear dereliction of duty.

I am advised that the Commissioner of Police has initiated an enquiry into the matter to find out why the DNA test has not been carried out so far. The advice of the Director of Public Prosecutions is being sought on the course of action to be taken in the light of the request for a control blood sample test.

I have also asked the Commissioner of Police to initiate a fresh enquiry into the matter to look at the whole case again with a view to see if there is any fresh evidence that can be brought regarding the case. If any such evidence is uncovered, the matter will be submitted to the Director of Public Prosecutions for reconsideration in the light of any new evidence.

**Mrs Labelle:** Mr Speaker, Sir, I would like to thank the hon. Prime Minister for this answer and the assurance he has given to the House. I would like to ask him whether in such cases, where matters have been struck out and so on, should we not look into measures that the alleged victims be informed because the mother of this girl has been going to the Police

station on several occasions and it is only recently that she has been informed that there is no case, that it has been put aside and she has been waiting for years, I would say. Can we look into the necessary measures so that alleged victims are informed of the outcome of the cases?

**The Prime Minister:** I think this is right. Already this is a very sad case and not informing the person makes it even worse. I agree totally with the hon. Member. I'll pass this on to the CP.

### **POLICE – POWERS OF ARREST**

(No. 1B/137) **Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to arrestable offences, he will state if, following the recent arrest of a former vice-Prime Minister and Minister of Finance, Government will consider measures to review the power of arrest by the Police so as to avoid arbitrary arrests.

**The Prime Minister:** Mr Speaker Sir, the powers of arrest of the police are provided principally under sections 12 and 13F of the Police Act. As per section 9 of the Act, it is the duty of the police to take all lawful measures to apprehend persons who have committed, or who are reasonably suspected of having committed offences. Section 12 of the Act provides that a police officer may, without warrant, arrest any person who commits an offence within his view and whose name and address cannot be immediately ascertained. And section 13F further provides that any police officer, who has reason to suspect that any person who has committed or is about to commit an offence, which will endanger public safety or public order, may arrest that person and use such force as may be necessary for that purpose.

There are also specific instances where the police have been given special powers of arrest.

However, there are judicial safeguards against arbitrary interference with the liberty of a person. In the case of *Sheriff v District Magistrate of Port Louis* in 1989, the Supreme Court held that the discretion to arrest must be exercised in a reasonable manner; in other words, reasonable suspicion must be more than a mere hunch on the part of the police.

Mr Speaker, Sir, even in cases where the police have an undeniable right of arrest and detain persons suspected of having committed an offence, their powers cannot be exercised as a matter of course. A police officer effecting an arrest is, therefore, expected, whenever practicable, to take into consideration the totality of the circumstances, including the explanations of the suspect and the motive of the declarant.

The police must, therefore, ensure that there are legal grounds for the arrest and that it is effected in a professional and competent manner. A total neglect of the explanations that the suspect may have to offer may well lead to the conclusion that the suspicion is not reasonable and such arrest would, therefore, be unlawful. A civil action, including claims for damages, can always be lodged against the police and the State if an arrested person feels that he was arrested without reasonable cause. There is the case of *Dahoo v the State of Mauritius and the Commissioner of Police* in 2007. Redress can also be sought before the National Human Rights Commission. A person unlawfully arrested and detained may also apply for a writ of *habeas corpus* to a Judge of the Supreme Court for the Judge to order his release. That is according to two sections of the Criminal Procedure Act - sections 185 and 190.

Mr Speaker, Sir, although, in theory - and I say in theory - there appears that there are enough legal restrictions on the police powers of arrest, nevertheless I am referring the matter to the Attorney General's Office to study the advisability of making the criteria of arrest more explicit in the law, so that the police are better guided in the exercise of its discretion. For example, the law could provide that, before deciding to arrest somebody, the police may have due regard to the question whether it can reasonably be assumed that, having regard to the record, to the professional status, to the employment status of the suspect and the nature of the suspected offence, there is no significant risk of an eventual non-appearance of the person before a court for his trial, by reason of his not having been previously arrested and provisionally charged. The Attorney General and the State Law Office are going to look into that.

**Mr Obeegadoo:** Mr Speaker, Sir, since the hon. Prime Minister has publicly – it is on record – been dissatisfied with the circumstances of this particular arrest, he must surely have discussed this with the Commissioner of Police. Would he inform the House as to why it took the Police four months in this particular instance to record a first statement from the suspects?

**The Prime Minister:** First of all, let me correct the hon. Member. I didn't say that I am totally - in fact, if the hon. Member had listened to what I said on the radio, I said that the Police have acted within their powers. There is a law; they have acted within their powers. That is a different case from saying that I am not satisfied. I am saying that the Police acted within their powers; there is nothing that the Police have done that I am criticising. The hon. Member may be criticising, but I am not.

Secondly, it takes the time that it takes. Four months, in fact, some people are telling me it is actually short. Do you know there is an hon. Member - he is not here at the moment - Minister in the Government, who has an objection of departure at the moment with the Police at the Passport Office and he has to pay Rs10,000, I think, for every time ...

*(Interruptions)*

I am saying that this is the situation. It takes the time that it takes.

**Mr Obeegadoo:** My point was to record a first statement which is the first thing that the police do when there is a complaint, a declaration. Would the hon. Prime Minister be able to tell us why bail was insisted upon when this is a public personality well known?

**The Prime Minister:** I don't think bail was insisted upon. In fact, the Police did not object to bail, as far as I remember.

**Mr Obeegadoo:** My point was that they insisted upon bail and only yesterday, as the hon. Prime Minister may be aware, the initial charge was struck out, a lesser charge substituted therefore and the requirement of bail dropped. Does the Prime Minister have any explanation?

**The Prime Minister:** Mr Speaker, Sir, the hon. Member knows - was I in the court at the time and asking for bail or no bail? This is a procedure that they have followed and now I understand that there is no bail. In fact, the Police did not object to bail.

**Mr Ganoo:** I have listened to the hon. Prime Minister very carefully. He has stated what the legal position is. Is the hon. Prime Minister aware that there are provisions of the District and Intermediate Courts (Criminal Jurisdiction) Act which make it imperative for the Police to be in presence of a warrant from a Magistrate before arresting a party. So be it for the Police Act and the District and Intermediate Courts (Criminal Jurisdiction) Act! At the end of the day, it is the Police authorities who use their discretion in certain circumstances where they have to draw the line, whether bail should be granted or not. Sometimes the Police authorities do not use their discretion judiciously. Can I ask the hon. Prime Minister, therefore, should we once and for all clear all these issues by coming up with a modern Bail Act in order to solve all these issues which can cater for these types of situation?

**The Prime Minister:** In fact, this is in our programme, Mr Speaker, Sir, that is precisely why we mentioned it in our programme.

**Mr Obeegadoo:** Mr Speaker, Sir, given that no less than a Judge of the Supreme Court has now publicly gone on record stating that the standard practice of the Police is first to arrest and then asking the person to disculpate himself, being given that it is very easy for an arbitrary arrest to tarnish the reputation of somebody who is of good repute - and I am not concerned here with any particular individual, but we are talking of protecting the average citizen from the damage that can be caused by unwarranted arrest; tomorrow it might be the Prime Minister, it might be anybody in this House...

**Mr Speaker:** Please, put the question!

**Mr Obeegadoo:** Will the Prime Minister consider giving urgent consideration to the need to issue guidelines as may be appropriate for the Police Force, providing appropriate training because, clearly, this is also a lack of training as to the judicious exercise of the power of arrest and, eventually, appropriate legislation being introduced before the House to better regulate powers of arrest of the Police?

**The Prime Minister:** Mr Speaker, Sir, I must remind the hon. Member that we are talking about urgent measures. This has existed for so many years. Nobody thought of urgent measures then. Other people had been arrested before. The former Deputy Prime Minister of this country had been arrested before, this has happened. We have said this. That is why I decided that this matter should be reviewed and relooked at. That is why I have asked the Attorney General to discuss with the State Law Office and to see whether we can amend the law.

#### **CABLES – LARCENY**

**(No. 1B/138) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to reported cases of larceny of cables, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the number thereof, since July 2009 to-date, indicating the value of the cables stolen, and
- (b) the measures that will be taken to address the issue.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that 260 cases of larceny of cables have been reported for the period July 2009 to 24 June

2010, and the total value of stolen cables amounts to Rs20.6 m. Details regarding these cases are as follows -

- in 218 cases, enquiry is still ongoing;
- 3 cases have been referred to the DDP;
- 34 cases have been filed;
- 23 persons have been arrested, and
- in 5 cases, the accused have been sentenced.

As regards part (b) of question, apart from regular Police patrols, the following additional measures have been put in place by the Police to combat the thefts of cables -

- vehicle Check Points are carried out for systematic search of vehicles which can be used for the transportation of these articles;
- checks at metal scrap yards, dealers, scrap metal collectors are being carried out;
- a daily monitoring meeting at the Police Headquarters which is chaired by the Deputy Commissioner of Police in the Operations Division assisted by Assistant Commissioner of Police (Crime) to analyse the situations for the past 24 hours and suggest actions to Divisional Commanders and Branch Officers, and
- a number of high level and operational meetings on security of Mauritius Telecoms network are regularly held with the Police Department.

Furthermore, Mr Speaker, Sir, the Police Department collaborates with the Mauritius Telecom in carrying out night patrols to keep watch on its outside networking infrastructure along vulnerable routes and a hotline has been set up - I think, the number is 8989 - for reporting any suspicious activity or providing information relating to vandalism on cables. The control of copper intended for the local and export markets has also been reinforced by the Authorities.

On its part, the Mauritius Revenue Authority supervises the stuffing of containers of scrap metals and suspected containers are checked. A Risk Management Section has been created for enhancement of risk management tools and techniques to control and monitor export of scrap metals. A database of frequent exporters will be created and working relations with the Police for the exchange of information will be strengthened.



Furthermore, Mr Speaker, Sir, the Central Electricity Board has tightened its security system, which have led to a considerable decrease in the number of cases of larceny of cables. Surveillance cameras have been installed in areas that are more prone to thefts, and CCTV cameras will also be installed at other critical sites. The security contractor responsible for the surveillance of CEB sites is also having recourse to trained dogs and dog handlers in high-risk sites, such as Ebène, to reinforce security.

**Mr Ameer Meea:** Mr Speaker, Sir, it seems that such cases have mainly occurred in the northern region of the country. Can I know from the hon. Prime Minister whether modes of operation have been established by the police?

**The Prime Minister:** The police have enquired into modes of operation, into suspects and people they suspect are carrying this, and I don't want to give details of this in the House.

#### **DETAINEE G. K. P. – CHILD - BIRTH REGISTRATION**

**(No. 1B/139) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to why detainee Mr G. K. P. was, last week, not allowed to register the birth of his child.

**The Prime Minister:** Mr Speaker, Sir, section 46(1) of the Reform Institutions Act 1988 provides that a Magistrate may, by written direction, authorise a detainee to leave an institution under escort for the purpose of declaring the birth of the child.

I am informed by the Commissioner of Prisons that, in the case of detainee Mr G.K.P., no court order was obtained to authorise the detainee to leave the Beau Bassin Central Prison for the purpose of declaring the birth of the child. In fact, the District Magistrate of Port Louis District Court No. 3 had refused to issue a court order because detainee Mr G.K.P. had previously escaped from police custody twice.

I am also informed that, on 21 June 2010, the child was declared by the mother and registered at the Civil Status Office of Dr. A. G. Jeetoo Hospital.

**Mr Baloomoody:** Mr Speaker, Sir, in this case, it is true that the Magistrate refused a court order. But, is the hon. Prime Minister aware that Civil Status Officers are allowed to go to the prison for marriage but not to register a child?



**The Prime Minister:** In other words, you can marry, but you can't make children in prison.

**Mr Baloomoody:** The hon. Prime Minister would be aware that the right for a child to bear the name of his father is a fundamental human right. What I am asking the hon. Prime Minister is to look into the matter, to ensure that facilities be given to detainees to declare their children even if they are in prison.

**Mr Speaker:** But the problem is that the hon. Prime Minister has answered the question and said that, as the law stands, the Magistrate refused to give the order. Now, the question should be whether the hon. Prime Minister can amend the law for Civil Status Officers to have access to the prisons.

**Mr Baloomoody:** Mr Speaker, Sir, can I ask the hon. Prime Minister to look into the matter, and amend the law to ensure that Civil Status Officers can enter the prisons?

**Mr Speaker:** Yes. It is so simple!

**The Prime Minister:** It is a good suggestion, because it does not make sense that you can go and do marriages but you can't do so to declare children. I will look into that.

#### **PROTECTION OF HUMAN RIGHTS ACT - AMENDMENTS**

**(No. 1B/140) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the last recommendations of the Economic and Social Council of the United Nations on Human Rights, he will state if Government will consider amending the Protection of Human Rights Act with a view to giving the National Human Rights Commission a specific mandate to deal with economic, social and cultural rights.

**The Prime Minister:** Mr Speaker, Sir, I wish to inform the House that Mauritius was reviewed on its country report on measures taken and progress achieved in observance of economic, social and cultural rights at the 44<sup>th</sup> Session of the UN Committee on Economic, Social and Cultural Rights held in Geneva from 03 to 21 May 2010. This report had been submitted to the UN Committee on economic, social and cultural rights in January 2009, as part of our obligations as signatory of the International Covenant on Economic, Social and Cultural Rights. The review exercise was attended by a delegation headed by our Ambassador and Permanent Representative to the UN in Geneva, and made up of

representatives from the Office of the Attorney General's Office and the Ministry of Finance and Economic Development, respectively.

Following the review exercise, the UN Committee on Economic, Social and Cultural Rights submitted its concluding observations, in which it recommended, *inter alia*, that the Constitution be amended with a view to enshrining economic, social and cultural rights on an equal footing with other constitutional rights, and the Protection of Human Rights Act 1998 be amended in order to give the National Human Rights Commission a specific mandate to deal with economic, social and cultural rights.

Mr Speaker, Sir, I wish to refer the House to the Government Programme 2010-2015, which mentions the need for -

“a constitutional regime that will strengthen our democracy, promote nation-building and further entrench the fundamental rights and freedom of all Mauritians”.

It was further announced that Government would start wide-ranging consultations, and would appoint a team of constitutional experts to assess the application of the Constitution and consider appropriate constitutional reforms. The issue on the need to afford constitutional protection to economic, social and cultural rights will be looked into in the context of these consultations.

