



MAURITIUS

16th Annual Report of the Ombudsman

January — December 1989

No. 11 of 1989

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January — December 1989

Government of Mauritius

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Ombudsman's Office,
Port Louis,
Mauritius.
4 May 1990.

His Excellency Sir Veerasamy Ringadoo, G.C.M.G., Kt., Q.C.,
Governor-General of Mauritius,
Government House,
Le Réduit

Your Excellency,

Under the provision of section 101(3) of the Constitution of Mauritius, I am required to make an annual report to the Governor-General concerning the discharge of my functions, which shall be laid before the Assembly.

It gives me great pleasure to present to you the report for the period 1 January to 31 December 1989.

Yours respectfully,
S. M. HATTEEA
Ombudsman

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Annual Report of the Ombudsman

January — December 1989

Introduction

This is the sixteenth annual report of the Ombudsman. It covers the period 1 January to 31 December 1989.

My predecessor's term of office expired on 19 February 1990. This report therefore, more especially Appendix C, deals exclusively with cases investigated by him.

I was appointed Ombudsman on 26 February 1990 with effect from the same day. On that very day I took the required oath and, immediately after, assumed duty.

One of the tasks that required my immediate attention was the preparation of the present report. This meant going through all the cases dealt with during a period of time when I was not yet in office. I hasten to place on record the help I have received from my staff to enable me to prepare the report in reasonable time.

Why an Ombudsman?

The growing needs of society in a fast developing world and the complexity of modern government give rise to an increasing number of problems. One of them is the injustice that may be caused to a citizen through bureaucratic maladministration.

A person who is the victim of bureaucratic process is often tempted to throw down his arms in the belief that he cannot afford to fight against the State or that the State would be indifferent or even deaf to his grievance. Another one may feel he has a good case against the State but is discouraged from seeking redress through the Court in view of high cost of litigation and time factor.

Such persons must nevertheless be protected against administrative mistake, negligence, undue delay or any other unwarranted action. They must therefore be afforded the opportunity to resort to an independent person for redress. Hence the need for an Ombudsman.

The office of Ombudsman is a device by which the State provides free service for investigating citizens' complaints against its own doings.

The Ombudsman is an independent public official who receives complaints from aggrieved persons against government departments, agencies and officers. He conducts an

investigation into those complaints and, where any complaint is justified, he recommends corrective action. He may not only determine the legality or otherwise of any action but also its reasonableness.

Experience shows that very often it is not a particular decision of the administration that hurts or frustrates a person but a lack of awareness of the reason behind the decision. If the reason motivating the decision is well founded then once he knows it he has no more cause for complaint and will not complain.

It must not be believed that every time the Ombudsman receives a complaint this means that the administration has gone wrong somewhere. The Ombudsman will certainly poke his nose into the actions of the administration but he will definitely identify, after investigation, which complaints are frivolous or unjustified and reject them. He will thus act like a shield for the administration as the investigation is done for the benefit of both the "administrateur" and the "administré". Therefore, although the Ombudsman is often referred to as the citizen's defender, it would be wrong to call him the administration's accuser.

In Mauritius the provisions relating to the establishment, appointment, jurisdiction and powers of the Ombudsman are laid down in Chapter IX of the Constitution of 1968 (Appendix A). In 1969 the Ombudsman Act (Appendix B) came into operation and it made provision for certain supplementary and ancillary matters which were necessary for the proper functioning of the office of Ombudsman. The stage was therefore set for the first Ombudsman for Mauritius. He was appointed in 1970.

There are about 45 countries throughout the world with the Ombudsman system. The activities of these Ombudsmen vary according to their respective jurisdiction. However the objective is the same everywhere: the defence of the citizen.

There also exists an International Ombudsman Institute (I.O.I) which is located at the Law Centre, University of Alberta, Edmonton, Alberta, Canada. It is a non-profit-making organisation whose objects include the promotion of the concept of Ombudsman and its development and the encouragement and support of research in the Ombudsman field. It also operates programmes enabling the exchange of information and experience between Ombudsmen of different countries. Mauritius is a member of the I.O.I and regularly receives its publication which prove to be very valuable for the Ombudsman world.

Statistics

During the year under review 208 cases were investigated. The table below shows the situation as at 31 December 1989:—

Cases pending at 31 December 1988	...	31
Case intake in 1989	...	177
Cases dealt with in 1989	...	208
Cases declined for want of jurisdiction	...	38
Cases declined in exercise of discretion	...	1
Cases explained	...	80
Cases discontinued	...	21
Cases discontinued in exercise of discretion		1
Cases not justified	...	51
Cases rectified	...	5
Cases withdrawn	...	2
Cases pending at 31 December 1989	...	9

Appendix C contains a number of selected complaints against an array of government ministries/departments.

Appendix D is a statistical summary of the complaints according to the ministry/department concerned.

Appendix E gives a quick idea of the ministry/department concerned, the nature of the complaint against it and the result or action taken.

Appendix F shows a list of bodies or persons against whom complaints were received but which fall outside the jurisdiction of the Ombudsman.

Some Personal Remarks

Mauritius being a small country, the Mauritian Ombudsman does not suffer the weakness of being less known in the rural areas than in the urban areas. In fact the correspondence received at my office shows this clearly.

Unfortunately the situation does not appear to be the same as far as Rodrigues is concerned. An island by itself, some 600 kilometres away from mainland Mauritius and with a population of 37538 as at 31 December 1989, Rodrigues forms very much part of the State of Mauritius. However the figures for Rodrigues are very revealing : 4 complaints in the last 5 years ! Either the population of Rodrigues is a very contented one or it is not sufficiently aware of the existence of the Ombudsman institution. Therefore I think it may be necessary to instil greater awareness of that institution in the mind of its people. Consequently I have decided to seek the collaboration of the authorities with a view to touring Rodrigues in a not too distant future in order to explain my functions and to make known the availability of my office to Rodriguans. My visit will hopefully be given sufficient publicity even before my arrival there so as to allow the population to be more aware and responsive.

I have also found out that a great number of complaints emanate from prisoners who often allege that they are subjected to ill-treatment by prison officers. Similar complaints are also sometimes made against police officers. It is therefore apt to quote here a recent decision of the Supreme Court of India which held that—

A person, even during lawful detention, is entitled to be treated with dignity befitting any human being and the mere fact that he has been detained lawfully does not mean that he can be subjected to ill-treatment, much less any torturous beating. (*Rajasthan Kishan Sangthan v. State of Rajasthan*, AIR 1989 Rajasthan 10 - see *Commonwealth Law Bulletin* Vol. 15 No. 4 October 1989 at page 1177).

In the event any of these complaints is founded the authorities concerned should allow themselves to be guided by that pronouncement.

Apart from complaints proper my office also receives a number of requests for assistance or information regarding dealings with the administration. Whenever possible we do our best to help in these cases as well.

Finally I have noted that many complaints are simply to the effect that no reply has been received from the ministry or department written to by the complainant. I sincerely hope that those concerned will do their best to reverse this situation and I can assure one and all that this will greatly contribute to the betterment of the image of the administration and of its relations with citizens at large.

Acknowledgements

Ombudsmen of several countries send to my Office their annual reports which are a source of useful information about the nature and variety of complaints received by them and as to the manner they are dealt with.

The International Ombudsman Institute regularly sends in a Newsletter which keeps Ombudsmen all over in touch with important happenings and events in the world of Ombudsmen.

On the local plane I would like to place on record my appreciation for the fullest co-operation extended to this Office by all the ministries/departments whose actions were investigated and hope that I shall be able to rely on their continued support.

And last but not least, my indebtedness to the Staff of my Office for their meticulous and efficient work. A special word for Mrs. Maryse Gilberte Ducasse, ex Senior Confidential Assistant, who joined this Office in April 1973 and who retired from the service on 18 March 1990, i.e. only 3 weeks after I had assumed duty. I understand she gave full satisfaction by her exemplary work and conduct.

Conclusion

Fears have been expressed, sometimes by Ombudsmen themselves, that their powers are only theoretical and that their recommendations are not taken into consideration. It is therefore my wish, and indeed I make a fervent appeal to those concerned, that due and careful consideration be given to any recommendation that may be made in order that the

citizen may, at the end of the day, feel that he has had a fair deal.

This is what, in fact, a citizen expects!

4 May 1990

S. M. HATTEEA
Ombudsman

APPENDIX A
Chapter IX
THE OMBUDSMAN

96. Office of Ombudsman

(1) There shall be an Ombudsman, whose office shall be a public office.

(2) The Ombudsman shall be appointed by the Governor-General, acting after consultation with the Prime Minister, the Leader of the Opposition and such other persons, if any, as appear to the Governor-General, acting in his own deliberate judgment, to be leaders of parties in the Assembly.

(3) No person shall be qualified for appointment as Ombudsman if he is a member of, or a candidate for election to, the Assembly or any local authority or is a local government officer, and no person holding the office of Ombudsman shall perform the functions of any other public office.

(4) The offices of the staff of the Ombudsman shall be public offices and shall consist of that of a Senior Investigations Officer and such other offices as may be prescribed by the Governor-General, acting after consultation with the Prime Minister.

97. Investigations by Ombudsman

(1) Subject to this section, the Ombudsman may investigate any action taken by any officer or authority to which this section applies in the exercise of administrative functions of that officer or authority, in any case in which a member of the public claims, or appears to the Ombudsman, to have sustained injustice in consequence of maladministration in connection with the action so taken and in which—

- (a) a complaint under this section is made;
- (b) he is invited to do so by any Minister or other member of the Assembly; or
- (c) he considers it desirable to do so of his own motion.