**Mr Obeegadoo:** To follow the same logic, Sir, will the hon. Prime Minister state whether Government is considering signing up to the second optional protocol on economic, social and cultural rights, as is being requested by Amnesty International across the world?

**The Prime Minister:** Not at this point in time.

#### **DATA PROTECTION ACT – SMEs - FEES**

**(No. 1B/141) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to annual fees payable under the Data Protection Act, he will state -

- (a) the amount of fees thereof collected since its introduction to date, and
- (b) whether Government proposes to exempt the Small and Medium Enterprises from the payment thereof and, if not, why not.

**The Prime Minister:** Mr Speaker, Sir, I am informed that, since the introduction of registration fees for data controllers under the Data Protection Act, an amount of Rs6,218,400 has been collected from May 2009 to 23 June 2010.

In regard to part (b) of the question, there is no provision under the law, as it is, for the exemption of fees.

**Mr Li Kwong Wing:** Mr Speaker, Sir, this law has been passed in order to accreditate Mauritius as an adequate jurisdiction to attract BPO activities from Europe. So, it is meant to attract big businesses. But the unintended consequence is that small proprietorships are also required to register under the Act, failing which they are subject to very severe penalty and even imprisonment. Will the hon. Prime Minister consider amending the law, to exempt the Small and Medium Enterprises for which the Act was not intended, and to waive the fees payable under the Act?

**The Prime Minister:** I understand what the hon. Member is saying about the unintended consequences. I will certainly discuss with my colleague, the vice-Prime Minister, Minister of Finance and Economic Development. I know there is a system of registration being reviewed and simplified at this moment. It is envisaged to come up with the online electronic system to facilitate registration. Maybe, we should look whether this can be done at the same time.

**Mr Li Kwong Wing:** Mr Speaker, Sir, the problem is that even a single proprietor, so long as he keeps personal data on one client, is required to register under the law, and he is made to pay fees on an annual basis. I would like to add another question to that. In addition to considering the exemption of the fees, maybe what should be done is to exempt all the small enterprises and sole proprietors from registration outright from the Data Protection Act.

**The Prime Minister:** Mr Speaker, Sir, I would have to discuss with the hon. vice-Prime Minister, Minister of Finance and Economic Development to look at the financial implication. But I have taken on board what is being said by the hon. Member.

**PMO - J. S., MR – SENIOR ADVISER**

(No. 1B/142) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to Mr J. S., Senior Adviser attached to his office, he will state –

- (a) the date of his appointment, indicating the terms and conditions of his contract, and
- (b) whether he is still in office.

**The Prime Minister:** Mr Speaker Sir, Mr J. S. was appointed on contract as Senior Adviser on Information Technology matters in my Office with effect from 10 August 2005. I am tabling a copy of the terms and conditions of his contract.

Regarding part (b) of the question, Mr J. S. is no longer in office. His contract was not renewed after 09 August 2009, and was brought to an end on 14 May 2010.

**Mr Bhagwan:** Mr Speaker, Sir, can I know from the hon. Prime Minister whether the gentleman has been representing the Prime Minister or his Office on Boards, be it parastatal or Government-owned companies?

**The Prime Minister:** It might have been when we felt there was a need for somebody from there, but I am not aware of such, Mr Speaker, Sir. As if permanently on a Board, I am not aware.

**Mr Bhagwan:** Mr Speaker, Sir, can I ask the hon. Prime Minister whether this gentleman has represented the hon. Prime Minister or his Office in official missions pertaining to specific duties?

**The Prime Minister:** For an official mission, it is not an adviser who represents the Prime Minister or my Office. He might be part of a delegation, but he is not the one who represents the Prime Minister or the Prime Minister's Office.

**Mr Bhagwan:** Mr Speaker, Sir, can I know from the hon. Prime Minister whether he has inquired if this gentleman, Mr J. S, has obtained duty-free facilities apart from his initial office held at the Prime Minister's Office.

**The Prime Minister:** He is allowed certain facilities, which he has made use of, I am sure, but nothing additional.

**Mr Bhagwan:** Mr Speaker, Sir, can the hon. Prime Minister inform the House accordingly whether such facilities are obtained elsewhere, in other Boards?

**The Prime Minister:** I am not sure. Unless he is entitled, he cannot get duty-free facilities.

*(Interruptions)*

The hon. Member is on a fishing expedition.

**Mr Bhagwan:** Can I ask the Prime Minister whether he is aware or, to inquire if that person has used his official capacity as Adviser to his office to import horses in Mauritius?

*(Interruptions)*

**The Prime Minister:** He has used his capacity as Adviser to import horses! The hon. Member is on a long fishing expedition here, he is going from fish to horses, but I am not aware of this.

**Mr Speaker:** Yes, let me listen to what you have got!

**Mr Li Kwong Wing:** Mr Speaker, Sir, in view of the fact that the appointment of such type of advisers leads to conflict of interest....

**Mr Speaker:** No, this does not arise! Next question, hon. Lesjongard.

#### **POLICE CUSTODY - Mr J. P. I. – DEATH**

**(No. 1B/143) Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the death of Mr J. P. I.4 in police custody on 04 March 2006, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to whether an inquiry has been carried out thereinto and, if so, where matters stand.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that the death of late Mr J.P.I. occurred on 04 March 2006 whilst he was at the Beau Bassin Central Prison and not in Police custody as mentioned in the question.

I am also informed that a Police inquiry was immediately instituted to shed light on the matter and upon completion of the inquiry, the case file was, on 21 April 2006, forwarded to the Director of Public Prosecutions for decision for the holding of a Judicial Enquiry into the case of the death of late Mr J.P.I.

On 19 December 2006, the Director of Public Prosecutions advised the holding of a Judicial Enquiry before the Rose Hill District Court. Hearings started on 10 September 2007 and ended on 22 April 2009.

I am further informed that following the findings of the Judicial Enquiry, the Director of Public Prosecutions, on 04 September 2009, advised no further action in the matter.

**Mr Lesjongard:** Mr Speaker, Sir, in a reply to a similar question in 2006, the Prime Minister informed the House that in an interim report it was indicated that this was a case of gross negligence. Do we have the same conclusion for the final report?

**The Prime Minister:** All that I can say, Mr Speaker, Sir, is that the Director of Public Prosecutions, after the holding of the Judicial Enquiry before the Rose Hill District Court, advised no further action in the matter. There must be reasons for that.

**Mr Bérenger:** I do not know if the hon. Prime Minister has the information, but it is true as we were discussing the situation inside prisons earlier on, according to my information, that person was recorded as being alive and having his meals and so on for days after he had died. It was not noticed that he was dead, he was left there and it was recorded that he was present here and there and as having his meals and so on for days.

**The Prime Minister:** I have heard of this, Mr Speaker, Sir. It just shows exactly, since the question was on prisons, what kind of a system we have. How can Prisons officers say that somebody was alive when he was already dead?

**Mr Baloomoody:** Was there any departmental inquiry, at least, to find out whether there has been negligence? There may not have been a criminal negligence, but there must have been administrative negligence following what the hon. Leader of the Opposition has said. My question is whether there has been a departmental inquiry?

**The Prime Minister:** As I said, there was a Police inquiry into the case and this was forwarded to the Director of Public Prosecutions.

#### **CENTRAL FLACQ TRAFFIC CENTRE – STUDENTS – VIOLENCE CASES**

**(No. 1B/144) Mr D. Khamajeet (Second Member for Flacq & Bon Accueil)** asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to reported cases of violence committed on students at the Central Flacq Traffic Centre since the beginning of the year to-date, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to –

- (a) the number, and
- (b) the remedial actions that will be taken to avert the recurrence thereof.

**The Prime Minister:** Mr Speaker, Sir, I am informed by the Commissioner of Police that since the beginning of the year, seven cases of violence committed on students at the

Central Flacq Traffic Centre have been reported to the Police. All these cases are under investigation.

I am advised that the following measures have already been taken by the Police to combat violence perpetrated on students at the Central Flacq Traffic Centre -

- (i) policing at the traffic centre has been reviewed and reinforced so as to render Police more visible in the area. Special directives for policing at the traffic centres have been issued;
- (ii) the Divisional Support Unit (DSU) supported by the Divisional Traffic Police (DTP), Emergency Response Services (ERS) and *Brigade pour la Protection des Mineurs* are performing regular patrols and checks;
- (iii) crackdown operations are organised jointly with the *Brigade pour la Protection des Mineurs* and the National Children's Council with a view to discouraging students from loitering around and become easy preys to violence;
- (iv) Police patrols are being intensified at the Central Flacq Traffic Centre and also in the proximity of educational institutions as a preventive measure to combat violence against students, and
- (v) a Safety and Security Week will be organised at the Central Flacq Youth Centre from 26 August to 05 September 2010 with a view to working closely with the community in the fight against crime and ensuring a safer environment.

**Mr Speaker:** Time is over. Questions addressed to hon. Ministers! Hon. Fakeemeeah.

#### STATE LAND - LEASE

**(No. 1B/148) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Minister of Housing and Lands whether, in regard to State land, exceeding half acre, he will state –

- (a) the number of plots thereof leased during the year 2009, indicating
  - (i) the names, addresses and the age of the lessees;
  - (ii) the terms and conditions



- (b) if he is aware that there has been any transfer of the lease thereafter and, if so, the remedial measures that will be taken, and
- (c) whether Government will consider inviting tenders for the lease thereof.

**Dr. Kasenally:** Mr Speaker, Sir, in regard to part (a) of the question, the information requested is being compiled and will be placed in the Library of the National Assembly as soon as it is available.

In regard to part (b) of the question, conditions in the offer of lease already provide for lessees to seek the approval of my Ministry prior to effecting any transfer, and transfer is thus not automatic to ensure that it is not motivated by speculation.

In regard to part (c) of the question, the State Lands Act provides that leases of State lands shall be either by public auction or by private contract. But, it has never been the practice to invite tenders for the lease of State lands. Public auctions are no longer resorted to as leases, through this process, would be awarded only to the highest bidders, thus, favouring only the rich and wealthy and running counter to Government policy to democratise access to land.

Leases on State lands are granted after examination of the project proposals, with particular attention to the viability of the project and the proposals are submitted to Cabinet for consideration. Additionally, the State Lands Act, as amended by the Finance Acts 2008 and 2009, sets the rentals of all industrial sites.

#### **MINISTRY OF TOURISM & LEISURE – ADVISERS**

**(No. 1B/149) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Minister of Tourism and Leisure whether, in regard to advisers posted at his Ministry, he will state -

- (a) their names, and
- (b) the terms and conditions of their contract, indicating the allowances drawn by them.

**Mr Bodha:** Mr Speaker, Sir, the following five Advisers are in post at my Ministry -

- (i) Mr Bolanath Chureetur, as Senior Adviser on Tourism Development and Marketing Issues;
- (ii) Mr Joel Rault, as Senior Adviser on Tourism Product Development;

- (iii) Mr Roger Marie Lysis Assy as Senior Adviser on Project Implementation and Monitoring;
- (iv) Mr Ranjeet Maybadee as Adviser in Public Relations matters, and
- (v) Mr Yan Vincent Seetaram as Adviser on Information matters.

Their contracts of employment are governed by the usual terms and conditions as approved by the PRB and the Ministry of Civil Service and Administrative Reforms.

Mr Speaker, Sir, with your permission, I am circulating the details being requested at part (b) of the question.

**Mr Fakeemeeah:** Mr Speaker, Sir, would the hon. Minister lay on the Table of the Assembly the number of special advisers recruited in the year 2009-10 and their qualifications and past employment, please.

**Mr Bodha:** This is being done.

**Mr Speaker:** The contracts are being circulated for the question that the hon. Member has asked. If he has any other new question he can come with it.

#### **TOURISM AUTHORITY – CONSTRUCTION WORKS**

**(No. 1B/150) Mr C. Fakeemeeah (Third Member for Port Louis Maritime & Port Louis East)** asked the Minister of Tourism and Leisure whether, in regard to the construction works carried out by the Tourism Authority, during 2009 and from January 2010 to-date, he will, for the benefit of the House, obtain from the Authority, information as to –

- (a) the nature of the works in each case, and
- (b) whether any tendering procedures were followed and, if not, why not.

**Mr Bodha:** Mr Speaker Sir, I am informed that during 2009 and for the first six months of 2010, the Tourism Authority has carried out construction works in connection with the following projects -

- (i) Renovation and rehabilitation of the Citadel
- (ii) Renovation of the Ex-SMF Museum

I am informed that the Citadel needed major repairs and renovation. The objective of restoring the Citadel which had been constructed in 1840 and classified as a national heritage site is

to recreate, what we call, *l'atmosphère d'antan*. The works which started in August 2008 comprise the following -

- (1) waterproofing;
- (2) partitioning works;
- (3) renovation of toilet blocks;
- (4) pipe works and drainage amenities;
- (5) handrails;
- (6) windows and doors.

Mr Speaker, Sir, the works at the Ex-SMF Museum were meant for the rehabilitation of the building which had fallen into disuse with a view to transforming it into a modern facility for the purpose of holding concerts and plays and to be used by other artists among other activities. The works consisted mainly of repairing the flooring and replacing the windows and doors.

Mr Speaker, Sir, I am also informed that in addition to these projects, embellishment works have also been undertaken by the Tourism Authority across the island. In fact, I answered a question on this last week, Mr Speaker, Sir. The works included planting and maintenance of trees and shrubs, supply of tubular bins for maintenance of cleanliness of the destination, fixing and installation of poster panels around the island for the control of illegal fly-posting, for example, during the elections.

Mr Speaker, Sir, as regards part (b) of the question, I am informed that prescribed tender procedures have been followed in respect of the above-mentioned projects, where appropriate.

**Mr Speaker:** Next question hon. Bhagwan!

#### **PORT AREA - CEMENT PROJECT**

(No. 1B/151) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to the new cement project in the Port Area, he will, for the benefit of the House, obtain from the Board of Investment, information as to –

- (a) the extent of the land involved and its exact location;

- (b) the names and addresses of the Promoters, and
- (c) the date the Environment Impact Assessment Licence was approved and issued, indicating the conditions attached thereto.

**The Minister of Environment and Sustainable Development (Mr D. Virahsawmy):** Mr Speaker, Sir, with your permission, I shall reply to this question.