(2) This section applies to the following officers and authorities—

- (a) any department of the Government;
- (b) the Police Force or any member thereof;
- (c) the Mauritius Prison Service or any other service maintained and controlled by the Government or any officer or authority of any such service;
- (d) any authority empowered to determine the person with whom any contract or class of contracts is to be entered into by or on behalf of the Government or any such officer or authority;
- (e) such other officers or authorities as may be prescribed by Parliament :

Provided that it shall not apply in relation to any of the following officers and authorities—

- (i) the Governor-General or his personal staff;
- (ii) the Chief Justice;
- (iii) any Commission established by this Constitution or its staff;
- (iv) the Director of Public Prosecutions or any person acting in accordance with his instructions;
- (v) any person exercising powers delegated to him by the Public Service Commission or the Police Service Commission, being powers the exercise of which is subject to review or confirmation by the Commission by which they were delegated.

(3) A complaint under this section may be made by any individual, or by any body of persons whether incorporated or not, not being—

- (a) an authority of the Government or a local authority or other authority or body constituted for purposes of the public service or local government; or
- (b) any other authority or body whose members are appointed by the Governor-General or by a Minister or whose revenues consist wholly or mainly of money provided from public funds.

(4) Where any person by whom a complaint might have been made under subsection (3) has died or is for any reason unable to act for himself, the complaint may be made by his personal representative or by a member of his family or other individual suitable to represent him; but except as specified in this subsection, a complaint shall not be entertained unless made by the person aggrieved himself.

(5) The Ombudsman shall not conduct an investigation in respect of any complaint under this section unless the person aggrieved is resident in Mauritius (or, if he is dead, was so resident at the time of his death) or the complaint relates to action taken in relation to him while he was present in Mauritius or in relation to rights or obligations that accrued or arose in Mauritius.

(6) The Ombudsman shall not conduct an investigation under this section in respect of any complaint under this section in so far as it relates to—

- (a) any action in respect of which the person aggrieved has or had a right of appeal, reference or review to or before a tribunal constituted by or under any law in force in Mauritius; or

- (b) any action in respect of which the person aggrieved has or had a remedy by way of proceedings in any court of law:

Provided that -

- (i) the Ombudsman may conduct such an investigation notwithstanding that the person aggrieved has or had a such right or remedy if satisfied that in the particular circumstances it is not reasonable to expect him to avail himself or to have availed himself of that right or remedy; and
- (ii) nothing in this subsection shall preclude the Ombudsman from conducting any investigation as to whether any of the provisions of Chapter II has been contravened.

(7) The Ombudsman shall not conduct an investigation in respect of any complaint made under this section in respect of any action if he is given notice in writing by the Prime Minister that the action was taken by a Minister or Parliamentary Secretary in person in the exercise of his own deliberate judgment.

(8) The Ombudsman shall not conduct an investigation in respect of any complaint made under this section where it appears to him—

- (a) that the complaint is merely frivolous or vexatious;
- (b) that the subject-matter of the complaint is trivial;
- (c) that the person aggrieved has no sufficient interest in the subject-matter of the complaint; or
- (d) that the making of the complaint has, without reasonable cause, been delayed for more than 12 months.

(9) The Ombudsman shall not conduct an investigation under this section in respect of any matter where he is given notice by the Prime Minister that the investigation of that matter would not be in the interests of the security of Mauritius.

(10) In this section, "action" includes failure to act.

98. Procedure in respect of investigations

(1) Where the Ombudsman proposes to conduct an investigation under section 97, he shall afford to the principal officer of any department or authority concerned, and to any other person who is alleged to have taken or authorised the action in question, an opportunity to comment on any allegations made to the Ombudsman in respect of it.

(2) Every such investigation shall be conducted in private but, except as provided in this Constitution or as

prescribed under section 102, the procedure for conducting an investigation shall be such as the Ombudsman considers appropriate in the circumstances of the case; and without prejudice to subsection (1), the Ombudsman may obtain information from such persons and in such manner, and make such enquiries, as he thinks fit, and may determine whether any person may be represented, by counsel or attorney or otherwise, in the investigation.

99. Disclosure of information

(1) For the purposes of an investigation under section 97, the Ombudsman may require any Minister, officer or member of any department or authority concerned or any other person who in his opinion is able to furnish information or produce documents relevant to the investigation to furnish any such information or produce any such document.

(2) For the purposes of any such investigation, the Ombudsman shall have the same powers as the Supreme Court in respect of the attendance and examination of witnesses (including the administration of oaths and the examination of witnesses abroad) and in respect of the production of documents.

(3) No obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to persons in the public service imposed by any law in force in Mauritius or any rule of law shall apply to the disclosure of information for the purposes of any such investigation, and the Crown shall not be entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings.

(4) No person shall be required or authorised by virtue of this section to furnish any information or answer any question or produce any document relating to proceedings of the Cabinet or any committee of Cabinet, and for the purposes of this subsection, a certificate issued by the Secretary to the Cabinet with the approval of the Prime Minister and certifying that any information, question or document so relates shall be conclusive.

(5) The Attorney-General may give notice to the Ombudsman, with respect to any document or information specified in the notice, or any class of documents or information so specified, that in his opinion the disclosure of that document or information, or of documents or information of that class, would be contrary to the public interest in relation to defence, external relations or internal security; and where such a notice is given, nothing in this section shall be construed as authorising or requiring the Ombudsman or any member of his staff to communicate to any person for any purpose any document or information specified in the notice, or any document or information of a class so specified.

(6) Subject to subsection (3), no person shall be compelled for the purposes of an investigation under section 97 to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before the Supreme Court.

100. Proceedings after investigation

(1) This section shall apply in every case where, after making an investigation, the Ombudsman is of opinion that the action that was the subject-matter of investigation was—

- (a) contrary to law;
- (b) based wholly or partly on a mistake of law or fact;
- (c) unreasonably delayed; or
- (d) otherwise unjust or manifestly unreasonable.

(2) Where in any case to which this section applies the Ombudsman is of opinion—

- (a) that the matter should be given further consideration;
- (b) that an omission should be rectified;
- (c) that a decision should be cancelled, reversed or varied;
- (d) that any practice on which the act, omission, decision or recommendation was based should be altered;
- (e) that any law on which the act, omission, decision or recommendation was based should be reconsidered;
- (f) that reasons should have been given for the decision; or
- (g) that any other steps should be taken,

the Ombudsman shall report his opinion, and his reasons, to the principal officer of any department or authority concerned, and may make such recommendations as he thinks fit; he may request that officer to notify him, within a specified time, of any steps that it is proposed to take to give effect to his recommendations; and he shall also send a copy of his report and recommendations to the Prime Minister and to any Minister concerned.

(3) Where within a reasonable time after the report is made no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, if he thinks fit, after considering any comment made by or on behalf of any department, authority, body or person affected, may send a copy of the report and recommendations to the Prime Minister and to any Minister concerned, and may thereafter make such further report to the Assembly on the matter as he thinks fit.

101. Discharge of functions of Ombudsman

(1) In the discharge of his functions, the Ombudsman shall not be subject to the direction or control of any other person or authority and no proceedings of the Ombudsman shall be called in question in any court of law.

(2) In determining whether to initiate, continue or discontinue an investigation under section 97, the Ombudsman shall act in accordance with his own discretion, and any question whether a complaint is duly made for the purposes of that section shall be determined by the Ombudsman.

(3) The Ombudsman shall make an annual report to the Governor-General concerning the discharge of his functions, which shall be laid before the Assembly.

102. Supplementary and ancillary provision

There shall be such provision as may be prescribed for such supplementary and ancillary matters as may appear necessary or expedient in consequence of any of the provisions of this Chapter, including (without prejudice to the generality of the foregoing power) provision—

- (a) for the procedure to be observed by the Ombudsman in performing his functions;
- (b) for the manner in which complaints under section 97 may be made (including a requirement that such complaints should be transmitted to the Ombudsman through the intermediary of a member of the Assembly);
- (c) for the payment of fees in respect of any complaint or investigation;
- (d) for the powers, protection and privileges of the Ombudsman and his staff or of other persons or authorities with respect to any investigation or report by the Ombudsman, including the privilege of communications to and from the Ombudsman and his staff; and
- (e) the definition and trial of offences connected with the functions of the Ombudsman and his staff and the imposition of penalties for such offences.

APPENDIX B

The Ombudsman Act

1. Short title

This Act may be cited as the Ombudsman Act.

2. Oaths of office

(1) Before performing the duties of their respective offices, the Ombudsman and the Senior Investigation Officer shall take an oath before a Judge that they will faithfully and impartially perform the duties of their offices and that they will not, except in accordance with Chapter IX of the Constitution and this Act, divulge any information received by them in the exercise of their duties.

(2) The other members of the staff of the Ombudsman shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their duties.

(3) Every person mentioned in subsection (2) shall, before entering upon the exercise of his duties, take an oath to be administered by the Ombudsman, that he will not, except in accordance with Chapter IX of the Constitution and this Act, divulge any information received by him in the exercise of his duties.

3. Procedure

(1) Any complaint made to the Ombudsman shall be in writing and, subject to subsection (2), a copy of the complaint shall be communicated to a member of the Assembly.

(2) Notwithstanding any other enactment, where a letter is written to the Ombudsman by a person who is in legal custody or who is an inmate of a mental hospital or other similar institution, the person in charge of the place where the writer of the letter is detained or is an inmate shall forward the letter unopened immediately to the Ombudsman.

4. Action by department not affected by investigation

The conduct of an investigation by the Ombudsman shall not affect any action taken by the department or authority concerned, or any power or duty of that department or authority to take further action with respect to any matter which is the subject of the investigation.

5. Privilege of communication

For the purposes of any enactment relating to defamation, the publication, by the Ombudsman or by any member of his staff, of any report or communication and the publication to the Ombudsman or to any member of his staff of any complaint or other matter shall, if made in accordance with Chapter IX of the Constitution and this Act, be absolutely privileged.

6. Offences

(1) Any person who, otherwise than in the course of his duty, directly or indirectly, by himself or by any other person, in any manner influences or attempts to influence the decision of the Ombudsman with regard to any complaint made to him or to any investigation made by him, shall commit an offence.

(2) Subject to Chapter IX of the Constitution, any person who is requested by the Ombudsman or by any member of his staff, acting in the exercise of his duties, to furnish any information or to produce any document and who wilfully fails to furnish the information or to produce the document, shall commit an offence.

(3) Any person who, in connection with any matter which lies within the province of the Ombudsman, wilfully gives him any information which is false or misleading in a material particular, shall commit an offence.

(4) Any person who commits an offence under this section shall be liable, on conviction, to a fine not exceeding 1,000 rupees and to imprisonment for a term not exceeding 12 months.

7. Expenses and allowances

The Ombudsman may, where he thinks fit, pay to any person by whom a complaint has been made or to any person who attends, or furnishes information for the purposes of, an investigation, sums in respect of expenses properly incurred or by way of allowance or compensation for loss of time, in accordance with such scales and subject to such conditions as may be prescribed.

8. Administrative expenses

The administrative expenses of the office of the Ombudsman together with such other expenses as may be authorised under this Act shall, with the approval of Parliament, be charged on the Consolidated Fund.

9. Regulations

(1) The Cabinet may make such regulations as it thinks fit for the purposes of this Act.

(2) Notwithstanding the generality of subsection (1), such regulations may provide for the scale according to which any sum may be paid to complainants or to persons attending, or furnishing information for the purposes of, an investigation.

SELECTED COMPLAINTS

Agriculture, Fisheries and Natural Resources

Case No. C/83/89

Chicken farmer to obtain chicken from the Poultry Breeding Centre, Ministry of Agriculture, Fisheries and Natural Resources

A chicken farmer who had taken a loan of Rs 27,000 from the Development Bank of Mauritius for rearing chicken complained to this office that he had applied for the purchase of chicken to the Poultry Breeding Centre, Ministry of Agriculture, Fisheries and Natural Resources but had not received any reply.

The Permanent Secretary of the Ministry was written to and, in his reply dated 8th August 1989, he admitted that complainant did put up an application for the purchase of 600 broilers on 3rd April 1989.

He explained that —

“320 regular farmers who have taken loans are supplied with 75-100 broilers on an 8 weeks’ basis depending their

turn on the register and on the availability of chicks due to increasing demands. As regards Mr, he will be eligible for his request in 9 months’ time or earlier depending on the production capacity of the Centre.

With this Ministry’s policy to increase poultry production in the country, the Poultry Breeding Centre is proposing to set up new additional incubators which will become operational soon. We hope then to be able to satisfy demands within short delays as soon as these become operational.

Mr.....may wish to liaise with the Responsible Officer of the Poultry Breeding Centre for establishing a programme for his needs.

He may also wish to contact Food and Allied Industries Ltd., who have informed us that they have resumed selling day-old-chicks to the public”.

This Office advised the complainant accordingly.

Civil Aviation

Case No. C/2/89

Public Officer to be paid cash allowance in lieu of mileage benefits

Mr. G. a public officer now posted at the Department of Civil Aviation, complained that he had not received any cash allowance in lieu of mileage credits although he had completed 23 years in the public service. It is true however, as indicated by Mr. G. himself, that for a certain period of time (29 October 1971-14 March 1974) he was on secondment to the Development Works Corporation.

The first reply of the Director of Civil Aviation was to the following effect—

“According to paragraph 8(ii) of Establishment Circular Note No. 5 of 1974, all officers on the permanent and pensionable establishment drawing less than Rs 1,625 per month should after completion of 20 years *continuous* service, qualify for passage credits.

Following consultation with the Ministry for Civil Service Affairs and Employment (Civil Service Affairs Division) regarding Mr. G’s eligibility to earn mileage credits while on secondment at the Development Works Corporation, the officer was informed that his service at the Corporation did

not count towards the 20-year qualifying period for mileage credit purposes and that he was therefore not entitled to a cash allowance in lieu of mileage credits.

Further representations received from Mr. G on 10 October 1988, have been transmitted to the Ministry for Civil Service Affairs and Employment (Civil Service Affairs Division) where the matter is still under consideration”.

This Office followed the case closely and finally the Director reported that—

“It has now been ascertained that Mr. G was paid from the vote of the Ministry for Employment while serving at the Development Works Corporation from 29th October 1971 to 14th March 1974. In view thereof, his service at the Development Works Corporation will be reckoned towards the 20 years qualifying period for mileage credits earning purposes.

Accordingly arrangements are being made for the payment to him of a cash allowance in lieu of mileage benefits”.

The complainant was informed of the decision reached and was asked to write back for confirmation. He never wrote back.

This case is considered as having been rectified.

Co-operatives

Case No. C/163/89

Non-payment of final sugar proceeds by co-operative society to its members

On 27 November 1989 a group of small planters, members of the.....Co-operative Society, complained that they had not yet been paid the final sugar proceed on the 1988 crop by the Society.

They aver that as they depend largely on the revenue from sugar cane plantation for their living they were facing a critical financial problem.

According to them the main authorities concerned, viz. the Mauritius Co-operative Central Bank and the Registrar of Co-operative Societies have been informed accordingly but nothing has been done to give them satisfaction.

In his letter dated 12 December 1989 to this Office the Registrar of Co-operative Societies explained that following complaints against an officer of the Society "an indepth enquiry was carried out by the Ministry into the affairs of the said Society. All accounts of members were audited and all members were given opportunity to scrutinise their accounts as well as documents executed by them".

The enquiry revealed that that the Officer had misappropriated huge sums of money which resulted in the non-availability of funds for effecting payment to members.

The Registrar went on further as follows —

"The Mauritius Co-operative Central Bank, as soon as it became aware of the malpractices committed by....., pressed for repayment of its loans. When the society was unable to do so, the Bank retained all monies accruing to the society in respect of final sugar proceeds for crop 1988, hence the inability of society to effect final settlement to members who had consigned canes during crop 1988.

The committee made representation to the Mauritius Co-operative Central Bank and asked for a delay to repay its debt. I have met officials of the Mauritius Co-operative Central Bank on this question and urged the Bank to release funds retained in order not to cause hardship to the members. So far nothing has come out. The matter is being pursued. A working session has been arranged with the Bank on Thursday 14th December, 1989. Every endeavour is being made to settle members gradually as and when funds become available.

Mr.....has subscribed to charges and given collateral security and has given an undertaking to make good all the sums misappropriated by him.

The committee members as well as all members are fully aware of the situation prevailing at this society and of the action taken to remedy the situation. In terms of Section 57 of the Co-operative Societies Act, the defects have been brought to the notice of the society for remedial action.

May I point out, however, that contrary to what was decided by the committee of the above society entrusting the President, Mr.....to refer this matter to the police, he has preferred to write to you together with some members. Consequently, I am referring this case to the police for appropriate action".

Finally, on 17 January 1990, the Registrar wrote again to say that-

"I have pleasure to inform you that following negotiation with the Mauritius Co-operative Central Bank, funds have been released thus making it possible for members to whom sugar monies were accruing in respect of sugar cane crop 1988 to be settled before end of December, 1989 to their satisfaction.

I have also on the 9th January, 1990 forwarded to the Commissioner of Police my findings as revealed by the enquiry for any action he deems appropriate"

The complaint was therefore not justified.

Customs

Case No. C/96/89

Classification of goods according to the Harmonised System Tariff Nomenclature explained to importer

Mr. P., who describes himself as a trader selling refrigeration spare parts, alleged that he had imported "Fan motors complete with blades for resale on our market for the Refrigeration System Ventilation which arrived on 28 June 1989". He

further averred that customs duty, levy and sales tax on these goods have been paid but when he went to take delivery of the goods on 17 July 1989 customs officer C. objected to the removal of the goods from the shed on the ground that "these Fan Motors can be used as ordinary domestic ventilation that is as Table Fan and Household Extractor Fan". P. claimed that this is untrue as the goods were not ordered for that purpose.

The explanation of the Comptroller of Customs was as follows—

“Before making any comments I should like to give a description of the procedures established for the clearance of goods at Customs. Once the goods have been landed, the importer if he wishes to take delivery of his goods, must complete all Customs formalities. He starts by submitting at the Customs Department a Bill of Entry, duly filled by him or his agent. The bill is filed in the prescribed copies and accompanied by all required documents such as invoices, bill of lading, packing list with a view to give as much information as possible on the consignment imported. The most important document is the invoice which gives a full description of the goods, including its value and origin. The importer at the time of filing the bill must ensure that the Bill of Entry is completed properly from the information obtained on the accompanying documents. The task of Customs is to check the Bill of Entry to ensure that the goods have been correctly classified according to the Harmonised System Tariff Nomenclature (Customs Tariff Act). The rates of duty and value of the goods as well the amount of duty payable are also checked.

Up to this time only documentary control of the goods has been effected. However, after the bill has been checked, the duty payable is cashed at Customs, and the Bill of Entry is sent on the place of landing of the goods for examination of the goods by Customs Officers.

The Examining Officer ensures through a physical verification of the goods that the description of the goods on the Bill of Entry is the same as the goods found in the consignment. He ensures that the goods has been properly classified according to the nomenclature, and the quantity of the goods as declared. If he is satisfied, the goods is released and the importer may take delivery of the goods.

In this particular case, Officer... attached to the Customs Investigation Unit was the Examination Officer. On examination, he has found that the goods were wrongly classified and the rate of duty and hence the duty payable were higher than that declared and paid. According to Customs, this wrong declaration is tantamount to an offence (Section 158.3(c) of the Customs Act) and may be sanctioned by a fine, either imposed in a Court or compounded by the Comptroller after consultation with the Unified Revenue Board.

The importer has been informed about the incorrect declaration. He has been informed that the matter has been referred to a Customs Tariff Board which is going to decide on the right classification of goods.