The EIA application for the new cement project was received at the Ministry of Environment & Sustainable Development on 08 March 2010. According to the EIA report and Letter of Reservation from the Mauritius Ports Authority, the land involved is of an extent of 6.5 hectares, comprising two contiguous plots of 4.0 hectares and 2.5 hectares within the zone 1 of the Free Port Area.

With regard to Part (b) of the question, Binani Cement Factory (Mauritius) Ltd is the promoter of the cement project. The address is 3 Port Zone I Marine Road Mer Rouge.

Mr Speaker Sir, with regard to Part (c), the grant of the Environmental Impact Assessment (EIA) licence was approved by the Minister on 30 April 2010. The EIA licence was issued on 03 May 2010 subject to a set of 25 conditions. I am tabling the list of conditions attached thereto.

**Mr Bhagwan:** Can I ask the hon. Minister whether clinker will be imported and used in the process of making cement?

**Mr Virahsawmy:** Yes, Mr Speaker, Sir.

**Mr Bhagwan:** Can I ask the hon. Minister whether the views of the City of Port Louis and the Port Authority have been taken concerning the use of clinker within the region of the Port and Port Louis?

**Mr Virahsawmy:** Mr Speaker, Sir, all these have been taken into consideration.

**Mr Bhagwan:** Can I ask the hon. Minister who prepared the EIA Report?

**Mr Virahsawmy:** This is personal for the promoter. I must say that the promoter is also operating a major cement plant in Jebel Ali Kree Port area in Dubai, 6 million metric tonnes plants in Rajasthan in India and a 2.5 million metric tonnes project in China.

**Mr Bhagwan:** When somebody prepared and submit an EIA report, in terms of transparency, it must be known to the public, stakeholders and all those who come to have views on the EIA.

*(Interruptions)*

You are not the Minister, Mr Bundhoo, you have been downgraded.

*(Interruptions)*

**Mr Speaker:** Order!

*(Interruptions)*

**Mr Speaker:** Order! Order please! Let the hon. Minister answer the question. Carry on!

**Mr Virahsawmy:** Mr Speaker, Sir, the EIA report is published on the website of the Ministry and it is public.

**Mr Bérenger:** Is the hon. Minister aware whether there were objections when the EIA request was made? If yes, how many and whether there has been any appeal against the granting of the licence?

**Mr Virahsawmy:** Mr Speaker, Sir, seven public comments were taken into consideration by the EIA Committee and there have been two appeals in front of the Tribunal. One of the companies, Holcim, has withdrawn its appeal. The second one, La Farge, has still its appeal and has asked for some time.

*(Interruptions)*

**Mr Speaker:** Order!

**Mr Bhagwan:** The Minister of Housing informed the House that there was with a mega project, the 'New Town' project. Can the hon. Minister inform the House whether the views of the promoter have been sought?

*(Interruptions)*

You are not the Minister. Can I ask the hon. Minister whether the views of the promoter of 'New Town' have been sought concerning that project?

**Mr Virahsawmy:** Whatever views which are required have been taken care by the EIA Committee.

**Mr Bhagwan:** Mr Speaker, Sir, can the hon. Minister inform the House whether a transport impact assessment has been prepared and submitted to Government with regard to the transport of clinker in and out of the factory?

**Mr Virahsawmy:** This has been considered as it is within the Port area so there won't be long distance of transport.

**Mr Speaker:** Last question hon. Ganoo! Yes, carry on!

**Mr Ganoo:** Mr Speaker, Sir, the fact that such a clinker plant has been implanted in the Dubai Port and Rajasthan, there is no excuse because Port Louis is a different set-up. It is a small area and surrounded by mountains and the situation will be more difficult in winter time with the winds. Is the hon. Minister aware that the cement industry is responsible for about 5% of the world industrial climate change emission and that this cement clinker project will impact on Port Louis by releasing toxic organic compound such as furans and dioxide?

**Mr Virahsawmy:** It is clinker plant, Mr Speaker, Sir, not a whole cement factory and all these have been taken into consideration. I do not understand why the Opposition is against competition when we are trying to reduce ....

*(Interruptions)*

**Mr Speaker:** Hon. Bhagwan!

#### **FLAT ISLAND – RESTAURANT**

**(No. 1B/152) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Agro-Industry and Food Security whether, in regard to Flat Island, he will state –

- (a) whether a restaurant is operating thereat and, if so, by whom;
- (b) if the land on which stands the restaurant has been the subject of a lease indicating;
  - (i) the name of the lessee;
  - (ii) the terms and conditions of the lease, and
- (c) whether he will table a copy of the recent joint Report of the Mauritius National Park and Mauritius Wild Life Foundation, following their last visit to the island.

**Mr Faugoo:** Mr Speaker, Sir, with regard to part (a) of the question, I am informed by the lessee, i.e. Discover Mauritius Ltd., that a restaurant is being operated on Flat Island.

With regard to (b), the answer is yes. In fact, the islet has been leased to “Discover Mauritius Ltd”, a private company fully owned by Government, for the purpose of developing an eco-tourist project while reinstating and preserving the natural environment of the islet. The lease agreement contains no less than 50 conditions including a provision that the lessee shall not be allowed to use 135,000 m<sup>2</sup> on Flat Island for eco-touristic and recreational purposes, whereas the remaining area of the islet would be under conservation.

Mr Speaker, Sir, with regard to part (c) of the question, I have to inform the House that there is no such institution as the Mauritius National Park. If the hon. Member is referring to the National Parks and Conservation Service, there is a joint report by this Service and the Mauritius Wildlife Foundation on a problem of shrews at Flat Island and appropriate action is being taken. This expedition was commissioned by my Ministry following report received that rodents had been seen on Flat Island. A copy of the report is being tabled.

Mr Speaker, Sir, I must also inform the House that before the lease, Flat Island was in a deplorable and neglected state. There were regular fire outbreaks and abuse by the public who were illegally camping there. There were also reported cases of bird poaching including the “Paille en Queue”. I am also informed that at the time of the lease, some ten tons of garbage were laying waste on the islet which was subsequently removed by Discover Mauritius Ltd. Since Flat Island is both a recreational destination, highly popular among Mauritians and tourists, and a Nature Reserve, Government decided to lease the islet to Discover Mauritius Ltd, a fully Government owned company. This was done with a view to safeguarding the biodiversity on the island and maintaining it in a clean and tidy state. The lease agreement provides that Discover Mauritius Ltd should reinstate and preserve the natural environment of the islet, while at the same time develop an ecotourism project on part thereof. I must also inform the House that since the islet has been leased, most of the above problems have been contained.

Since the signing of the lease in July 2007 by the Conservator of Forests and Discover Mauritius Ltd, a Monitoring Team comprising officers of the NPCS, Forestry Services, Ministry of Environment and Sustainable Development, Mauritian Wildlife Foundation has been set up to ensure compliance with the conditions of the lease agreement.

**Mr Bhagwan:** Can I ask the hon. Minister whether he is agreeable to table the report made by the National Park and Garde?



**Mr Speaker:** The hon Minister has said yes!

**Mr Faugoo:** I am tabling the report.

**Mr Speaker:** Next question! Hon. Bhagwan!

**Mr Bhagwan:** One Supplementary Question, please. Can I ask the hon. Minister whether his attention has been drawn to the lessee, the one who has obtained the contract to run a restaurant, and that non eco-friendly things have been installed on the island which are against all environmental norms?

**Mr Faugoo:** This is not true, Mr Speaker, Sir.

**Mr Speaker:** Next question! One last question!

**Mr Bhagwan:** Is the hon. Minister agreeable for a joint Parliamentary surprise visit on the island?

*(Interruptions)*

*'Alle guetter qui pe passer lors l'île, nek fer tapaz!'*

*(Interruptions)*

**Mr Speaker:** There is a question from the hon. Member asking whether the hon. Minister is prepared to have a joint Parliamentary surprise visit. Would you, please, answer!

**Mr Faugoo:** I do not see the need of any such expedition at this stage. If the hon. Member wants to go and visit, he is welcome.

*(Interruptions)*

**Mr Speaker:** Let me listen! Order! No, there is a Supplementary Question! Wait, hon. Bhagwan!

**Mr Fakeemeeah:** Mr Speaker, Sir, I would like to know from the hon. Minister, if when calculating the annual rental value of the lease, the valuer did take into account the profitability and monopoly of operating an exclusive restaurant mainly for tourist on that island?

*(Interruptions)*

**Mr Speaker:** Order, please! Order!

**Mr Faugoo:** As I said, Mr Speaker, Sir, before the lease the state of the islet was in a very deplorable state. So, one of the main ideas behind leasing the islet was to support the

conservation, it was proclaimed a Conservation Area, Mr Speaker, Sir. As far as, the rent is concerned it is Rs60, 000 per annum since it is a Government company. But, I must point out to the House that this has fetched some Rs2,425 m. to Government in the three years, Mr Speaker, Sir.

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

### **SOLID AND HAZARDOUS WASTE - COLLECTION AND DISPOSAL**

**(No. 1B/153) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Minister of Environment and Sustainable Development whether, in regard to solid and hazardous waste, he will state -

- (a) the measures taken for their collection and disposal, and
- (b) if Government proposes to review the measures, in line with the Maurice Ile Durable Project.

**The Minister of Local Government and Outer Islands (Mr H. Aimée):** Mr Speaker, Sir, with your permission, I shall reply to this question.

With regard to part (a) of the question, I wish to inform the House that the collection and disposal of solid wastes and hazardous wastes is carried out in three phases, namely –

- (i) collection of wastes which is effected by Local Authorities and my Ministry, through both in house services and contracted out services;
- (ii) transportation of wastes, which is effected by vehicles owned by Local Authorities and those of Contractors from across the islands. Hazardous wastes are transported by the generators themselves under secured conditions and in accordance with the appropriate hazardous waste regulations and under the guidance of my Ministry, and
- (iii) disposal of the wastes at the Mare Chicose sanitary landfill, which is the only disposal site on the island.

Mr Speaker Sir, as far as hazardous wastes in particular is concerned, at present only certain categories of solid hazardous wastes are disposed of in a special hazardous waste cell at the Mare Chicose Landfill, in accordance with international norms and specifications.

In regard to part (b) of the question, Mr Speaker, Sir, I wish to inform the House, that in line with the Government Programme 2010-2015, my Ministry is currently working on a

coordinated and integrated solid waste management programme focussing on the concept of *Maurice Ile Durable*.

Mr Speaker, Sir, with your permission, I am also laying a statement on the table of the National Assembly on that matter.

**Mr Bhagwan:** Can I know from the hon. Minister, at present, how many transfer stations are operational?

**Mr Aimée:** You have five, Mr Speaker, Sir.

**Mr Bhagwan:** Can I ask the hon. Minister whether he is aware that normally a transfer station is supposed to be environmental friendly? But, because of the volume of waste the existing transfer station has been converted into open dumps which are causing a lot of hardships to the inhabitants of the region surrounding the different transfer stations.

**Mr Aimée:** Yes, the decision over the five transfer stations has been taken before my arrival at the Ministry, Mr Speaker, Sir.

**Mr Bhagwan:** The present state of the transfer station was supposed to crush waste. The transfer station has been converted into open dumps. Wastes are stockpiled causing a lot of havoc in the region.

**Mr Aimée:** Actually, we are upgrading certain transfer stations and I will see to it if there is any open air landfills, as the hon. Member said, and I will see that the needful is done.

**Mr Fakeemeeah:** Mr Speaker, Sir, I would like the hon. Minister to state to the House if there is any national policy for the collection and disposal of solid and hazardous wastes? If not, why?

**Mr Aimée:** I have already answered to that question, Mr Speaker, Sir.

**Mr Bhagwan:** Regarding hazardous wastes, is the hon. Minister satisfied that the collection and disposal of all hazardous waste in Mauritius is being done according to international norms; that there are no hazardous wastes which are being dumped in the open air, as it is the case now?

**Mr Aimée:** Yes, Mr Speaker, Sir, all precautions have been taken and there is no disposal, as the hon. Member said, in open air for hazardous wastes.

**Mr Speaker:** Yes, last question!

**Mr Bhagwan:** Can I ask the hon. Minister what is his policy concerning e-waste - scrapped computers, all the IT things, old televisions and so on? Is there a policy of Government as far as e-waste is concerned?

**Mr Aimée:** We are working on a policy for that, Mr Speaker, Sir.

**Mr Bhagwan:** The hon. Minister has just replied, concerning hazardous wastes that it is well disposed, that it is not thrown in the open air. I am stating that, in fact, not only hazardous waste are thrown in the open air, are dumped in open fields, but also e-waste are thrown anywhere.

**Mr Aimée:** I do not have this information, Mr Speaker, Sir, if the hon. Member will, please, inform me where it is, I will check it.

**The Speaker:** I suspend the sitting for one and a half hour.

*At 12.58 the sitting was suspended.*

*On resuming at 2.30 p.m with the Deputy Speaker in the Chair*

#### **HIGGINSON ROAD, QUARTIER MILITAIRE - UPGRADING**

(No. 1B/154) **Mr S. Dayal (Third Member for Quartier Militaire & Moka)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the upgrading and rehabilitation of Higginson Road from Quartier Militaire to Saint Julien d'Hotman, he will state where matters stand.

**Mr Bachoo:** Mr Speaker, Sir, tender document is under preparation. In the meantime land acquisition procedures are on.

#### **VUILLEMIN FOREST OFFICE-PITON DU MILIEU RESERVOIR – ROAD**

(No. 1B/155) **Mr S. Dayal (Third Member for Quartier Militaire & Moka)** asked the Minister of Agro-Industry and Food Security whether, in regard to the road from Vuillemin Forest Office to Piton du Millieu reservoir, he is aware of the hardships caused to planters of ex-tea belt for the transportation of sugarcane and, if so, state where matters stand regarding the upgrading thereof.

**The Minister of Local Government and Outer Islands (Mr H. Aimée):** Mr Deputy Speaker, Sir, with your permission I shall reply to this question.

In a reply to PQ No. B/602 in June 2009 on the issue, the then Minister of Local Government and Outer Islands had indicated that the Moka-Flacq District Council was not in

a position to undertake the resurfacing of this road estimated at Rs15 m. due to financial constraints and also because the road was not frequently used by commuters except sugarcane lorries.