However, if the importer is still not satisfied with our decision, the matter will be referred to the Customs Advisory

Committee, established under the Customs Act 1988, and chaired by the Solicitor General. The Customs Advisory Committee is empowered to review all disputes between an importer and Customs on matters concerning tariff classification, origin and value of goods. If, still the importer does not agree with the decision of the above committee, he may appeal to the Tax Appeal Tribunal.

In the meantime, the importer may take delivery of the goods on payment under protest of the duty demanded by Customs, pending the review of the dispute as described above.

I am of the view that the importer has not in the least been victimised by our officers. If the department is not satisfied that the correct amount of duty has been collected, it may withhold the delivery of such goods. On the other side the importer has at his disposal all the facilities to object and appeal against its (Customs) decision”.

The complainant was called at the office and the version of the Comptroller of Customs was put to him. He left satisfied.

Case No. C/146/89

Prohibition in respect of left-hand drive vehicle

After spending 19 years abroad Mr. B. and his family decided to return to Mauritius. Before doing so Mr B. wrote to the Comptroller of Customs on 16 June 1987 seeking information on duty payable on certain household articles and a van which he intended to ship to Mauritius.

Exactly one month later the Comptroller replied to Mr. B's letter in the following terms—

- (i) any returning resident who has stayed abroad for a period exceeding ten years may import his or her car or van duty-free, provided the car or van has been in his or her possession and use abroad for a period of at least one year. 6% Sales Tax and Stamp Duty of 17%, however, remain leviable thereon; and
- (ii) household effects which have been in possession use abroad of a returning resident for a period of at least one year may be admitted duty-free. They should be imported within nine months from the date of his or her arrival.

New and unused items of household effects are liable to duty, and Sales Tax and Stamp duty, at the rates mentioned above. Sewing-machines, sewing-thread, Sarrees and textile piecegoods are not liable to duty nor tax.

Finally, I should like to inform you that duty-free allowance is granted on items of incoming passengers' luggage, to the

value of four thousand rupees. These items exclude gold in any form, goldware and silverware, and precious and semi-precious stones. The duty-free allowance measures are not applicable, in case the luggage is unaccompanied.

I hope that these little bits of information will prove useful to you”.

With that information Mr. B. shipped a van and his personal effects on 28 April 1989 and he returned to Mauritius on 15 May 1989. According to him, on 9 July 1989 he was informed by the Ministry of Works that he could not use his van on the road as it was a left-hand drive vehicle.

His complaint dated 16 October 1989 is that this information was not communicated to him in the Comptroller's reply, otherwise he would not have brought that vehicle but a right-hand drive one, and he requested this Office to intervene in order that he may obtain a "Driving Permit" until such time as he will be able to effect the necessary modification to the van.

He emphasized that parts for that particular type of vehicle were not available in Mauritius then and he would have to import them from overseas.

The Comptroller of Customs, who communicated to this Office copies of correspondence between the complainant and himself, explained that the complainant never mentioned

that he intended to import a left-hand drive vehicle and further that the exemption item under the Customs Tariff Act simply mentions "a passenger motor car or van".

The Ministry of Works was also written to and, in its reply dated 7 November 1989 had the following to say-

"The policy regarding the licensing of left-hand drive vehicles was reviewed in October to enable residents returning to the country to run their vehicles during a limited period of six months on production of documentary evidence that spare parts had been ordered for the required modification. On 13 October, this Ministry requested Mr. B. to produce such documentary evidence. The required evidence was produced on 23 October. On November 2, Mr. B. was authorised to use his vehicle during a temporary period of 6 months".

Having regard to the specific information requested from him by the complainant, the Comptroller of Customs cannot be blamed for not telling the complainant about the prohibition concerning left-hand drive vehicles.

However it would be advisable that, in future, the Comptroller should himself volunteer such information in order to avoid embarrassment to one and all.

The complaint against the Comptroller was found unjustified.

Education, Arts and Culture

Case No. C17/89

Recognition of Degree by National Equivalence Council

In 1987 B was awarded a B.A. degree as an external candidate by the..... University, India. The examination was held in Mauritius under the supervision of a private educational institution.

B complained that in 1988 he applied on two occasions to the National Equivalence Council at the Ministry of Education, Arts and Culture for recognition of his degree. Each time the application was turned down by the Council. Although in its first reply to B the Council gave no reason, in the second one it purported to give the reason as follows: "Examinations conducted in Mauritius not under the supervision of the Mauritius Examinations Syndicate".

Invited by this Office to give its comments on the matter this is what the Council had to say—

"1. Prior to 1980, neither the Mauritius Examinations Syndicate nor the National Equivalence Council was in existence.

2. Many private bodies used to organise examinations (particularly in oriental languages), under *conditions unknown* to the Ministry of Education.

These certificates were then accepted for employment purposes may be due to scarcity in these fields.

3. Recognition/Equivalence of degrees were initially carried out by one or more officers of the Ministry of Education. These officers were not necessarily educationists. Some other Ministries also carried out their own exercise in this field.

4. In the 1980s, a National Equivalence Committee was set up to carry out the exercise of recognition and equivalence. But it had neither a legal status nor a secretariat, and not even proper documentation for decision-making.

5. The Mauritius Examinations Syndicate was set up on 30 March 1984 by an Act of Parliament which defines its objects as follows:

- (a) to organise and conduct examinations;
- (b) to engage in relevant research and other related activities tending to promote the development of a sound system of examination;
- (c) to award certificates; and
- (d) to cooperate with other examination bodies.

Education, Arts and Culture — contd.

With the setting up of the syndicate, it became possible to rationalise and centralise all activities related to school examinations, and such other examinations not falling under the aegis of the University of Mauritius and other established bodies.

6. The National Equivalence Council was set up by the National Equivalence Council Act (No. 13 of 1986) to decide on all matters relating to:

- (a) the recognition and equivalence of certificates awarded by recognised institutions; and
- (b) the definition of the criteria which will govern the comparability of certificates.

7. If several foreign universities or institutions decide to contract private organisations/Societies for organising, conducting and supervising their examinations, a chaotic situation will result. Thus to avoid proliferation of *External Examinations- particularly of degree level*, some of which may be of doubtful nature and conducted by private organi-

sations, and in view of para. 5, the National Equivalence Council decided to recognise only the certificates of those examinations organised and conducted by the Mauritius Examinations Syndicate. The..... (the private institution) has been informed of our decision and has also been requested to get in touch with the Mauritius Examinations Syndicate and to make the necessary arrangement to transfer the responsibility of organising and conducting the examinations under the aegis of the Mauritius Examinations Syndicate.

8. There is no record of any letter written by the..... (the private institution) to the Permanent Secretary, Ministry of Education, requesting permission to conduct the B.A. examination, nor of the letter dated 15.8.86 where the..... (the private institution) simply informed the Ministry of the timetable of the examination”.

The matter was explained to the complainant who was satisfied.

Energy, Water Resources and Postal Services

Case No. C/18/89

Supply of Water to Morcellement

A group of inhabitants of a particular morcellement in Surinam complained to this Office that they have been suffering from a lack of water supply in their area since 10 years and that recently when works started to provide all the lanes in the morcellement with tap water their lane was left out. They are blaming both the C.W.A. and the D.W.C. averring that each one has been shifting responsibility to the other.

This Office took up the matter with the Ministry of Energy, Water Resources and Postal Services. They in turn referred the matter to the C.W.A. and finally the Ministry

sent a copy of the reply from the C.W.A. which is to the following effect—

- “(i) R Lane has been included in the proposed infrastructure works of the morcellement;
- (ii) The pipelaying is completed, but testing of the pipeline is outstanding, and is being attended to by the Contractor, DWC.;
- (iii) After successful testing, connection to mains will be effected by C.W.A., which will render the pipeline in R Lane live. These works are expected to be completed by end April, 1989.
- (iv) Thereafter, individual connections would be granted on application, as per the normal procedure”.

The complainants were informed accordingly and they never wrote again.

Health

Case No. C/15/89

Remedial measures taken by offending factory to reduce nuisance to health

On 9 February 1989 the L.P.T. association wrote to complain about persistent problems posed by fumes emitted by a factory adjacent to the premises of the association.

It would appear that the association wrote to Ministry of Health since 12 September 1988 about the matter but got no response.

The Ministry of Health was written to by this office on 14 February 1989 and a reply dated 22 February 1989 was received to the effect that senior officials of the Ministry had visited both the factory and the premises of the association and that the management of the factory had been asked to take certain remedial measures with a view to abating the source of the nuisance.

Herewith is an extract of the letter dated 21 February 1989 from the Ministry to the Director of the factory —

- (i) the two buildings are quite close to each other and there is no proper wall separating them—most of the partition consists of a fence of metallic wire;

- (ii) fumes arising from the smelting process are not adequately aborbed by local exhaust system and this results in pollution of the nearby environment;
- (iii) the chimney is relatively low;
- (iv) metal scraps which are still hot are being dumped in the backyard, which happens to be a plot of crown land - this practice also is a source of nuisance.

With a view to abate the nuisance, you are hereby required to take the following measures as soon as possible.

- (a) a proper wall type partition should be erected between to serve as partition between the two buildings;
- (b) the local exhaust system of the smelting section should be properly redesigned and the ventilation system over there should be improved;
- (c) the dumping of metal scraps in the backyard should be stopped and appropriate measures should be taken to contain the same until they are removed for reprocessing”.

Finally on 30 June 1989 the Ministry informed this Office that—

- “(a) the wall between...and the Headquarters of...has already been built;
- (b) the local exhaust system of the smelting section has been improved;
- (c) a circular metallic structure has already been bought to extend the chimney. The actual extension work will be carried out shortly”.

and, on 21 August 1989, the association confirmed this.

Furthermore, at the request of the association, five of their workers who work on their premises on a permanent basis were examined by Dr..... of the Ministry. They underwent a complete medical examination and the appropriate biological tests were carried out. They were found fit and the results of the tests were within normal limits.

The association did not write again. The matter was considered as having been rectified.

Case No. C/26/89.

Unjustified allegation of medical negligence

One D.S., in a very short letter, complained that his brother-in-law, J.N., died as a result of negligence of the medical staff of Flacq Hospital.

An inquiry was conducted in the matter by the Ministry of Health and the Permanent Secretary reported as follows —

“Late J.N., aged 41 years, attended Flacq Hospital on the 16th of February 1989, in the evening. He was examined by Dr...., Medical Officer on duty. The patient had a skin deep laceration, $\frac{1}{2}$ inch long. He was fully conscious, well oriented and his lungs were clinically clear. The wound was cleaned, sutured and dressed. He was given an injection of tetanus toxoid, antibiotics and an analgesic and sent home. At about 1.00 a.m. in the night (i.e. 17th February) he came back to hospital complaining of chest pain. After examination he was admitted and chest x-ray done which showed no bony injury.

On the 17th at 1.30 p.m., the patient had an episode of fits while under observation. He was given appropriate treatment. Various biochemical investigations were also requested for and a diagnosis of cirrhosis of the liver made. On 20th February, Dr...., one of the treating doctors, interviewed the wife and obtained a history of heavy alcohol consumption by the deceased. The seriousness of his condition was explained to his wife. The relatives took his discharge against medical advice. The patient was then taken to SSRN Hospital where he was admitted on 20th February where in spite of treatment he passed away on 21st February. It must be pointed out that when he reported to Flacq Hospital, he had a superficial injury of the right upper chest which could not have given rise to much blood loss. In fact, his haemoglobin level and blood pressure recordings exclude the hypothesis of blood loss. He was a case of Cirrhosis of the liver going into liver failure. It is assured that he was given all the medical attention throughout his stay at Flacq Hospital and was seen regularly by doctors and nurses and as such there has been no negligence on the part of the hospital staff”.

D.S. was called at this Office and explained the circumstances of the death of J.N. He was satisfied with the explanation.

The complaint was therefore unjustified.

Health — contd.

Case No. C/77/89

Noise nuisance - workshop transferred

Not satisfied with the explanation of the Ministry of Health (see 15th Annual Report - HEALTH Case No. C/153/88) concerning a complaint made by him in respect of the noise caused by a workshop next to his house, P. wrote again to this Office for an appointment.

On the day of his appointment P. did not turn up but was represented by his wife who stated that P. was bed-ridden.

Mrs. P. stressed that the workshop was operating day and night thus causing tremendous noise and that moreover waste products from the workshop found their way into her premises. She produced two out-patient cards to show that she was following medical treatment at the Cardiac Unit and

the Brown Sequard Hospital. She attributed the deterioration of her health to the noise, which according to her, also prevented her children from concentrating in their studies.

This Office again took up the matter with the Ministry of Health which this time recorded the noise level in the yard of the complainant. According to the Ministry, although the noise level was not considered as injurious to health it could be considered as a nuisance.

Finally this Office was informed that the workshop had been transferred to Coromandel where the operator was granted health clearance.

The complainant thanked the Ombudsman in the following terms: "I feel very much obliged to you for having had the said workshop removed and thank you ever so much for your help".

Housing, Lands and the Environment

Case No. C/105/89

No reply from Ministry of Housing, Lands and the Environment to application for plot of land

L applied to the Ministry of Housing, Lands and the Environment for allocation of a plot of land near the Borstal Institution. His complaint is that he received no reply to his letter.

The Ministry was requested by this Office to furnish its comments and hereunder is the reply received —

"With reference to your letter (C/105/89) of the 21st August, it has been ascertained that the portion of land applied for by Mr. L. along Furcy Adele Street, lies within the landslide area. It was therefore intended that a plot of land at Grand River North West behind the prison be allocated to him. This site was indicated to Mr. L. by Mr. B.

However, when the views of the Ministry of Social Security, National Solidarity and Reform Institutions were sought on the proposed allocation, that Ministry considered that it was most undesirable from the security point of view to provide private housing next to a prison. It has been recommended that the land in question be earmarked for the erection of quarters for prison supervisory staff and of a works stores for use by the Prisons Department.

The present policy of this Ministry is not to grant any new building site lease. It is however regretted that through oversight no reply was made to Mr. L."

L. was informed accordingly.

Internal and External Communications

Case No. C/147/89

Retired employee to get his retirement benefits

J.W. wrote to this Office on 24 October 1989 to complain that as a retired employee of the Telecommunications Department he was still awaiting for his lump sum as his retirement vacation leave ended on 25 July 1989. He explained that his situation was drastic as he was without a salary or pension.

He furthermore complained that "I have never been favoured by the passage benefit and my colleague who has applied well after me for their lump sum has already received it".

According to J.W. he has written a letter to the Office of the Accountant-General on 26 September 1989 and has been there more than 10 times but has received no reply.

The matter was taken up with the Ministry of Internal and External Communications and by letter dated 6 November 1989 the Ministry replied as follows —

"Gratuity due to Mr. W.

After verification of Accts Form 237 submitted to the Accountant-General on 25th September in respect of the pension of Mr. W. it was discovered

Internal and External Communications— contd.

that he was overpaid a sum of Rs 3,956.43 for the period extending from 1st July 1987 to 25th July 1989. The correct salary particulars have now been submitted to the Accountant-General who has been requested to expedite matters and to arrange for refund of the sum overpaid.

Passage Benefits

The quantum of the passage benefits due to Mr. W. is being computed afresh and will be submitted to the Accountant-General within a week".

The complainant was requested to confirm the above upon receipt of payment. He didn't.

Passport Office

Case No. C/118/89

Passport confiscated and not returned

On 1 september 1989 one K. complained that since 1987 his passport had been confiscated by the police and had not yet been returned to him.

The official explanation coming from Prime Minister's Office under the hand of the Secretary for Home Affairs is that following a report from the French Embassy concerning the entry in respect of the foreign currency entitlement on complainant's passport a criminal enquiry was held in the matter and prosecution advised against him for making use of a forged private writing.

Consequently an objection to departure has been raised against the complainant who is not being given passport facilities until the case against him is determined.

On 3 November 1989 the complainant was written to and requested to attend this Office but he never presented himself.

It is assumed that complainant knew full well why his passport was detained by the police.

The investigation was discontinued.

Police

Case No. C/8/87

No further action re declaration of bribery against Chief Inspector of Police

On 19 January 1987 R sent to this Office a copy of his complaint dated 10 January 1987 to the Director of Public Prosecutions which reads as follows —

"On 2.4.85 Inspector..... of Port Louis and his men effected a search at my place. Several articles were secured and I was arrested. I was brought to Line Barracks where I was detained.

My wife took several steps for my release. She negotiated with Chief Inspector....., who was in charge; as a result of which my wife gave Rs 10,000/- (ten thousand rupees) to the said Chief Inspector..... on 3.4.85 and I was released on the same day at about 8.00 p.m. The next day 4.4.85 I appeared before the Magistrate and I was officially released on bail.

Later on 26.4.86 I complained to Mr. B. Kowlessur, the Commissioner of Police, about that transaction of Rs 10,000/- given to the Chief Inspector.... An enquiry started by the Central C.I.D. Statements were taken from me, my wife and other witnesses by Inspector..... in presence of Superintendent.....

Since then nothing has transpired. I would be very grateful if I may be informed how matters stand because I intend to proceed overseas for medical treatment shortly".

The reply dated 5 March 1987 of the Commissioner of Police to this Office was that the case had on 7 August 1986 been submitted to the Crown Law Office for advice and that it had so far not been returned to the Police. He said a further communication would follow. On 14 August 1987 the Commissioner of Police wrote to say that the Director of Public Prosecutions had directed him to inform this Office that the "matter is receiving attention his end".

A letter dated 18 February 1988 from the Assistant Commissioner of Police (CID) stated that—

"The Director of Public Prosecutions has, on 22.2.87, advised that...., Assistant Superintendent of Police (the Chief Inspector in question) be interdicted forthwith and prosecuted before the Intermediate Court for receiving bribe.

The case is subjudice".

Finally, the Assistant Commissioner of Police (CID) informed this Office that the case against the Police Officer in question had been dismissed by the Intermediate Court on 17 May 1989.

R was informed of the outcome of the case.

Case No. C/60/87

Murders remain unsolved - Alleged negligence by police

The complaint dated 28 April 1987 by J.S. was that on 11 December 1986 he had discovered the dead bodies of his brother and brother-in-law in the said brother's tea plantation. J.S. was highly intrigued that even after 5 months the author(s) of the crimes had not been found by the Police and he consequently suspected there was negligence by the inquiring officers.

On 4 May 1987 this Office queried the Commissioner of Police and a long reply dated 14 May 1987 was received as follows —

"On Thursday 11.12.86 at about 2030 hours, the dead body of G, 37 years, labourer, residing at....., was found on the border of a sugar cane track at....., by his brother-in-law, J.S. and, on 12.12.86 at about 1530 hours that of A.S. 34 years, labourer, residing at...., was found in a tea plantation some 15 feet from the tea track in the same area by R, a tea planter. Both corpses bore several injuries.

The spots were visited on the same day, i.e. 12.12.86 by Dr....., the Police Medical Officer, Mr....., Forensic Science Officer, Mr...., the Superintendent of Grand Port-Savanne as well as Police photographers, the Police draughtsman and Police dogs and their handlers. As cutting instruments were used to commit such homicide, the area was swept on 12.12.86 and 13.12.86 by the Special Support Unit and the Special Mobile Force but none was recovered.

On 12.12.86 at the mortuary of Victoria Hospital, Dr....., the Police Medical Officer, autopsied the corpse of G and attributed the cause of death to Decapitation with transection of cord.

On 13.12.86, at the same mortuary, the said Police Medical Officer autopsied the corpse of A.S. and attributed the cause of death to multiple neck injuries.