I am informed by the Moka-Flacq District Council that the road which is 8.2 kilometres has been overgrown with bushes and there is a river crossing it which implies that a new bridge will have to be constructed. All these works are estimated to cost Rs54 m. and the Council has maintained its decision not to proceed with the implementation of the project due to unavailability of funds.

Nevertheless, after consultation with my colleague, the Minister of Agro-Industry and Food Security, we are looking into the formula of joint venture to implement the project in a very near future.

**Mr Dayal:** Can I request the hon. Minister to speed up matters? Otherwise, it defeats the whole purpose of leasing the land to the small planters.

**Mr Aimée:** Yes, Sir.

#### **CIRCONSTANCE, ST PIERRE - MUSLIM CEMETERY & INCINERATOR**

**(No. 1B/156) Mr S. Dayal (Third Member for Quartier Militaire & Moka)** asked the Minister of Local Government and Outer Islands whether, in a regard to the fencing of the land earmarked for a Muslim cemetery and incinerator at Circonstance, St Pierre, he will state where matters stand.

**Mr Aimée:** Mr Speaker, Sir, I am informed that a plot of land of the extent of 3A 48 at Circonstance, St Pierre had been acquired on 09 November 2009 and vested on 20 November 2009 in my Ministry for extension of the existing cemetery and the construction of an incinerator with parking facilities and other amenities by the Moka-Flacq District Council.

I am also informed by the Moka-Flacq District Council that the fencing of the cemetery, construction of an incinerator and building to house same and toilet will cost around Rs20 m. Given that the required funds are not available, the project has been included in the list of priority projects of the Local Infrastructure Fund for year 2011.

**Mr Dayal:** Mr Deputy Speaker, Sir, again I will request the hon. Minister to speed up matters because this problem has been dragging for more than a decade and as we say the degree of a nation's civilisation also depends on how it treats the deceased.

**Mr Aimée:** I will see to it, Mr Deputy Speaker, Sir.

## **CAMP FOUQUEREAUX-ALMA – WATER PIPES**

(No. 1B/157) **Mr S. Dayal (Third Member for Quartier Militaire & Moka)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the replacement of water pipes from Camp Fouquereaux to Alma, he will, for the benefit of the House, obtain from the Central Water Authority, information as to where matters stand.

**The Deputy Prime Minister, Minister of Energy and Public Utilities (Dr. R. Beebeejaun):** Mr Deputy Speaker, Sir, the Camp Fouquereaux-Alma pipeline consists of a very old pipe (400mm and 300mm diameter) made of asbestos cement and cast iron laid more than 50 years ago.

I am informed by the CWA that it will replace the pipeline to cater for water demands of Alma, Dagotière, Verdun, Nouvelle Découverte/Ripailles, part of Quartier Militaire, and the future demands of Highlands development.

I am further informed that CPB has approved the award of the contract on 03 June 2010 and the letter of award will be issued to the contractor in the coming days. I am glad to inform the hon. Member that following his sustained efforts the works are scheduled for completion within 18 months.

**The Deputy Speaker:** Hon. Members, I have received a request from the hon. Vice Prime Minister, Minister of Finance and Economic Development to the effect that Parliamentary Question addressed to him be taken out of turn. I take it that there is no objection and I call hon. François.

## **RODRIGUES REGIONAL ASSEMBLY – COMPANIES - CONTROL**

(No. 1B/159) **Mr J. F. François (Third Member for Rodrigues)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to private companies set up by the Rodrigues Regional Assembly, he will, for the benefit of the House, obtain from the Authority, information as to –

- (a) whether there is any formal control and monitoring mechanism, set up to ensure compliance with the requirements of the Ministry of Finance and, if not, why not
- (b) if any financial statements are available, and
- (c) if any audit has been carried out in their activities.

**The vice-Prime Minister, Minister of Finance and Economic Development (Mr P. Jugnauth):** Mr Deputy Speaker, Sir, I am informed that the Executive Council of the RRA has set up seven private companies between June 2006 and April 2010. These companies are Rodrigues Trade and Marketing Co. Ltd, Discovery Rodrigues Co. Ltd, Rodrigues General Fishing Co. Ltd, Rod Clean Co. Ltd, Rodrigues Water Company Ltd, Air Rodrigues Ltd. and Rodrigues Housing Property Development Co. Air Rodrigues Ltd. incorporated in April 2009, is dormant.

My Ministry informed the RRA, on 05 June 2008 that these companies would have to

-

- comply with the provisions of the Companies Act;
- follow a policy of transparency and good governance;
- be financially sustainable and the Rodrigues Regional Assembly should not provide any subsidy directly or indirectly to the companies, and
- submit a Business Plan together with an Annual Audit Report.

I am informed that the RRA has set up control and monitoring mechanisms with respect to the private companies created by the Rodrigues Regional Assembly. The House may wish to note that the Rodrigues Regional Assembly has, on 16 December 2008, voted the Rodrigues Regional Assembly (Investment Management) Regulations to devise mechanisms for exercising control over the investment of the Rodrigues Regional Assembly. Investment, in this context, refers to shareholding in a company. The following provisions have been made in the Investment Management Regulations -

- Any company in which the Rodrigues Regional Assembly shall hold investments shall be registered in accordance with the Companies Act 2001;
- In the exercise of its functions, the company shall adopt and follow a policy of transparency and good governance;
- The Board of Directors of a company shall ensure that sound financial principles are adhered to and as far as possible the operating costs of the company are covered by the revenues generated from activities of the company, and



- The Commissioner to whom the responsibility of the company is assigned by the Executive Council shall table the Business Plan of the company in the Rodrigues Regional Assembly within a year of the setting up of the company.

Mr Deputy Speaker, Sir, it is the responsibility of the Commissioner to whom the responsibility of the company is assigned, to ensure that appropriate control and monitoring mechanisms are put in place to ensure compliance with instructions relating to public money. In this context, under Section 17 of the Investment Management Regulations relating to the Powers of the Commissioner, the Commissioner to whom the responsibility of the company is assigned may give general policy directions to the Board of the private company as he considers necessary in the public interest. In addition, the Board needs to furnish such information in respect of activities as the Commissioner may require.

The Regulations, further, specify that the accounts of the company shall be audited by a qualified auditor in accordance with the Companies Act 2001 and the annual financial statements should be examined and audited not later than four months of the end of every financial year. The Board of Directors shall then publish a Report in relation to the company's function, activities, affairs and financial position in respect of the previous financial year and include, therein, a copy of the audited accounts. A copy of the report shall be tabled at the Rodrigues Regional Assembly by the Commissioner to whom the responsibility of the company is assigned.

The accounts of the RRA for every year are audited by the National Audit Office. The Director of Audit is required to satisfy himself that all the laws, directions, or instructions relating to public money have been and are duly observed.

I am also informed that the Director of Audit has already reviewed the setting up of these private companies for the period ended June 2009, and has submitted his findings and recommendations to the Island Chief Executive of the RRA. As part of the scope of work, the existence of the formal control and monitoring mechanism was reviewed. In its reply to the Management letter from the Director of Audit, the RRA has stated that the Regional Assembly has voted the RRA Investment Management Regulations to provide for the proper framework and mechanism for these companies to operate efficiently and effectively.

As regards part (b), Mr Deputy Speaker, Sir, I am informed that the financial statements of the companies have been prepared and submitted to the RRA on a regular basis and also filed with the Registrar of Companies, as required under the Companies Act 2001.

As at date, with the exception of one dormant company, namely Air Rodrigues Ltd, and the Rodrigues Housing & Property Development Company, which has been set up only this year, all the other five companies have filed their financial statements.

As regards part (c) of the question, I have been apprised that the accounts of the companies are audited annually before filing to the Registrar of Companies, as is required under the Companies Act 2001. However, the responsibility with regard to “audit of activities” rests with the respective Board of Directors of the companies. I must point out also that the “audit of activities” is different from the “audit of accounts”. Nevertheless, I am informed that the RRA monitors the activities of these companies, as provided for in the Investment Management Regulations.

**Mr François:** Despite the fact that these companies have been created by the RRA, finance is not an area of responsibility of the Rodrigues Regional Assembly, but that of the Ministry of Finance. I would like to ask the vice-Prime Minister whether the control mechanisms he mentioned have been reviewed or set up, and if he still has a direct control on the way finance is being used by the Rodrigues Regional Assembly for these companies?

**Mr Jugnauth:** The Ministry of Finance has no direct control over that matter, and it is precisely the objective to have the Rodrigues Regional Assembly as an autonomous body. It is with that in mind that we, of course, have the powers that are vested within the RRA to have such companies to be in operation. But, we as Ministry of Finance, cannot interfere into the running of those companies. But, as I have said, as far as the use of public money is concerned, precisely the Ministry of Finance made certain recommendations. I must say that I am happy that those recommendations have been taken on board, and they have resulted in the investment management regulations of 2008. So, I can only hope now that the objectives that have been set up in the regulations will be adhered to quickly.

**The Deputy Speaker:** Hon. Li Kwong Wing! Page 13.

#### **REGISTRAR OF COMPANIES – LICENCE FEES**

**(No. 1B/183) Mr K. Li Kwong Wing (Second Member for Beau Bassin & Petite Rivière)** asked the vice-Prime Minister, Minister of Finance and Economic Development whether, in regard to annual licence fees payable to the Registrar of Companies by domestic companies, he will state if Government will consider exempting dormant companies and the Small and Medium Enterprises from the payment thereof and, if not, why not.

**The vice-Prime Minister, Minister of Finance and Economic Development (Mr P. Jugnauth):** Mr Deputy Speaker, Sir, currently, out of a total of 44,422 local companies on the register, only 33 are dormant. The Companies Act provides that, for a company which has been recorded as dormant, a flat fee of Rs2,000 is payable, irrespective of the type of companies.

As there is a cost associated to keeping dormant companies on the register, it is not proposed to exempt payment of registration fees to these types of companies, as they already benefit from a reduced fee of Rs2,000.

As regards small private companies, i.e. companies with a turnover of up to Rs50 m., they also benefit from an annual registration fee of Rs2,000, as compared to Rs 6000 for large private companies, and Rs9,000 for public companies.

In addition, to encourage small enterprises registered with SMEDA to convert into companies, the registration fees payable at the time of registration/ incorporation was waived in June 2009 under the Companies (Waiving of Fees) Regulations 2009. This exemption will lapse in December 2010. There are currently some 624 such companies registered with the Registrar of Companies, i.e. those registered as SME, following the recommendations of SMEDA.

The House may wish to note that we are currently reviewing support to small enterprises generally, and any decision on whether to exempt or not these small enterprises will be taken in the light of the review.

**Mr Li Kwong Wing:** Precisely, Mr Deputy Speaker, Sir, in view of the fact that the euro crisis is likely to impact essentially on small enterprises in the textile and tourism sectors, would the hon. vice-Prime Minister consider exempting all annual fees that become payable by these new start-up companies for which the incorporation fees have been exempted? As the stimulus package funds are available for big businesses, they might as well be allocated to small businesses too.

**Mr Jugnauth:** As I have just said, Mr Deputy Speaker, Sir, the support to the small and medium enterprises is being reviewed and, in the light of this review, we will take whatever decision best suited in the interest of the SMEs.

**The Deputy Speaker:** We go back to page 7. Hon. François!

**RODRIGUES - TRUST FUND FOR SOCIAL INTEGRATION OF  
VULNERABLE GROUPS - PROJECTS**

(No. 1B/158) **Mr J. F. François (Third Member for Rodrigues)** asked the vice-Prime Minister, Minister of Social Integration and Economic Empowerment whether, in regard to the projects financed by the Trust Fund for Social Integration of Vulnerable Groups in Rodrigues, since July 2006 to date, he will, for the benefit of the House, -

- (a) obtain from the Trust, information as to
  - (i) the number thereof;
  - (ii) the cost per project;
  - (iii) the total amount spent as at to date, and
  - (iv) the eligibility criteria and,
- (b) table a list of the beneficiaries.

**The vice-Prime Minister, Minister of Social Integration and Economic Empowerment (Mr X. L. Duval):** Mr Deputy Speaker, Sir, I am informed that, in accordance with its mandate, the Trust Fund for Social Integration of Vulnerable Groups has financed a series of projects in Rodrigues covering, *inter alia*, assistance to vulnerable families with immediate basic needs in terms of housing units, rainwater harvesting facilities, educational support to schoolchildren and micro credit facilities as a means to increase the household income.

Mr Deputy Speaker, Sir, with regard to part (a)(i), (ii) and (iii) of the question, I am tabling detailed information obtained from the National Empowerment Foundation.

As regards part (a)(iv) of the question, I am informed that the eligibility criteria vary depending on the project and the type of assistance required. For instance –

- (i) for a housing unit consisting of concrete walls with CIS roof, the eligible beneficiary should not be earning more than Rs4,000 monthly, and he should hold a land lease from the Rodrigues Regional Assembly. The beneficiary should accept responsibility to provide labour for the construction of his house;

- (ii) for rainwater harvesting and provision of school materials, the household income of the beneficiary should not exceed Rs4,000 monthly excluding social aids/benefit, and
  - (iii) for micro credit projects, a soft loan of up to a maximum amount of Rs50,000 is granted by DBM to each beneficiary, with a view to increasing his household earnings. The monthly household income of the applicant should not exceed Rs8,000.
- (b) With regard to part (b) of the question, the list of beneficiaries since July 2006 to date, and which concerns over 6,000 persons, is being compiled and will be tabled shortly.

**Mr François:** I have just one question, Mr Deputy Speaker, Sir. May I ask the hon. Minister whether he is aware that none of those projects - especially for housing projects - approved since October 2008 have not been completed yet, because of the problem of shortage of money. Will the hon. Minister consider revising the management of the Trust Fund and mainly with the collaboration of NGOs in Rodrigues?

**Mr Duval:** Mr Deputy Speaker, perhaps the hon. Member can let me have a list of the projects which apparently have not been completed. Certainly, we are looking at the whole thing and I will be travelling to Rodrigues soon to see what is happening there.

### **RODRIGUES - MARÉCHAL SWIMMING POOL – COMPETITIONS**

**(No. 1B/160) Mr J. F. François (Third Member for Rodrigues)** asked the Minister of Youth and Sports whether, in regard to the practice of sports, he will state if it is proposed to –

- (a) organise national and international swimming competitions in the Maréchal Swimming Pool, and
- (b) make optimum use of other existing sports infrastructure and, if not, why not.

**Mr Rittoo:** Mr Deputy Speaker, Sir, I have been advised that the Maréchal Swimming pool meets the Olympic norms and can be used for national and international swimming competitions.

However, as the hon. Member is aware, water supply remains a major problem for the operation of the pool, especially at a time when the inhabitants in the vicinity of Maréchal are facing acute shortage of water for domestic use.

I am further advised that the swimming pool has not been optimally operational since November 2009. However, with the recent onset of the rainy season, arrangements are being made for the pool to resume its activities shortly.

As regards part (b) of the question, all the other sports infrastructure are being optimally used by the Regional Sports Committees, *École des Sports* and sports clubs for the organisation of sports activities and training sessions, including the Malabar Gymnasium and the Camp du Roi Stadium which are the two other major sports infrastructures in Rodrigues and are in high demand.

**Mr François:** I have one supplementary question, Mr Deputy Speaker, Sir. The Minister says that there is a water supply problem. That is correct, but the swimming pool is being supplied with water at least once. May I ask the Minister whether he considers using his good office to support the Regional Swimming Committee to obtain their affiliation with the Swimming Federation here for the good promotion of this discipline in Rodrigues?

**Mr Rittoo:** As I have stated, the swimming pool has not been optimally operational since November 2000, but now, with the recent concept of the rainy season, arrangements are being made for the pool to resume its activities shortly. As regards the affiliation, I'll take the matter with the local federation here.

**Mr Leopold:** Can I ask the hon. Minister whether he can inform the House about the running costs of the swimming pool monthly and for one year in Rodrigues?

**Mr Rittoo:** From the information gathered, I understand that the electricity bill is Rs80,000 per month. I understand that the running costs for the swimming pool are approximately Rs200,000 per month.

**Mr François:** May I ask the hon. Minister whether this high cost prevents the running of the swimming pool?

**Mr Rittoo:** As I have stated, the cost is very high but we are now planning to reopen the swimming pool so that all the Rodriguans can benefit from it.

#### **MARE CHICOSE – INHABITANTS - RELOCATION**

**(No. 1B/161) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Minister of Local Government and Outer Islands whether, in regard to the relocation of the inhabitants of Mare Chicose, he will state where matters stand.

**Mr Aimée:** Mr Deputy Speaker, Sir, as announced in the Government Programme 2005-2010, Government has been considering sympathetically the plight of the inhabitants of Mare Chicose village who have been suffering from the nuisances caused by the proximity of the landfill site. In this context, a plot of land of an extent of 12A86P at Marie Jeannie,

Rose Belle, was acquired in July 2007 at the cost of some Rs39 m. for relocating the inhabitants of Mare Chicose village. Infrastructural works for the *morcellement* at the relocation site which had cost about Rs27 m. were completed in February 2009.

Mr Deputy Speaker, Sir, I wish to inform the House that the exercise for the relocation and payment of compensation to the inhabitants of Mare Chicose village is being carried out in a phased manner. The first phase relates to the swapping of land of same size from Mare Chicose to Marie Jeannie, Rose Belle and the payment of compensation at replacement value of the buildings, as assessed by the Valuation Department in favour of the residential landowners. At that date, 37 letters of offer for land exchange and compensation were issued to the residential landowners, out of which 31 offers have been accepted. These cases have been referred to the Attorney General's Office for the appointment of a public notary for the drawing up of the deeds of exchange for the land and the deeds of sale for the existing building/s on the said land at Mare Chicose.

I am given to understand that some families have already been contacted by the notaries for the submission of their legal documents for the purpose of drawing up the relevant deeds. Land swapping and payment of compensation will be effected upon signature of the respective deeds.

Mr Deputy Speaker, Sir, as a next step tenants and extended families living at Mare Chicose village will be offered the opportunity to purchase land at Marie Jeannie for residential purpose. In this connection, some 22 lots have been reserved at the relocation site. It should, however, be pointed out that the exercise would require an amendment to the State Land Act.

**Mr Bérenger:** May we know whether there are any families who are not agreeable to what is being offered?

**Mr Aimée:** Out of 37, 31 accepted; there are six that are not agreeable.

**Mr Bérenger:** May we know what is going to happen in the case of those six families?

**Mr Aimée:** This issue will have to be looked into by a Ministerial Committee to be chaired by my Ministry and other Ministries as well as the MLA of the region.

#### **KENYA, VIEUX GRAND PORT – WATER SUPPLY**

**(No. 1B/162) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether he will state if he is aware of the difficulties encountered by the inhabitants of Kenya, Vieux Grand Port in regard to the water supply thereat and, if so, will he, for the benefit of the



House, obtain from the Central Water Authority, information as to the remedial measures that will be taken.

**The Deputy Prime Minister, Minister of Energy and Public Utilities (Dr. R. Beebeejaun):** Mr Deputy Speaker, Sir, I am informed by the CWA that the village of Kenya in Vieux Grand Port is supplied from Cluny borehole and that some 50 houses, situated at high elevation, experience difficulties and have to be supplied by tanker service.

Investigations carried out in the past to identify other ground water sources in the region have been unsuccessful.

To provide regular supply to the inhabitants of high elevations, CWA will replace some 8 kms of old pipelines from Cluny borehole towards Vieux Grand Port subject to the availability of funds.

### **ROSE BELLE - BUSINESS PARK PROJECT**

**(No. 1B/163) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Minister of Information and Communication Technology whether, in regard to the Business Park project at Rose Belle, he will state if it is proposed to revamp same and, if so, when.

**Mr Pillay Chedumbrum:** Mr Deputy Speaker, Sir, I am informed that Business Parks of Mauritius Ltd. that its Board has already resumed action on the project which was been put on hold in April 2010 for obvious reasons.

The project which concerns the construction of an office block within the Business Park in Rose Belle has already reached an advanced planning stage and the necessary onsite road network and utility development has already been undertaken.

An Expression of Interest exercise to identify potential tenants will be carried out prior to the implementation of the project, which is, indicatively scheduled to start during the second half of 2010.

**Mr Bérenger:** I heard the hon. Minister say that the project was put on hold for obvious reasons. Can we be informed what were those obvious reasons?

**Mr Pillay Chedumbrum:** Of course, we cannot start a project during the period of elections, otherwise it may account that it is an electoral bribe and all that.

### **SCHOOLS - TRUANCY**

**(No. 1B/164) Mr M. Seeruttun (Second Member for Vieux Grand Port & Rose Belle)** asked the Minister of Education and Human Resources whether, in regard to truancy,

he will state if his Ministry has carried out a study thereinto and, if so, the outcome thereof, indicating the measures that are envisaged to address the issue.

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, I would like, first of all, to thank the hon. Member for this question on truancy which is, in fact, linked with absenteeism and indiscipline in schools.

Indiscipline at school encompasses, Mr Deputy Speaker, Sir, a range of issues ranging from misbehaviour, acts of violence, flouting of school authority to truancy which is intrinsically linked to absenteeism. Often, it becomes difficult to differentiate between a genuine absence and truancy operating under the cover of an absence. Indiscipline, absenteeism and truancy have become issues of concern for the education sector in particular and the society at large.

Conscious of the need to address these issues holistically, I have, since March 2009, personally chaired a number of high-level meetings with the various stakeholders, namely, the Police, the *Brigade pour la Protection des Mineurs*, the Child Development Unit of the Ministry of Gender Equality, Child Development and Family Welfare, the Probation and After Care Service and the State Law Office.

Mr Deputy Speaker, Sir, we have to reckon with the fact that the issue of truancy cannot be seen in isolation but rather as part of a global concern that needs to be addressed. In fact, we want to give a strong signal to the nation on the matter. Our strategy to curb indiscipline must, therefore, involve the participation and partnership of all stakeholders and society at large. The focus of this well-thought through strategy rests on -

- (i) networking between the National Education Counselling Service of my Ministry, the *Brigade pour la Protection des Mineurs* and the Child Development Unit;
- (ii) sensitisation;
- (iii) prevention;
- (iv) intelligence-led policing and community participation;
- (v) enforcement and educational rehabilitation, and
- (vi) 'real time' communication with parents.

The networking established between these institutions provides a platform for exchange of vital information and much headway has been made in dealing with this issue. Hence, as such the need was not felt indispensable for a study.

The meetings held with the various stakeholders on the matter have served to engineer better coordination and concerted efforts in the strengthening of the surveillance system. Progress has definitely been noted as there has been a decline in the number of cases of truancy from 712 in 2008 to 548 in 2009 and standing at 270 for the first half of this year.

An aggressive sensitisation programme has been initiated and sustained in partnership with the stakeholders at school level since 2008 to date. This programme has covered some 36,000 students and has proved its efficacy and certainly contributed towards this declining trend. However, we are not contenting ourselves with this positive result. Efforts are being pursued to bring the situation further under control with the re-orientation of the sensitisation process so as to focus as much on the responsibilities of the parents and students as to their rights.

At the school level, an internal mechanism exists on discipline related issues and it acts as deterrence to truancy, with its graded system of sanctions. We want to work towards uniformising such a mechanism through the elaboration of a Charter for discipline, therefore, empowering the schools to better deal with the problem.

Networking with the Police, particularly with the *Brigade pour la Protection des Mineurs* is also being reinforced and patrols and crackdown operations have been intensified in the vicinity of schools which are considered at risk and public places likely to lure students into truancy.

The Police, on their part, are adopting a three-pronged strategy based on prevention, protection and prosecution. In line with these strategic pillars, they are having recourse to intelligence-led and community policing so as to circumscribe further cases of truancy-related indiscipline.

Mr Deputy Speaker, Sir, the House will appreciate that community support is essential in this endeavour and is instrumental in helping the Police to act promptly by providing information they are privy to. Further, we are working with the Child Development Unit and the Ombudsperson for Children to better increase students' awareness of their responsibility and improve their civic behaviour, whether at school or outside.

I am glad to state that, along with the Ministry of Information and Communication Technology, we are finalising the details pertaining to 'real time' communication with

parents through the introduction of an SMS service. This will instantly apprise parents of unexcused absences of their wards with a view to further curtailing the risk of truancy.

On a much larger scale, my Ministry is having in-depth discussions for a review of the existing legislations, including the Juvenile Offenders Act so as to find ways and means of curbing truancy, through the institutionalisation of community service and the organisation of retreats. This, I believe, will indubitably serve as a strong deterrent to juvenile offenders.

Mr Deputy Speaker, Sir, the spate of measures being acted upon, while sufficiently broad and comprehensive, are certainly not exhaustive. There will undoubtedly be other avenues that will have to be explored such that truancy and its resulting ill effects can be effectively combated.

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, I am shocked that we are becoming the only country in the world where school truants are described as juvenile offenders, where school discipline has become a matter of policing. Will the hon. Minister not agree that the fundamental problem is that of induced absenteeism whereby children in State Secondary Schools in Form V and Form VI do not attend school - and this is not a recent problem - and it is tolerated and some even say: abetted, encouraged? Will the hon. Minister not agree to address the fundamental problem of school leadership, management, discipline so that students are encouraged to attend and are made to find schooling relevant and interesting?

**Dr. Bunwaree:** Of course, this is being done, but if I go into all this, I will never end. If a proper question is put, I can tell the hon. Member what is being done to go in that direction. I never called the students offenders, but I said that the Juvenile Offenders' Act is being looked into to take care of certain aspects of truancy and certain activities in the vicinity of schools.

**Mr Obeegadoo:** Will the hon. Minister tell us whether he is envisaging a new initiative to work with the Rectors of these State Secondary Schools to make sure that students do attend school which is not - and I am sure the hon. Minister will agree - the case right now?

**Dr. Bunwaree:** This is being done. It is the case right now. But it has not taken *la vitesse de croisière*. But this also is, of course, being looked into and, very seriously, I can assure the hon. Member.

**Mrs Ribot:** M. le président, je voudrais savoir du ministre ce qu'il compte envisager comme mesure puisque plusieurs élèves qui font école buissonnière se retrouvent dans des

maisons de jeux qui sont ouvertes toute la journée. Est-ce que le ministre envisage des mesures à l'encontre de ces maisons de jeux qui sont ouvertes toute la journée?

**Dr. Bunwaree:** Comme j'ai dit dans ma réponse, cette question a été soulevée dans plusieurs réunions de haut niveau et les résultats sont là. J'ai mentionné des chiffres. Je suis sûr et convaincu qu'on va continuer à les améliorer et à y mettre de l'ordre. Cette question est en train d'être étudiée par le gouvernement parce qu'on a mentionné dans le discours-programme qu'on va prendre des actions importantes. En ce qui concerne la fréquentation des maisons de jeux par les enfants de l'école, je pense qu'on va très vite agir sur ce problème.

**Mrs Labelle:** Mr Deputy Speaker, Sir, at a particular point in time, it was a question to come with regulations so that students attend a particular number of days to take part in SC or HSC examinations. May I know from the hon. Minister where matters stand regarding this issue concerning the number of days to be attended before taking an examination?

**Dr. Bunwaree:** La régulation existe déjà en ce qui concerne des enfants qui vont prendre part aux examens de la HSC pour être lauréat ou non. On est en train de voir si on peut étendre cela à toutes les autres classes aussi. Une étude a déjà été faite, mais on va prendre des actions en même temps qu'on est en train de voir l'établissement de carnets scolaires pour les étudiants des écoles.

**Mr Leopold:** Can I ask the hon. Minister that once the SMS service is fully operational, whether it will be extended or at least make it available in Rodrigues?

**Dr. Bunwaree:** Surement car on est en train de voir cela, M. le président.

**Mrs Labelle:** Mr Deputy Speaker, Sir, the hon. Minister has just answered that this is actually the case for the HSC students, because I also mentioned SC students. If it is the case, what is the percentage or number of days that these students must attend schools? Because we are all aware that during the third trimester there are no pupils in schools for SC and HSC even as from the second part of the second trimester. What is the percentage?

**Dr. Bunwaree:** C'est défini en ce qui concerne la HSC, mais c'est à l'étude pour les autres classes. Il y a plusieurs autres choses à voir en même temps pour qu'on puisse mettre de l'ordre dans cette affaire.

**Mrs Ribot:** M. le président, nous savons très bien que la loi qui existe préconise que l'élève ne peut s'absenter plus de temps, plus de jours *unaccounted for*. Il y a la complicité

des parents et des médecins puisque les élèves reviennent à l'école avec des certificats médicaux. Ils s'absentent pendant trois mois et ils sont toujours éligibles pour les bourses. Je voudrais savoir quelles sont les mesures que vous préconisez pour aller à l'encontre de cette pratique malheureuse ?