The enquiry has, so far, revealed that A.S. (deceased) was the holder of a tea plantation of an extent of 2 acres and 13 perches at As he was an ex-employee of the....., in the forenoon he worked there alone. At times when there was extra work to be done in the afternoon, he was helped by his brother-in-law G (deceased).

On Thursday 11.12.86 at about 1600 hours A.S. left his place in company of G for his plantation to collect some poles for the construction of a poultry

yard. Both went on their bicycles. A.S. had his sabre and G had a axe. At about 1900 hours as they were not back home, A's brothers, went out to look for them in the tea plantations. Whilst passing along a sugar cane track which is adjacent to the tea plantations, the two brothers came across the dead body of G which was on the border of the said track. They informed the Police and summoned assistance from some friends to look for A.S. that same night. Although the search was fruitless, yet they came across the bicycle of A.S. and that of G in a tea plantation.

The next day i.e. 12.12.86, as from the early morning, with the help of volunteers, searches by the Police to trace out A.S. continued, and at about 1530 hours his dead body was found by R, a tea planter, in one of the tea plantations, some 15 feet from tea track.

As soon as the first case was reported by J. S. Police investigation ensured to find out the author/s of the case".

Six persons were arrested, questioned thoroughly and detained as suspects. They all had to be released as nothing concrete could be obtained to connect anyone of them with the case. The Commissioner of Police added that "all efforts are being deployed to arrest the culprits and to bring the case to a successful issue".

The matter was followed up with the Police and up to 18 February 1988 the position was that "despite intensive efforts made, there has been no further clues so far which lead to the author/s being detected". -(Assistant Commissioner of Police (CID)).

Several reminders to the Commissioner of Police show the following stages of action by the Police—

"18 February 1988 :

The case is still under investigation.

8 July 1988 :

The inquiry, enclosed in PF 100 letter No.....is being submitted to the Director of Public Prosecutions for advice as to the holding of a judicial inquiry into the matter; the accused has/have remained unknown.

28 October 1988 :

I have to inform you that the case file is still at the office of the Director of Public Prosecutions.

A further communication will be addressed to you in due course.

13 January 1989 :

I am to advise that the enquiry is still with the Director of Public Prosecutions pending advice.

7 April 1989 :

I am to advise that the Police Case File enclosed in PF 100 - Let No..... have been forwarded to the Director of Public Prosecutions anew and he has advised that further enquiry be made into the matter.

A further communication will be addressed to you in due course.

8 June 1989 :

The Director of Public Prosecutions has on 21.4.89 advised the holding of a judicial enquiry into the case which is actually pending before the District Court of Grand Port.

25 July 1989 :

I am to advise that the case is pending Judicial Enquiry before Grand Port Court.

18 september 1989 :

I am to advise that Judicial Enquiry was held before the District Magistrate of Grand Port who has on 6.9.89 filed the findings. The PF 100 has been forwarded anew to the Director of Public Prosecutions for advice on 11.9.89.

20 November 1989 :

I have to inform you that a judicial enquiry was held before the District Magistrate of Grand Port who has, on 6.9.89, filed his findings.

The brief is still at the desk of the Director of Public Prosecutions.

11 January 1990 :

I am to advise that the Director of Public Prosecutions has on 7.11.89 advised no further action into the matter. PF 100 letter No..... refers".

J.S., the complainant was kept informed all along.

As the Ombudsman has no jurisdiction over the Director of Public Prosecutions the matter was not pursued further.

The allegation of J.S. to the effect that the police was inactive or negligent was not justified.

Case No. C/131/87

No reply to letter addressed to Commissioner of Police

M. a prisoner on remand, complained on 28 August 1987 that he had received no reply from the Commissioner of Police to whom he had addressed a letter dated 10 March 1987 in which he had made certain allegations against some CID officers. The Commissioner of Police informed this Office that M's allegations were that a Detective inspector has asked him Rs 8,000 to file a case of possession of heroin against him but he gave the Officer Rs 3,500.

On 18 October 1987 some Central CID Officers called at the Beau Bassin prison and recorded a statement from M in connection with his letter of 10 March 1987.

The Central CID referred the whole inquiry to the Director of Public Prosecutions for advice. Finally on 28 February 1989 the Assistant Commissioner of Police, Central CID, informed this Office that the Director of Public Prosecutions had on 23 February 1989 advised that M be prosecuted before the District Court of Mapou for false and malicious denunciation in writing.

This case was not a simple one as there were seven persons, including M, involved in different types of offences e.g. possession of heroin, conspiracy to break into bungalows, etc.

The decision of the Director of Public Prosecutions was conveyed to M at the prison but the letter was returned by the Acting Deputy Commissioner of Prisons, saying that M had been discharged from prison on 13 September 1988 and giving his last known address as Royal Road, Terre Rouge. The letter forwarded to that address too was returned to this Office marked "Unknown".

M, an ex-police constable, had vanished.

Case No. C/10/89

Passport withheld for 9 years !

On 24 January 1989 P protested against the withholding of his passport since 1980, year in which he was involved in a road accident. A judicial enquiry was held in the matter but no further action was taken. However, for no apparent reason, his passport was not returned to him and, being a businessman, P encountered a lot of difficulty each time he had to travel abroad.

The Commissioner of Police was written to on 1 February 1989 and P got back his passport on 3 February 1989!

This Office did not hear from him again.

Case No. C/108/89

Detainee alleges he was not allowed to attend brother's funeral

S complained from Central Prison, Beau Bassin, where he is detained, that a relative of his had called at the Souillac Police Station to obtain authorization for him to attend the funeral of his deceased brother. S alleged that the Police Officer on duty insisted on the production of a death certificate of the brother although the relative had produced a death

Police—contd.

certificate from the hospital where the brother had been treated. S bemoaned that he was thus deprived of paying his last respects to his departed brother.

The official explanation of the Police was that —

“Enquiry made and reveals that the allegations of the writer are totally unfounded. His close relatives namely Mr. N.S., Mrs. T.S. and Mrs. V.S. have all said that they never called at Souillac Police Station for assistance to allow writer to assist the funeral of K.S. which took place on 3.6.89.”

S was informed accordingly. He did not contest this version. His complaint was considered unjustified.

Case No. C/130/89

Rs 9,000 - secured by Police during raid not returned

A, a detainee serving sentence of penal servitude for the offence of possession of heroin, complained that when the

Court informed him of the sentence of penal servitude for five years and a fine of Rs 25,000 at the same time the Court also told him that the sum of Rs 9,000 - secured at his place during the raid would be returned to him.

According to A, after several unsuccessful attempts to get back this sum of Rs 9,000, he requested the Prison Authorities to ring up the Intermediate Court and was informed that the President of the Intermediate Court had ordered that the money be used towards payment of the fine.

However, the Prison Authorities have denied this and the Police have informed this Office that in fact the sum of Rs 9,000 was produced as exhibit and was forfeited by the Court.

The matter was not pursued further and A was informed accordingly.

Prisons

Case No. C/84/88

Detainee assaulted by prison officers and denture broken - compensation to be paid to him

In a letter dated 30th May 1988 detainee B complained that on the 14th April 1988 at Beau Bassin Prison he was beaten up by prison officers and in the process his “scriber” got broken. (It was later discovered that he meant his denture). He alleges that he reported the case to the Prison’s Administration but no action was taken. He drew attention to a statement given by him on the 18th April 1988 to the officer in charge of the Record Section.

In his comments dated 24th June 1988 on the above incident the Commissioner of Prisons had this to say —

“On 15th April, 1988 he made a complaint to the administration to the effect that he was on 14th April, 1988, during lock up at Beau-Bassin Prison, assaulted by three Prison Officers as a result of which a tooth from his upper denture got broken. He could identify only one of the officers.

After enquiry into his allegation the administration has decided to institute disciplinary proceedings against the Prison Officer shortly”.

In a further letter dated 14th October 1988 the Commissioner informed this Office that “Officer Grade II..... who was charged for unlawful exercise of authority under section 8(3) of the Code of Offences against Discipline has on the 11th instant been found guilty as charged and awarded a severe warning”.

The detainee was discharged from prison on 27th October 1988 - as per letter dated 1st December 1988 from the Commissioner of Prisons.

On 20th December 1988 this Office took the matter further in respect of the detainee’s broken denture and suggested to the Commissioner of Prisons that he should be compensated in cash for same. However on 29th December 1988 the Commissioner of Prisons replied that “In accordance with the regulations for the time being in force as appropriate, it is regretted that such request cannot be acceded to”. This reply prompted this Office to draw the attention of the Commissioner of Prisons to a previous case where a detainee was compensated in respect of his jacket that had disappeared from his wardrobe. Whereupon, on 3rd February 1989, the Commissioner of Prisons wrote to say that the advice of the Solicitor-General was being sought in the matter. Finally, on 26th July 1989, the Permanent Secretary, Ministry of Social Security, National Solidarity and Reform Institutions informed this Office that the Solicitor-General had advised an *ex-gratia* payment to B.

It is therefore unfortunate to note that no action was taken by the Prison Authorities at the initial stage and that B had to address himself to the Ombudsman for redress.

The complaint was therefore fully justified. Justice has prevailed.

Case No. C/40/89

Visit to detainee under sentence of death

The detainee, who is under sentence of death, complained that his lawyer, who came to meet him in prison on 15th March 1989, was refused access to him.

In his explanation the Commissioner of Prisons invoked regulation 41(2) of the Prisons Regulations 1989 (G. N. No. 19 of 1989) which reads as follows—

- (2) a detainee under sentence of death may be visited by any relative, friend or legal adviser whom he wishes to see and who is authorised by written order of the Permanent Secretary.

and went on to explain the procedure followed at the prison in the case of prisoners under sentence of death who wished to receive visitors, alleging that the detainee is fully aware of such procedure as the latter had on several previous occasions followed that procedure.