**Dr. Bunwaree :** Comme je l'ai dit, M. le président, cette pratique n'est pas appliquée à la lettre. Je ne sais pas si on peut appeler cela 'complicité', mais il y a aussi la difficulté que les éducateurs eux-mêmes ne veulent pas prendre des actions contre les enfants à cause d'un jour en plus ou en moins. Mais cet aspect doit être vu dans un ensemble de panoplie de mesures qu'on est en train de mettre sur pied pour pouvoir régler le problème fondamentalement.

**The Deputy Speaker:** The Table has been advised that Parliamentary Question Nos. 1B/205 and 1B/216 have been withdrawn. Now we move to PQ No. 1B/168!

#### **PUBLIC OFFICERS – EMBEZZLEMENT – ALLEGED CASES**

**(No. 1B/168) Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Civil Service and Administrative Reforms whether, in regard to alleged cases of embezzlement since 2004, to the prejudice of the Ministry of Health and Quality of Life and the Employees Multi Purpose Cooperative Society Limited, he will state –

- (a) if some Public Officers have been interdicted from duty in connection therewith and, if so, state their names and their posting, indicating the dates of their interdiction, and
- (b) whether interdictions have been waived in some cases and, if so, the reasons therefor.

**Mr Gungah:** Mr Deputy Speaker, Sir, I am informed by the Commissioner of Police that several cases of alleged mismanagement of funds to the prejudice of the Ministry of Health Multipurpose Cooperative Society Ltd have been reported to the Police.

A charge of embezzlement was lodged against the President of the Society, Mr Druivendranath Bhugul, Regional Development Officer at the National Development Unit and the Secretary, Mr Mohammad Maleck Dowlut, Executive Officer, Health Services.

The case is still pending before the Intermediate Court. Mr Bhugul was arrested on 17 May 2004 and bailed out on 19 May 2004.

Mr Dowlut was arrested on 25 June 2004 and bailed out the next day. He was interdicted from the exercise of the powers and functions of his office as from 24 November 2004. He is still under interdiction pending the trial on 30 August 2010.

As regards part (b) of the question, no interdiction has been waived.

**Mrs Labelle:** Mr Deputy Speaker, Sir, may I ask the hon. Minister whether he is aware that the case for which Mr Dowlut was interdicted has been struck out on 10 March 2008?

**Mr Gungah:** Mr Deputy Speaker, Sir, in fact, the documents for Mr Dowlut are not at my Ministry and the prerogative of interdiction rests under the responsible officer of the particular Ministry.

**Mrs Labelle:** I am really surprised, Mr Deputy Speaker, Sir, because I was expecting to know why if the case has been struck out, this person has not been reintegrated in his post and he is being paid for all this time. Mr Deputy Speaker, Sir, the hon. Minister has mentioned Mr Bhugul, may I know from him whether this gentleman too has been interdicted from duty?

**Mr Gungah:** No, he has not been interdicted.

**Mrs Labelle:** May I ask the hon. Minister whether there is any particular reason? Because I think that the case regarding Mr Bhugul is a case of embezzlement for some Rs5 m. and why has he not been interdicted? May I know why there is a case of Rs235,000 which has been struck out and the person is still interdicted and why, on the other hand, there is an alleged case of Rs5 m. the person is still in service?

**Mr Gungah:** As I informed the hon. Member, Mr Deputy Speaker, Sir, the prerogative of interdiction rests under the responsibility of the responsible officer of the respective Ministry and in this case it is the NDU. At my Ministry level, we do not have any information.

**MINISTRY OF HEALTH EMPLOYEES MULTI-PURPOSE CO-OPERATIVE  
SOCIETY LIMITED – INTERIM MANAGING COMMITTEE**

(No. 1B/169) **Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the Minister of Business, Enterprise, Cooperatives and Consumer Protection whether, in regard to the interim Managing Committee of the Ministry of Health and Quality of Life and the



Employees Multi Purpose Cooperative Society Limited, set up on 10 June 2004, he will state

—

- (a) whether the mission assigned to the Committee has been completed, and
- (b) if any monthly allowance has been or is being paid to the members thereof and, if so, indicate the quantum and the reasons therefor.

**Mr Yeung Sik Yuen:** Mr Deputy Speaker, Sir, with regard to part (a) of the question, I am informed that the Ministry of Health and Quality of Life and Employees Multi Purpose Co-operative Society Limited does not exist. However, it has been brought to my attention that it is the “Ministry of Health Employees Multi-purpose Co-operative Society Limited” which is registered with the Co-operative Division of my Ministry. The mission assigned to the interim managing committee of the co-operative society has yet to be completed.

As for part (b) of the question, I am informed that the members of the interim management committee are being paid monthly allowances from the funds of the society for the management of same under the provisions of the Co-operatives Act 2005. However, given that a co-operative society is an autonomous private organisation, it would not be in order to disclose detailed information on the fees paid.

**Mrs Labelle:** Mr Deputy Speaker, Sir, may I ask the hon. Minister whether the allowances that are being paid have been approved by any AGM of the society, as per the law?

**Mr Yeung Sik Yuen:** In fact I do not have the information, but I will look into the matter.

**Mrs Labelle:** Mr Deputy Speaker, sir, may I ask the hon. Minister whether it is in order that an interim committee holds office for more than one year at a cooperative society?

**Mr Yeung Sik Yuen:** In fact, why it took so long a time, Mr Deputy Speaker, Sir, the turnover of the cooperative society is more than Rs10 m. and its audit has to be done by a licensed auditor. In this case it was Baker and Tilly represented by Halim Ramakhan. It took the auditor a long time to complete the work because there were many discrepancies in the accounts of the cooperative society and books of accounts and documents of the society were in the Police custody.

**Mrs Labelle:** Mr Deputy Speaker, Sir, according to the Cooperative Act 2005 section 41 (7(b)), it is clearly stated that an interim Board should hold office for a period not



exceeding one year. May I ask the hon. Minister why his Ministry has let such a situation prevail for six years now and what are the measures that are being taken to put things in the legal way?

**Mr Yeung Sik Yuen:** It is not the Ministry which is at fault. It is Baker and Tilly who did not have all the documents in hand.

**Mrs Labelle:** May I ask the hon. Minister who appointed Baker and Tilly or whoever auditor he has just mentioned? Who appoint these auditors?

**Mr Yeung Sik Yuen:** It was the caretaker Board.

**Mrs Labelle:** The caretaker Board has been appointed by whom?

**Mr Yeung Sik Yuen:** By the Registrar of Cooperatives.

### **ERADICATION OF ABSOLUTE POVERTY PROGRAMME – CHILDREN – SCHOOL MATERIALS**

(No. 1B/170) **Mrs F. Labelle (Third Member for Vacoas & Floreal)** asked the vice-Prime Minister, Minister of Social Integration and Economic Empowerment whether, in regard to the Eradication of Absolute Poverty Programme, he will state –

- (a) if all the children aged between three to five years identified under the programme have received their school materials and, if so, when, and
- (b) whether their school fees are being paid on a monthly basis regularly.

**The vice-Prime Minister, Minister of Social Integration and Economic Empowerment (Mr X. L. Duval):** Mr Deputy Speaker, Sir, I am informed by the National Empowerment Foundation (NEF) that one of the objectives of the Eradication of Absolute Poverty (EAP) Programme is to ensure, with the collaboration of relevant stakeholders, that pre-primary school aged children not attending schools are provided appropriate support so that they can attend school regularly. The EAP offers a package of incentives to children between three and five years of age as follows –

- A meal on each school day
- Refund of transport costs to those children who need it
- Payment of school fees for children attending private schools
- Provision for school material
- Provision for pedagogical materials

- *Accompagnement scolaire.*

With regard to part (a) of the question, I am informed that out of 291 cases referred to NEF in January 2010, some 163 pre-primary school children under the EAP Project have received their school materials during the period January to March 2010. However, in addition to the above, about 660 new cases have been referred to the EAP Project thereby raising the number of children to be covered as at 24 June 2010 to 823.

Mr Deputy Speaker, Sir, clearly there has been an unfortunate delay in the provision of school materials. However, every other service mentioned above, such as meals, transport and *accompagnement* have been provided on a timely basis. I have nevertheless given clear instructions that this issue be fast-tracked and that all outstanding cases be processed within a period of two weeks.

With regard to part (b) of the question, I am informed that the EAP pays school fees in respect of those children who attend private schools and that as at 24 June 2010, there were 537 children covered by EAP and going to private pre-primary schools.

As per records of the NEF, as at 25 June 2010, school fees amounting to some Rs500,650 have been paid for all zones up to the month of May 2010. Those for the month of June 2010 are being processed for payment.

**Mrs Labelle:** Mr Deputy Speaker, Sir, is the hon. Minister aware that those children who have not received school materials, have been under the programme since last year? They are not new cases. I would like the hon. Minister to confirm that those who have not received, are not new cases only, that is, newly identified.

**Mr Duval:** Mr Deputy Speaker, Sir, I thank the hon. Member for bringing this to my attention. I will also take up this matter to know whether there are some who long ago have not received the school material.

**Mrs Labelle:** May I ask the hon. Minister whether there is a proper record which is kept by the National Empowerment Foundation on a regular basis regarding the distribution or payment effected? Do we have a proper record?

**Mr Duval:** We should hope so, but I will check.

**Mrs Labelle:** Can I ask the hon. Minister whether – according to my information – social facilitators, field workers were convened on Saturday last from 09.00 to noon to provide materials in reply to this PQ. So, it is only on Saturday and they were convened from 09.00 to noon, half day to give information, which led to me to believe that records are not

been being kept properly. I would like if the hon. Minister could confirm whether this information is correct?

**Mr Duval:** I will look into it, Mr Deputy Speaker, Sir.

**Mrs Labelle:** Mr Deputy Speaker, Sir, since there is a risk that information has been compiled in the way that I have just stated, may I ...

**The Deputy Speaker:** This has not been stated by the Minister. The hon. Minister has said that he is going to check.

**Mrs Labelle:** He will check the information that officers have been convened only on Saturday to prepare information for him. So I think we can doubt about the reliability of this information.

**The Deputy Speaker:** It is a question of opinion.

**Mrs Labelle:** May I ask the hon. Minister whether he will check to what extent this information is correct since the information has been collected in such a hasty manner?

**Mr Duval:** Mr Deputy Speaker, Sir, I think that this information has been done in good faith by the Civil Servants who were doing it. I do not think they would have said that, especially as they are admitting themselves that there has been a big delay, but I will look into the matter.

**The Deputy Speaker:** The Table has further been advised that Parliamentary Questions 1B/198, 1B/199, 1B/200 and 1B/201 have also been withdrawn. Now we move to next question, hon. Obeegadoo.

#### **SCHOOLS - FORM VI – ADMISSION**

**(No. 1B/171) Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Minister of Education and Human Resources whether, in regard to admission to Form VI, he will state if Government is proposing to lower the eligibility criteria.

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, in line with the announcement made in the Government Programme 2010-2015, we are working towards the establishment of new and innovative pathways for students who have successfully completed the o-level/School Certificate either in the academic or technical/vocational stream, in order to improve access to upper secondary education.

The overall aim of this measure is to ultimately improve such an access without sacrificing the quality of education. Hence, it is not intended, per se, to lower the current eligibility criteria in any way, but to review these and provide more opportunities to students having passed the School Certificate by introducing a form of flexibility for their promotion to the Lower VI stream taking into account their diverse aptitudes and inclinations.

Such flexibility to facilitate movement to an upper grade will allow for possible consideration of -

- 1) A broad subject combination than what currently prevails; hence implying a wider choice among the subjects in line with the student's predilections;
- 2) Allowing students to take only two subjects at Principal Level and two at Subsidiary Level, and
- 3) Offering Professional HSC as an option at school.

In this regard, a Technical Committee has been set up to look into the implications of the new scheme and make recommendations for the implementation modalities.

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, I welcome the idea of new path ways as opposed to reducing entry requirements for a Higher School Certificate, but I would wish to ask the hon. Minister in this regard, whether there has been assessment of the practice over the last few years, of allowing students with only three credits at SC level to go on to the traditional HSC?

**Dr. Bunwaree:** In fact, the idea of coming up with this project is based on what has been happening in the last few years. I, myself have asked for an assessment, I do not have the result already with me, but it is being looked into.

**Mr Obeegadoo:** Will the hon. Minister consider questioning the very concept of group certificates, since Mauritius is one of the few countries which still have group certificates SC and HSC, whereby you need to pass at one and same sitting on a number of subjects. Will the hon. Minister consider the possible advisability of replacing same for instance by 'O' and 'A' Levels as was done by the UK and many Commonwealth countries years ago.

**Dr. Bunwaree:** This matter has also been taken up. In fact, there is a Committee working on that.

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, five long years ago, the idea of alternative pathways was mooted by the MSM/MMM Government with polytechnics along the Singaporean model. Do we understand that this is one of the possibilities now being envisaged?

**Dr. Bunwaree:** Yes, as much as the Foundation Programme also which has already started.

## **SCHOOLS - KREOL MORISIEN LANGUAGE**

**(No. 1B/172) Mr S. Obeegadoo (Third Member for Curepipe & Midlands)** asked the Minister of Education and Human Resources whether, in regard to the Kreol Morisien language, he will state-

- (a) if Government proposes to hold a national forum thereon, indicating its objectives, and
- (b) whether a time frame for the introduction thereof within the curriculum has been agreed to.

**Dr. Bunwaree:** Mr Deputy Speaker Sir, in my reply to PQ B/92 on 30 March 2010 on this issue, I informed the House that my Ministry would be embarking on a national consultation process involving all stakeholders, namely, members of academia, researchers, pedagogues, linguists as well as those who in, one way or another, can contribute to the debate and whose inputs would be central to the discussions and deliberations of the National Forum to be organised.

The main objective of this Forum is thus to build a consensus on the implementation of the policy enunciated in the Government Programme 2010-2015. In effect, in that Programme, we have reiterated our commitment to work towards the introduction of the Kreol language and Bhojpuri as optional subjects in schools. The Programme highlights the need to consolidate and supplement existing research work so as to develop a standardised spelling and grammar essentially for the Kreol language.