The Commissioner further stated that—

“On 15th March, 1989,.... (the lawyer) called at the Prison to visit another prisoner and at the same time requested to visit condemned man..... (the detainee). He was informed of the procedure and he was told that in the absence of the relevant authority his request cannot be acceded to. He understood the position and the prisoner was informed accordingly. It was only on 24th March 1989, that the condemned man..... (the detainee) expressed the wish to be visited by..... (the lawyer). His request was submitted to the Permanent secretary and approval was obtained on 4th April, 1989”.

The complaint was therefore unjustified.

Case No. C/112/89

No action by Prison Authorities against daily newspaper for alleged misreporting

Detainee J.G. relates that on 6th October 1987 an incident occurred at Beau-Bassin Central Prison in which another detainee was the subject of an aggression whereby the latter got severely injured and had to be taken to hospital for surgical operation.

His main complaint is that a few days after the incident one daily newspaper published an article about the incident in which it was stated that he was involved in the aggression, something which he denies. As a result he “was morally down for my life could have been in danger at any moment due to this publication and I had been under stress since a long time till now”.

He avers that the Prison Authorities had not taken any action against the newspaper and wished to know whether he could obtain moral damages against the said newspaper.

The Commissioner of Prisons confirmed that detainee J. G. was in no way involved in the aggression but stated that J. G. never displayed any feeling of apprehension nor did he apply to proceed with a civil case respecting that article, and that “he will have to retain the services of an attorney at law if ever he intends to have recourse to a civil law suit”.

This was explained to the detainee and no further communication was received from him.

Case No. C/114/89

Insufficiency of final assistance awarded by Discharged Persons' Aid Committee, etc.

The letter of detainee R.P. to this Office was threefold.

Firstly he complained about the insufficiency of the financial assistance awarded by the Discharged Persons' Aid Committee and therefore wished to write to “Le Chef discharge prisoner” about this.

Secondly he requested for authorisation to write to the Chairman of the Parole Board for information concerning release on parole.

And thirdly he complained about the insufficiency of games and recreational activities for detainees.

The comments of the Commissioner of Prisons were invited on these matters and his reply was as per hereunder:—

“The need to write to “Le Chef discharge prisoner” (interpreted to mean the Chairman of Discharged Persons' Aid Committee) to explain about financial matters does not arise for the following reasons:—

- (i) It is the committee including the Chairman which decides as to the assistance to be given to the detainee.
- (ii) Every prisoner who expresses his wish to appear before the Discharged Persons' Aid Committee is allowed to present his case before the said committee prior to his discharge.

Detainee's wish to write to the Chairman of the Parole Board, to know about its functions cannot be entertained as the whole section of law relating the Parole has been translated in creole and affixed in each association yard for the information of all prisoners. Besides the detainee can come up on application to obtain any further information required from a Senior Officer.

Prisons—contd.

The complaint about lack of games is unreasonable as there are various indoor and outdoor recreational activities which are made available to inmates.

Besides they have Prison Library facilities and they are allowed to watch Video and Television. Privileges on that line have increased considerably in the recent past though the penal population at Beau-Bassin Prison has decreased from over 1,200 to about 900 now".

The explanation was found reasonable and R. P. advised accordingly.

Case No. C/159/89

Ex-detainee not allowed to visit detainee

According to S. an ex-detainee, he went to Petit Verger Prison on the 11th November 1989 to visit his nephew P., a detainee. The Officer-in-Charge at the gate refused to let him in on the ground that he, S, was an habitual criminal. He then told the officer that he had a comb and a handkerchief for P. but the officer refused to take them.

The comments of the Commissioner of Prisons on the above were as follows:—

"Mr. S, being an ex-prisoner and not being a near relative to Prisoner P., his request to visit the latter was not acceded to. This is in accordance with Standing Order No. 47 Section 20. (Photocopy attached). Comb and handkerchief are only accepted if there has been a request, duly approved, on the part of the prisoner to receive these articles. Prisoner P. never applied to receive same".

The Standing Order referred to by the Commissioner reads as follows:—

Visits and Communications

No ex-prisoner shall be allowed to visit a prisoner unless he is a near relative to such prisoner, that is father, mother, brother, sister, wife, children.

The explanation was found reasonable.

According to the new Prison Regulations 1989 (G. N. no. 19 of 1989) "near relative" is defined as "the spouse, parent, grandparent, child, brother or sister of a detainee". I understand from the Commissioner of Prisons that steps are being taken to bring all Standing Orders in conformity with the new law.

Case No. C/165/89

Request to read Standing Orders Book, etc.

Detainee S wrote to say the following—

1. he would like to read the Standing Orders Book;
2. he would like to know why at Beau Bassin Prison detainees are not allowed to buy certain articles like biscuits, chocolates and nuts whereas this is allowed at Richelieu and Petit Verger Prisons;
3. he would like to know whether the Prison Library is meant for detainees or staff inasmuch as the officer-in-charge of that library has refused to lend him a book from the said library.

I quote the explanation given by the Commissioner of Prisons:—

"All Standing and Routine Orders relating to detainees, convicted and unconvicted, are translated in creole and affixed in every Association yard and Remand Blocks, for their information.

A detainee cannot be allowed to read the Standing Orders because they contain orders meant for Staff and the Prison security, and have an acute restrictive nature.

On admission, convicted and unconvicted detainees, are told of their rights, obligations and the relevant parts of the regulations made under the Reform Institutions Act and whenever any subsequent amendment occurs. Besides the detainee can come up in application to obtain any further information required from a Senior Officer.

Detainees are allowed to purchase from their earnings articles mentioned in the authorised list.

It is not correct to say that detainees of Richelieu Open Prison and Petit Verger Prison are allowed to buy chocolates, biscuits and nuts from their private cash and that such privilege is denied to detainees of BeauBassin Prison only, because orders to that effect are equally applicable to those detainees.

All books and Magazines found in the Prison Library are displayed and detainees are allowed to make their choice as these books are reserved for them only.

The allegation made by the detainee, to the effect that Officer..... who is in charge of the Prison Library, has refused to lend him a book, on the ground that the book was for staff only is not true.

The Prison Officers have their own lending library found at the Prison Staff Training School, outside the Prison".

The explanation was found reasonable, the complaint unjustified.

Social Security, National Solidarity and Reform Institutions

Case No. C/60/89

Stoppage of social aid to prisoner's children

In May 1989 M wrote from Beau Bassin prison to complain that the social aid drawn by his three minor children who had been abandoned by their mother (M's wife) had been stopped after only two months. According to M, his mother, under whose care the children are living, had been to various Social Security offices in an attempt to restore the social aid but in vain.

The explanation of the Ministry is as follows—

"His wife and three children namelyhave been drawing Social Aid at Baie du Cap Office since November 1984.

3. His wife left for Britain on 5th October 1988 and did not inform our office of her departure. She left her three children behind to their own fate. The family has been drawing relief at Baie du Cap from November 1984 to October 1988 and the relief was stopped as the address of the children was not known.

4. Mr. M wrote a letter to the Ministry in December 1988 informing that his children were living with his brother at Chamarel. Mrs..... (the grandmother) applied for Social Aid at Case Noyale Social Security Office on 15th February 1989 and was paid by immediate payments Rs 100 on 17th February 1989, Rs 244 on 24th March 1989, Rs 244 on 5th May 1989 for April and Rs 244 monthly regularly on paydays as from May 1989. The case is now a regular one at Bambous.

5. The delay in dealing with this case is due to the fact that the grandmother called at Case Noyale Social Security Office only in February 1989. The allegations made by Mr.....regarding her mother's several unfruitful attendances at the Social Security Office are unfounded."

There was no maladministration. The complaint was unjustified.

Works

Case No. C/48/89

Sewerage nuisance — no action by Ministry

Mr. A who lives in..... Street, Port Louis, wrote on 19 April 1989 to inform this Office that due to the choking of the main pipe along that street, sludge was seeping into his premises. His complaint was that the "Chokage Unit" of the Ministry of Works had failed to do anything about this problem.

2. At first the Ministry dismissed the matter in the following terms—

"There is no leakage from the public sewer in Street.

In fact Mr. A had dug a trench, about 1.2 m x 1.2 m x 2.5 m deep, and water has accumulated to a depth of about 0.4 m in the trench. This water is clear with a film of oil at the top and is due to seepage of the ground water. If this seepage had come from the public sewer which is at a depth of about 1.2 m in the road, the level of the water would have certainly risen to a greater depth.

This therefore confirms that we have nothing to do with the complaint of Mr A".

Upon the insistence of this Office for a proper and full investigation the Ministry reported as follows on 4 July 1989—

"Several inspections have been carried out at Mr. A's place.

On 12 June 1989, the main sewer line was flushed and the accumulated water found inside the trench dug by complainant was pumped out. A few minutes later, clean water, seeping from two directions, filled the trench.

It is presumed that this water comes from the Taher Baag, where the land is always marshy.

Further investigation, through the carrying out of dye test, is being undertaken in order to ascertain whether there is sewerage leakage from the neighbouring pipes.

You will be informed of the outcome as soon as the investigation is completed".

Then the complainant himself wrote on 18 July 1989 to give the sequence of operations carried out by the Ministry—

"15th June 1989

Dye test carried out. Result positive.

4th July 1989

One broken sewerage pipe replaced by a new one of greater dimension and sewers cleaned.

Works — *contd.*

5th July 1989

The work beat its full swing. Thanks to a stroke of genius on the part of Mr. V. an underground broken water pipe was detected without much damage to the road surface. That rotten water pipe has since been replaced by the C.W.A.

10th July 1989

The M.O.W. tanker pumped out the water in the hole. Water spurts again and this time by the side of the entrance to Cité..... This water is clear and does not stink. The matter is being dealt with by the C.W.A. The operations have revealed that my problem was a dual one: sewerage sludge and potable water, and this quite probably had led to a certain amount of confusion thereon.