As a first step in this direction, my Ministry, by way of a Press Communiqué dated 10 June 2010 has already invited interested parties to send their contributions on the matter by the 24 June 2010. In fact, we have received quite a number of contributions and they are still coming despite the date has elapsed, but we are still accepting them because a Committee is working and is looking into all these.

Mr Deputy Speaker Sir, as pointed out in my previous reply, the implementation of the proposal for the introduction of Kreol, will have many implications in terms of the production of teaching and learning resource materials, recruitment and training of teachers, and above all, a nationally accepted and standardised written form of the language including grammar, orthography and other linguistic mechanics required for both spoken and written Kreol. All these will be carefully scrutinised during the Forum and, subsequently, the curricular orientation and a time frame for the introduction thereof will be worked out, in the light of the findings arising therefrom.

I propose to appoint a Steering Committee comprising, *inter alia*, experts determined consensually who will be mandated to undertake the process leading to the introduction of Kreol as an optional subject, and to propose an implementation schedule.

**Mr Obeegadoo:** I have a few supplementary questions, Sir. There appears to be some confusion even in the Presidential Address and in what the hon. Minister just said. Reference is being made to an optional subject, which is good, but the Presidential Address also refers to use of mother tongues to facilitate teaching and learning. So, do we understand that the National Forum will address both issues, that is, use of mother tongue as medium of instruction, teaching and learning, and teaching of a subject?

**Dr. Bunwaree:** Of course, it will take into consideration both. In fact, the *graphie de l'harmonie*, which everybody knows now, mentions itself that "it should not be confused with the written language or the written norm of the language. The latter develops over time, through a gradual process of elaboration of the written code". This is what we are doing. In fact, we have two aspects; one is the linguistic aspect, which is not ready yet. In fact, I hope that we will go very quickly. Then, there is the pedagogical aspect, where we have to set up the programme of training of teachers, looking for the resource materials and so on. It has already been mentioned in the Government's Programme, and I think that is a big step ahead.

**Mr Obeegadoo:** My good friend, the hon. Minister, has not addressed the supplementary question I just put. There are two distinct issues. One is the use of Mauritian Kreol or even Bhojpuri as mother tongue medium of instruction, to which the Presidential Address appears to commit Government. On the other hand, there is the more complicated issue of introducing subject learning of Kreol or eventually Bhojpuri. My question was: is the National Forum meant to address both issues?

**Dr. Bunwaree:** I said yes, Mr Deputy Speaker, Sir. But, the more important is to get the Kreol language itself, to be able to establish it as a medium. For the time being, it is the oral Kreol that is being used as a medium. But you do not have the written Kreol. We are moving in that direction.

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, will the hon. Minister agree that we are not starting from scratch? Will the hon. Minister agree that, since 2004, there has been the standardised form of writing agreed by everybody? There has been a *Diksyoner Morisyin* produced; there has been the experience of the BEC in using the Kreol language in the pre-vocational stream and on a pilot basis in primary schooling. Therefore, will the hon. Minister

agree that we need not await the conclusions of this National Forum, which may take months, and then await the Steering Committee, to start preparatory work in terms of developing the grammar, in terms of preparing manuals for teachers, in terms of preparing a teacher training programme? That can be started in parallel right now, while the National Forum, which is a good thing, goes on.

**Dr. Bunwaree:** Mr Deputy Speaker, Sir, if we start making a dictation in this Assembly on the Kreol language, then you will find the difficulty. All this is interesting; there is no problem on that. People come forward with various ways of looking at it. But, I think the best thing that we are doing is to go in the direction of the National Forum, bring all people together, and then establish an expert committee to continue the work that has already been started. The *graphie de l'harmonie* is already a good thing. But we should work from there as quickly as possible, to be able to introduce this language *dans la panoplie des langues à l'île Maurice d'abord* and then, of course, as an optional language in school.

**Mr Obeegadoo:** Mr Deputy Speaker, Sir, I do not mean to doubt the hon. gentleman's words, but I fear it will be a repeat of the 2005-2010 experience of '*bouge fixe*'. My question is: since there was a pilot project for the use of Mauritian Kreol as medium of instruction in three schools, with the agreement of parents in 2005, under the MSM/MMM Government, which was abruptly stopped after the elections of 2005, will the hon. Minister, at least, consider starting such a pilot project, which was supported by UNESCO, right from January 2011, while the National Forum goes on with its debates?

**Dr. Bunwaree:** I think the hon. Member means Government schools. But, in Government schools, we need so much other preparation, as I said. Materials, resources, training of teachers, educationists, and so on, have to be looked into. In fact, the MIE has already started, in parallel, without waiting for the Forum to come, thinking of how to train the trainers, the educators. But we cannot do it off hand like this. It is interesting if it is in one or two schools, but for us to move ahead, I think we are in the right direction in what we are doing. In fact, we have gone quite steps further.

**Mr Obeegadoo:** Do I understand the hon. Minister to agree that a pilot project in a select number of schools can be started in January, next year?

**Dr. Bunwaree:** I did not mention in January. We will wait for this Forum and then, from there, we will decide on the course of action.

**ROAD DECONGESTION PROGRAMME – GRNW - BRIDGE**



**(No. 1B/173) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Road Decongestion Programme, he will, for the benefit of the House, obtain from the Road Development Authority if consideration will be given for the erection of a bridge over the Grand River North West from the A1 Road at Beau Bassin to join the M1 at Sorèze.

**Mr Bachoo:** Mr Deputy Speaker, Sir, this project is included in the Road Decongestion Programme.

#### **LAND TRANSPORT AUTHORITY & ROAD DEVELOPMENT COMPANY**

**(No. 1B/174) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the Road Decongestion Programme, he will state where matters stand regarding the setting up of -

- (a) the Land Transport Authority, and
- (b) the Road Development Company.

**Mr Bachoo:** Mr Deputy Speaker, Sir, following a competitive tender exercise, SIPU International AB, a Swedish firm, has been selected to plan and design the organisational structure of the MLTA. My Ministry is presently having discussions with the consultant.

As regards part (b) of the question, I wish to inform the House that the Road Decongestion Programme is being implemented through the PPP concept. At present, we are at the stage of procuring the Private Service Provider. This procurement is done by the Central Procurement Board, as per the Public Private Partnership Act.

Once appointed through international competitive bidding, the Service Provider will build, partly finance, operate and maintain the network of tolled roads in the Road Decongestion Programme. Consequently, it may not be necessary for Government to set up its own Road Development Company.

#### **TOLL TAX**

**(No. 1B/175) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the introduction of toll tax, he will state –



- (a) the name of the Financial Adviser appointed to look thereinto, indicating the fees paid to him, and
- (b) whether the Report is now ready and, if so, will he table copy thereof.

**Mr Bachoo:** Mr Deputy Speaker, Sir, I am informed that, following procurement procedures initiated in June 2008, the Road Development Authority (RDA) appointed Messrs SPP Project Solutions Ltd (South Africa), as Transaction Advisor for the Harbour Bridge and the Ring Road projects in March 2009. The cost of the services of the Transaction Advisor at the end of its assignment will amount to USD2,117,301, that is, less than one percent of the whole project value.

There is no specific report on the toll system. However, it forms part of the feasibility study report on the Road Decongestion Programme. The feasibility study cannot be tabled at this stage, as we are in the process of appointing service providers.

#### **PARISOT ROAD, HIGHLANDS - BRIDGE**

**(No. 1B/176) Dr. R. Sorefan (Fourth Member for La Caverne & Phoenix)** asked the Minister of Public Infrastructure, National Development Unit, Land Transport and Shipping whether, in regard to the reconstruction of the bridge at Parisot Road, Highlands, he will state where matters stand, indicating when works are likely to start.

**Mr Bachoo:** Mr Deputy Speaker, Sir, following representations made by hon. Minister Soodhun, PPS hon. Assirvaden, and hon. Dr. Hawoldar, RDA has initiated actions for the reconstruction of the bridge at Parisot Road.

**Dr. Sorefan:** Mr Deputy Speaker, Sir, can the hon. Minister state when the works will start?

**Mr Bachoo:** Site visit was conducted by the PPS, hon. Assirvaden, and officers of the NDU, on 21 June 2010. The consultants have been instructed to carry out a survey and come up with their proposals. Thereafter, we will go for tenders.

#### **HAJJ PILGRIMAGE**

**(No. 1B/177) Mr A. Ameer Meea ( First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Arts and Culture whether, in regard to the forthcoming Hajj pilgrimage, he will, for the benefit of the House, obtain from the Islamic Cultural Centre, information as to -

- (a) where matters stand in relation to the arrangements being made in connection therewith;
- (b) the composition of the delegation of the pre-Hajj mission and its outcome, and
- (c) the criteria set for the granting of licences to Hajj organisers.

**Mr Choonee:** Mr Deputy Speaker, Sir, I am informed by the Islamic Cultural Centre (ICC) that the following arrangements have been made in connection with the forthcoming Hajj pilgrimage -

- (i) an awareness programme is held once monthly from April to October to sensitise prospective pilgrims;
- (ii) request for proposal for travel arrangements was launched on 20 May – closing date 09 July;
- (iii) three meetings have been held with potential organisers on organisational and logistic arrangements, and one particularly to disseminate all information on the outcome of the pre-Hajj mission.
- (iv) registration of Hajjis and potential organisers have been carried out;
- (v) 19 provisional licences have been issued to potential organisers;
- (vi) an inspection mission of the ICC is scheduled to leave Mauritius on Friday 02 July 2010 to inspect hotels booked by the Hajj organisers, and
- (vii) the ICC will depute the Hajj officer, together with three organisers to attend a workshop on the new transportation system following a request of the Saudi authorities.

Mr Deputy Speaker Sir, as regards part (b) of the question, I am informed by the ICC that the pre-Hajj mission comprised Mr Rashid Soobadar, the Mauritian Ambassador in Cairo and Saudi Arabia, Dr. F. Aumeer, Chairman of the ICC, Mr H. Beebeejaun, the representative of the National Airline and Mr I. Jeeawoody.

The outcomes are as follows -

### **Quotas**

The pre-Hajj mission was informed by the Saudi authorities that the quota for Hajj was an extremely sensitive issue which was being handled exclusively by the King's Cabinet.

As for the past years, the initial quota of 1,300 was agreed upon for Mauritius for Hajj 2010. A request for an additional 500 Hajj visas has been made and a reply is expected around 10<sup>th</sup> Ramadan (i.e around 20 August 2010).

### **Transport**

A new transportation system will be operational on a pilot basis for Hajj 2010. It consists of a bus shuttle service which covers Makkah, Mina, Arafat and Muzdalifah. It is expected that the Hajjis will thus have access to regular transport facilities to access these holy sites. The Mauritian Hajjis will form part of 127,000 Hajjis who will benefit from this new transportation system.

### **Accommodation**

The pre-Hajj mission had meetings with the Muassassah for accommodation. One of the prerequisites of the new transportation system is that all Hajjis will have to be lodged in the same region in Makkah. This will facilitate communication amongst the Mauritian Hajjis.

### **Special Services**

The Saudi authorities have made the following special services mandatory for the five days of Hajj: The Mauritian Hajjis will be provided food in takeaway packs and will be accommodated in tents in Mina and Arafat in specifically designated areas with amenities such as mattresses, dedicated baths and toilets.

### **Direct Return Flights**

A meeting was also held with the Adilah establishment in Madinah for direct return flights for our Hajjis from Madinah to Mauritius. A response is awaited from the Saudi authorities.

### **Reducing Formalities at Airport in Saudi Arabia**

The United Agents Office has been requested to look into the possibility of reducing time taken for formalities at the airport in Saudi Arabia.

Mr Deputy Speaker, Sir, as regards part (c) of the question, I am informed by the ICC that the criteria used for the granting of licences to Hajj organisers are as follows -

- past experience in Hajj;
- the number of Hajjis catered for in the past;

- complaints and sanctions recorded against organisers;
- leadership skills;
- attitude and behaviour, and
- the level of services provided compared to the price charged.

The selection is done by the Hajj Sub-Committee of the ICC.

**Mr Ameer Meea:** Mr Deputy Speaker, I have a few supplementary questions. Regarding the criteria set for Hajj organisers, can I know from the hon. Minister, how come in 2008 we had nine organisers and, in 2009, we had eleven organisers and this year with the same number of pilgrims we have nineteen organisers? May we know why it is like this for this year, compared to other countries like Malaysia, Indonesia where we have hundreds of thousands of pilgrims we have only one organiser?

**Mr Choonee:** Mr Deputy Speaker, Sir, actually for the case of Mauritius there were requests from certain organisers to cater to up to 400 Hajjis, but ultimately the Saudi authorities decided that in the case of Mauritius any organising group will be entitled to between 50 to 200 Hajjis at a time. This is a decision taken by the Saudi authorities and I have record of this which I can table, where the Saudi authorities said that in the case of Mauritius we have to have more organisers and the total number of hajjis would be between 50 and 200.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, I am sorry to say that the hon. Minister has not answered my question. This year compared to the last two years we have the same number of pilgrims, but we have 19 organisers. How is it that this year it has increased by almost 100%? What the hon. Minister is circulating from the Muassassah is that there is a quota of 50 to 200, but there is no set of criteria as to the number of organisers that a country can have. Can the hon. Minister tell the House how come this year we have 19 organisers?

**Mr Choonee:** I already replied to this question, Mr Deputy Speaker, Sir. It is simple. Though we have the same number of Hajjis, we are having more organisers because the number of Hajjis per group is limited between 50 to 200, which means that automatically it brings an increase in the number of organising groups.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, if the hon. Minister has any report from the pre-Hajj mission, can he table it?

**Mr Choonee:** I don't have a report as such, Mr Deputy Speaker, Sir. But, in my reply I was clear enough with the number of points I put forward concerning the pre-Hajj mission and how well they did. We have to congratulate the ICC and the pre-Hajj mission for that.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, can I know from the hon. Minister if can state the cost involved in terms of air tickets, allowances to members of the pre-Hajj mission?

**Mr Choonee:** I do not have the details at hand, Mr Deputy Speaker, Sir.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, can the hon. Minister reconcile the fact that Government has its say in the organisation of Hajj?

**Mr Choonee:** The Government, Mr Deputy Speaker, Sir, definitely acts as a facilitator. But I believe my hon. friend should be aware that the Islamic Cultural Centre Trust Fund Act puts it explicitly how the ICC has to operate. It has a parameter of operation and they have even had regulations which say how they have to organise Hajj and that is something done by Government, the powers are given to the ICC.

**Mr Ameer Meea:** Recently, the Chairperson of the ICC said : *“Je ne reçois pas d'ordre de l'hôtel du gouvernement.”*

**Mr Choonee:** I am not aware of that, Mr Deputy Speaker, Sir.

**Mr Ameer Meea:** This has been said in the papers.

**The Deputy Speaker:** No, it is not a question. Hon. Fakeemeeah!

**Mr Fakeemeeah:** Mr Deputy Speaker, Sir, I would like to ask the hon. Minister if, in fact, he is in presence of the previous Hajj missions report before allowing the existing team to carry this year pre-Hajj consultations to prevent future damages caused to the Community?

**Mr Choonee:** Of course, I don't have the previous report at hand, but I can always have it for the hon. Member, Mr Deputy Speaker, Sir. I believe the ICC has acted very professionally this year. I know that, at least, from this year onwards, problems which we have had in the past will not crop up.

**The Deputy Speaker:** Hon. Leader of the Opposition!

**Mr Bérenger:** The hon. Minister has just tabled the documents. He was adamant in saying that it is the Saudi authorities that decided that in the case of Mauritius organisers,

minimum 50 pilgrims and maximum 200 pilgrims. He insisted that it was the Saudi authorities that imposed that condition. Now, the document from the Saudi authorities is in Arabic. There is an approximate translation next to it. And, what the approximate translation says, I quote –

“I would like to remind you concerning the quota given by you (ICC) to each agency and organisation to be between 50 pilgrims as the minimum number and 200 pilgrims as the maximum number”.

So, it is an approximate translation, but it seems to say that it was a Mauritian request that there be a minimum 50 and maximum 200 and that they have agreed to this Mauritian request, whereas the Minister said that it was imposed by the Saudi authorities. Can we know which is which? And can we have a precise translation of the Arabic text sent by the Saudi authorities?

**Mr Choonee:** Do I understand, Mr Deputy Speaker, Sir, that this translation is not precise?

**Mr Bérenger:** It is approximate. It is more or less the same thing.

**Mr Choonee:** Mr Deputy Speaker, Sir, this is a translation from Arabic to English by the authorities in Saudi Arabia. I cannot, on my own, challenge that Government’s authority.

**Mr Bérenger:** The question is not to challenge. I am saying that it seems to mean that it is the Mauritian authority that made the request and they agreed to it. If the translation comes from the Saudi authorities, so much the better, but it seems to say that, whereas the Minister said that it was imposed by the Saudi authorities.

**Mr Choonee:** Yes, it seems rightly so, but the request was made or whatever meeting they had, when the pre-Hajj committee went to Saudi Arabia, the meeting ended into something like this.

**Mr Bérenger:** Yes, they made the request. This is a very serious matter. When you have little groups of 50, you can imagine what can happen much more easily. So, I am sure that is the reason why the Saudi authorities have a general rule of minimum 400. I am asking the Minister to be very careful and to double-check, triple-check whether it is not a request from Mauritius that they agreed to that this minimum 400 was brought down to minimum 50.

**Mr Choonee:** Mr Deputy Speaker, Sir, it is the ICC that handles the Hajj pilgrims and organises definitely. It is something very sensitive. The Leader of the Opposition is very

aware; we have had a lot of problems in the past; we are solving problems. And this approach of having more organisers to facilitate the travel of pilgrims from Mauritius to Saudi Arabia is the ideal solution. I believe we can recheck. I don't mind sending the papers to Saudi Arabia to check, but this is an approach which is facilitating the pilgrims.

**Mr Bérenger:** My question is simply whether it was a request from Mauritius to the Saudi authorities that the minimum be brought to 50, whereas the general rule for Saudi authorities is a minimum of 400. The simple question is whether the request was made by Mauritius, ICC or Ministry - by Mauritius and agreed to by the Saudi authorities.

**Mr Choonee:** I will check with the ICC and report, Sir.

**Mr Fakeemeeah:** Mr Deputy Speaker, Sir, now that I am an elected Member of this House...

**The Deputy Speaker:** The hon. Member should put his question, please!

**Mr Fakeemeeah:** I would like to tell the hon. Minister that one cannot continue sending on Hajj mission people or giving licences...

**The Deputy Speaker:** The hon. Member should put his question.

**Mr Fakeemeeah:** Yes. I want to be part of the mission in view of the fact that I am graduated in the Hajj pilgrimage and I have 22 years' experience in this. I would like to offer my free services. I would like the hon. Minister to answer this question so that it will ease...

**The Deputy Speaker:** The hon. Member has made his point.

**Mr Fakeemeeah:** ... further questions to the House.

*(Interruptions)*

**The Deputy Speaker:** It is a humble request.

**Mr Choonee:** It is a humble request. Definitely, I know we have problems at the ICC. As far as the Hajj pilgrimage is concerned, we have problems with the organisers, we have to educate our pilgrims and I am sure if the hon. Member can offer his services free of charge, definitely I will convey the message to the ICC and for them to consider.

**SIR SEEWOOSAGUR RAMGOOLAM STREET, PORT LOUIS - PONT DE  
PARIS - STALLS**

**(No. 1B/178) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** asked the Minister of Local Government and Outer Islands whether, in regard to stalls to be constructed on the Pont de Paris at the Sir Seewoosagur Ramgoolam Street, Port Louis, he will, for the benefit of the House, obtain from the Municipal Council of Port Louis, information as to -

- (a) the number thereof;
- (b) the expected date of delivery;
- (c) whether hawkers operating at the Sir Seewoosagur Ramgoolam Street during the day and at night will be allocated a stall, and
- (d) the criteria set for the allocation of the stalls.

**Mr Aimée:** Mr Deputy Speaker, Sir, as far as part (a) of the question is concerned, I am informed that the number of stalls is 37, which will be accommodated in 19 kiosks.

As regards part (b), the expected completion date was scheduled for 07 April 2010, but the project has been delayed due to flooding of the *La Paix* Stream, which affected the progress of work after heavy rainfall and delay in obtaining the clearance from the Conservator of Forests for uprooting a *cassia fistula* tree on the project site. The project is, therefore, expected to be completed and delivered by mid-July 2010. Only after the completion of the project, the consultant of the Ministry of Public Infrastructure, National Development Unit, Land Transport and shipping - PI Division, will be in a position to apply liquidated damages.

As regards part (c), the food sellers operating at the Seewoosagur Ramgoolam Street during the day and night would be relocated on the project once it would be completed. As per the survey of the Municipal Council of Port Louis in June and August 2008, i.e. at the project conception stage, there were 35 food sellers working during day time and 35 food sellers at night.

As far as part (d) is concerned, as regards the criteria for allocation of stalls, the Municipal Council of Port Louis has set up a sub-committee to work out the criteria, taking into account that the project was initially designed for food sellers.

**Mr Bérenger:** I did not get exactly what the Minister was saying. Can we have the total number of stalls at that place?

**Mr Aimée:** 35.



*(Interruptions)*

No! 19, sorry.

**Mr Barbier:** The Minister stated that a subcommittee has been set up at the Municipal Council of Port Louis to look at the criteria for allocation of the stalls. May I know who is at the Head of this committee?

**Mr Aimée:** I don't have this information, but once I have it, I will send it to the hon. Member.

**Mr Ameer Meea:** Mr Deputy Speaker, Sir, hawkers working during the day are being unfairly booked by the municipality of Port Louis inspectors, whereas those working during the night are working freely. Can I make an appeal to the hon. Minister so that the hawkers working during the day can work freely pending the delivery of the Pont de Paris?

**Mr Aimée:** I think this is not part of the question, Mr Deputy Speaker, Sir. The hon. Member was asking only the number of stalls at the Pont de Paris.

**Mr Ameer Meea:** My appeal is that hawkers working at night are working freely, whereas hawkers working during the day are being booked. They are being given fines by the inspectors of the municipality. My appeal is: can the hon. Minister deal with that so that pending the delivery of the Pont de Paris, hawkers working during the day are not being booked like the hawkers working at night?

**Mr Aimée:** M. le président, il y a des instructions claires. Personne n'a le droit de travailler à la rue Sir Seewoosagur Ramgoolam que ce soit la nuit ou le jour.

**Mr Ameer Meea:** Can the hon. Minister tell us the total cost of the project?

**Mr Aimée:** It is Rs24 m., Sir.

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

**Mr Aimée:** It's Rs24 m.

**Mr Baloomoody:** Mr Deputy Speaker, Sir, the Minister just mentioned that there is a committee which is going to set the criteria for the allocation of the stalls. May I press upon the Minister to have this criteria made public so that prospective applicants are aware of the criteria which they have to satisfy before acquiring a stall?

**Mr Aimée:** Yes, Mr Deputy Speaker, Sir.

**Mr Ameer Meea:** Can I ask the hon. Minister whether the stall will be on a rental basis and, if so, can he state the monthly rental?

**Mr Aimée:** I cannot do so, Mr Deputy Speaker, Sir, because, as I have just mentioned, there will be a committee which will be set up to look into this aspect.

#### **PLAINE VERTE GARDEN – FOOTBALL GROUND**

**(No. 1B/179) Mr A. Ameer Meea (First Member for Port Louis Maritime & Port Louis East)** ask the Minister of Local Government and Outer Islands whether, in regard to the Plaine Verte Garden from the swimming pool to the Paul et Virginie Street, he will, for the benefit of the House, obtain from Municipal Council of Port Louis, information as to if it is proposed putting up a football ground thereat.

**Mr Aimée:** Mr Deputy Speaker, Sir, I am informed by the Municipal Council of Port Louis that there is no official football ground in the area mentioned.

I wish to inform the House that the Plaine Verte Garden is not at all intended to be used as a football ground. The Municipal Council is looking into an appropriate site for the setting up of a football ground of national or international standard.

#### **TRUST FUND FOR VULNERABLE GROUPS – BENEFICIARIES**

**(No. 1B/180) Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the vice-Prime Minister, Minister of Social Integration and Economic Empowerment whether, in regard to the Trust Fund for Vulnerable Groups, he will, for the benefit of the House, obtain from the Trust, information as to –

- (a) the number of persons who have benefited therefrom, constituency wise for the past five years, and
- (b) the number of applications pending before the Trust, indicating in each case, the date thereof.

**The vice-Prime Minister, Minister of Social Integration and Economic Empowerment (Mr X. L Duval):** Mr Deputy Speaker, Sir, with regard to part (a) of the question, information obtained from the National Empowerment Foundation concerning the number of persons who have benefited from services under the Trust Fund is being tabled.

The House will note that information is available on a district wise basis except for micro credit facilities which are recorded on an island wise basis.

With regard to part (b) of the question, I am informed by the NEF that, at present, some 1477 pending applications for housing units and ten applications for micro credit facilities are being processed. Information with regard to the dates of these applications is being compiled and will be tabled in due course.

## LAW REFORM COMMISSION - REPORTS

(No. 1B/181) **Mr V. Baloomoody (Third Member for GRNW & Port Louis West)** asked the Attorney General whether he will give the number of reports submitted to Government by the Law Reform Commission, for the past five years, indicating what action, if any, has been taken following its recommendations.

**Mr Varma:** Mr Deputy Speaker, Sir, in 2005, Government saw it fit to restructure the Law Reform Commission into a fully fledged body corporate.

In accordance with the Law Reform Commission Act 2005, the Law Reform Commission was given greater operational autonomy in order to better fulfil its mandate. The Commission has been operating under the new institutional arrangements as from October 2006.

Mr Deputy Speaker, Sir, following the necessary research, discussion and consultation on any aspect of the law reviewed, the Commission normally submits one of the following publications –

- (a) discussion paper or consultation paper;
- (b) research or working paper;
- (c) issue paper;
- (d) report.

The question of the hon. Third Member for Grand River North West and Port Louis West pertains to the number of reports submitted by the Law Reform Commission.

I wish to inform the House that as from 2007 up to this date, the Commission has submitted eight reports to the Attorney General.

Mr Deputy Speaker, Sir, recommendations for reform of the law such as setting-up of law firms, relationship of children with grandparents and other persons under the *Code Civil Mauricien*, forensic use of DNA and operational autonomy of the Office of Director of Public Prosecutions have already been implemented.

Mr Deputy Speaker, Sir, a number of recommendations are about to be implemented such as the law on divorce and bail.

Others are still being considered or may, in due course, be considered, as they give rise to policy issues and have legal and financial implications and implementation, if any, will be in the context of Government priorities as per its programme.

**Mr Balamoody:** In one of its reports, the last one which has been around for more than a year now, the Law Reform Commission recommended that we should do away with the two years bar when it comes to prosecuting or suing the public officers. As you are fully

aware, Mr Deputy Speaker, Sir, there are two years limitation period. This does, in fact, cause considerable prejudice to victims vis-à-vis the tortfeasor, if the tortfeasor is a civil servant. Now, my question is whether the Government is prepared to do away with that recommendation?

**Mr Varma:** Mr Deputy Speaker, Sir, I cannot speak for the Government, but the Law Reform Commission submits report to the Attorney General, and the matter is being considered.

**Mr Ganoo:** Can I ask the hon. Minister one question? I know all these reports are on the website, but could the hon. Minister see to it that these reports which have been referred to are also laid on the Table of the Assembly?

**Mr Varma:** We are moving towards e-judiciary, e-parliament. I suppose the hon. Member has got access to internet, and it is easily available on the internet, Mr Deputy Speaker, Sir.

**Mr Ganoo:** Not all the reports are on the website; I have checked. The hon. Minister can go and check. I repeat: not all of these reports are on the net!

**Mr Varma:** I will transmit the message to the Law Reform Commission that all the relevant papers are on the website, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Hon. Members, I have been advised that PQ No. 1B/197 has also been withdrawn. Time is over!

## MOTIONS

### SUSPENSION OF SO 10(2)

**The Deputy Prime Minister, Minister of Energy and Public Utilities (Dr. R. Beebejaun):** Sir, I beg to move that all the business on today's Order Paper be exempted from the provisions of paragraph 2 of Standing Order 10.

**The vice-Prime Minister, Minister of Social Integration and Economic Empowerment (Mr X. L. Duval) rose and seconded.**

*Question put and agreed to.*

*At 4.09 p.m the sitting was suspended.*