I avail myself of this opportunity to place on record the devotion and zeal of the M.O.W. officers from the engineer to the labourers who spared no efforts in tackling the problem.

And to regret the daintiest last, so do I turn to you, Mr. Ombudsman.

Words fail me to express my gratitude to you and your staff, but God will thank you better. Amen."

A few days later *i.e.* on 27 July 1989 he again wrote as follows —

"I have the honour to refer to para 5 of my letter dated the 18 instant and to inform you that tests carried out by the C.W.A. have revealed that the water in the hole is *not* potable water. The surface of the water has turned grey with bubbles of grease on and the water now stinks very badly.

Dye tests carried out by Health Officers have yielded positive results as under:—

<i>Date of Test</i>	<i>Premises</i>	<i>Occupier</i>	<i>Remarks</i>
25.7.89	St	Mr.....	The water in the hole has turned green in each case
26.7.89	St	Mr.....	

This is conducive to the inference that a sewerage nuisance is polluting my premises.

I should, therefore, be most grateful if you would kindly condescend to direct that this problem be solved once and for all by the M.O.W. at the earliest possible convenience as each passing day is telling adversely against me in terms of cost of labour and materials relative to my building project".

The matter was taken up with the Ministry by this Office. Finally on 2 October 1989 the complainant addressed the Ombudsman in the following terms—

"I refer to my letter dated the 27th July and have much pleasure in informing you that the sewerage nuisance polluting my premises has now been remedied.

Your invaluable intervention in this matter will always be remembered and I hereby tender my heartfelt thanks to you and your staff accordingly".

STATISTICAL SUMMARY OF COMPLAINTS

<i>Ministries/Departments</i>	<i>Not justified</i>	<i>Explained</i>	<i>Declined</i>	<i>Declined in exercise of discretion</i>	<i>Discontinued</i>	<i>Rectified</i>	<i>Withdrawn</i>	<i>Discontinued in exercise of discretion</i>	<i>Being investigated</i>	<i>Total number of complaints</i>
Agriculture, Fisheries and Natural Resources ...	—	2	—	—	—	—	—	—	1	3
Civil Aviation ...	—	1	—	—	—	—	—	—	—	1
Co-operatives ...	3	—	—	—	—	—	—	—	—	3
Customs and Excise ...	1	1	—	—	—	—	—	—	—	2
Education, Arts and Culture ...	—	1	—	—	—	—	—	—	—	1
Employment ...	1	—	—	—	—	—	—	—	—	1
Energy, Water Resources and Postal Services ...	—	1	—	—	—	1	—	—	—	2
Finance ...	—	—	1	—	—	—	—	—	—	1
Health ...	3	4	3	—	—	1	—	—	2	13
Home Affairs ...	—	1	—	—	—	—	—	—	—	1
Housing, Lands and the Environment ...	2	4	—	—	1	1	—	1	—	9
Industry ...	—	1	—	—	—	—	—	—	—	1
Internal and External Communications ...	—	1	—	—	—	—	—	—	—	1
Labour and Industrial Relations, Women's Rights and Family Welfare ...	2	1	—	—	2	—	—	—	1	6
Local Government ...	—	2	—	—	—	—	—	—	1	3
National Development Unit ...	1	1	—	—	—	—	—	—	—	2
National Transport Authority ...	—	2	—	—	—	—	—	—	—	2
Passport Office ...	—	—	—	—	1	—	—	—	—	1
Police ...	9	21	2	—	9	—	1	—	4	46
Prisons ...	23	9	2	—	2	—	—	—	—	36
Private Secondary Schools Authority ...	1	1	—	—	1	—	—	—	—	3
Reform Institutions ...	—	2	—	—	—	—	—	—	—	2
Registrar of Associations ...	1	—	—	—	1	—	—	—	—	2
Registrar-General ...	—	2	—	—	—	—	—	—	—	2
Rodrigues ...	—	1	—	—	—	—	—	—	—	1
Social Security ...	3	4	—	—	1	—	—	—	—	8
Works ...	1	5	1	—	2	2	—	—	—	11
Officers and Authorities outside the jurisdiction of the Ombudsman ...	—	12	29	1	1	—	1	—	—	44
TOTAL ...	51	80	38	1	21	5	2	1	9	208

SCHEDULE OF COMPLAINTS FOR PERIOD 1 JANUARY TO 31 DECEMBER 1989

Agriculture, Fisheries and Natural Resources

No.	Subject of complaint	Result
C/ 27/89	Diversion of course of a river adjoining the property of complainant thus depriving him of the use of the water of the river ...	Being investigated
C/ 83/89	Non-delivery of chicks from the Poultry Breeding Centre of the Ministry. (High demand — waiting list. Alternative suggested). ...	Explained
C/ 99/89	Statement of service not sent to the CWA for computation and payment of passage benefits. (Statement — Searches in Voucher Room of Accountant-General's Dept. laborious and time-consuming — period involved 1966-68). ...	Explained

Civil Aviation

C/ 2/89	Mileage credits not yet paid in cash (Still under consideration by Ministry for Civil Service Affairs). (Arrangements for payment made). ...	Explained
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Co-operatives

C/ 79/89	No arbitration re maladministration of Committee of complainant's Co-operative Society. (Committee's decisions re complainants approved by the general assembly; no dispute; complainants dormant members) ...	Not Justified
C/102/89	Irregular procedure for election of members of Annual General Meeting ...	Not Justified
C/163/89	No action re complaint against their Credit Co-operative Society of non-payment of the proceeds from sugar sale for 1988 crop; complainants being planters ...	Not Justified

Customs & Excise

C/ 96/89	Unfair claim of duty on consignment of electric fans for sale to business places. (Comptroller of Customs explained the question of classification of goods for tariff purposes and the various channels of appeal open to complainant) ...	Explained
C/146/89	In replying to complainant's letter from Canada asking for advice re duties etc. on a second-hand van he was bringing to Mauritius, Customs Department did not inform him that left-hand drive vehicles are not allowed to run on Mauritian road. (In fact complainant did not mention that it was left-hand drive van). ...	Not Justified

Education, Arts and Culture

C/ 7/89	Non-recognition of degree in Hindi; improper discrimination ...	Explained
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Employment

C/104/89	Not placed in a job although registered since long ...	Not Justified
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Energy, Water Resources & Postal Services

C/ 18/89	No supply of water to a plot in a Morcellement ...	Explained
C/ 30/89	Water supply problems for complainant at his residence ...	Rectified

Finance

C/161/89	Bypassed for promotion as Stock Verifier by a junior ...	Declined for want of jurisdiction
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Health

C/105/88	Reply given to complainant to his protest against the opening of a stone-crusher near his residence not correct ...	Explained
C/ 6/89	Insufficient action re noise nuisance caused by opening of large windows in garment factory facing complainant's house ...	Not Justified
C/ 15/89	Operation of a battery factory close to complainant's education centre; emission of toxic fumes and smell ...	Rectified
C/ 20/89	Inaction of Ministry re environmental problems caused by proposed operation of a factory close to residence. (Factory closed: machines removed) ...	Explained

APPENDIX E—continued

HEALTH — continued

No.	Subject of complaint	Result
C/ 26/89	Negligence towards patient at a State hospital. (Patient died of cirrhosis of the liver and liver failure. He was a heavy alcoholic)	Explained
C/ 31/89	Complainant — a specialist physician of the Ministry not granted half-day casual leave. Victimization. (No jurisdiction over personnel matters)	Declined for want of jurisdiction
C/ 32/89	Not seen by the doctor at Brown Sequard Hospital. Was asked to go back. (Expert opinion: prisoner not mentally ill. He simply does not like prison life. Would obviously like to live as in his home. Will be examined by a Medical Board) ...	Not justified
C/ 66/89	Foul smell nuisance caused by large-scale poultry breeding near residence. No action by Ministry. (No record of any complaint at regional Health Office) ...	Explained
C/ 77/89	No immediate action on complaint of health nuisance created by factory operating electric machines for making brushes close to complainant's house. (Health Inspectors visited factory. Owner factory assured them that he would move his workshop to the Coromandel Industrial Estate, which he did in a reasonable time) ...	Not Justified
C/ 97/89	Unfairly confined to Brown Sequard Hospital	Being investigated
C/143/89	Government Servants Association complained that health inspectors of the Ministry are being "debarred from joining the Port and Airport Unit". Result: frustration. (Personnel matters within public service).	Declined for want of jurisdiction
C/156/89	Medical and Health Officer wrongly stated on Medical Certificate that victim has been incapacitated for less than 21 days despite medical certificates of Ministry's doctors certifying 23 days.	Being investigated
C/170/89	An RMO doing private practice (against PSC Regulations) — Complainant being a fellow Medical and Health Officer. (Complainant also informed the Ministry of Health and the Public Service Commission).	Declined for want of jurisdiction

Home Affairs

C/ 63/89	No Mauritian passport issued. (Passport for travel purposes issued; and right of residence in Mauritius granted. Advice of Solicitor-General was followed all along).	Explained
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Housing, Lands and the Environment

C/ 86/86	No adequate action re complaint about obstruction of public access to public beach. (No evidence as to whether the nearby lessee had planted the hedge). ...	Rectified
C/176/88	Noise pollution caused by garment factory. No action. (Replies of Ministry: complainant applied for an injunction to a judge in Chambers).	Discontinued in exercise of jurisdiction
C/ 19/89	Inaction of Ministry re environmental problems caused by proposed operation of a factory close to residence. (Factory closed: machines removed). ...	Discontinued
C/ 62/89	No action re complaint of health nuisance caused by a poultry farm close to residence. (Ministry of Health contacted and both Ministries will try to find remedial measures).	Explained
C/ 94/89	Application for transfer to complainant of a lease of Crown Land with canes not attended to since long. (Scarcity of land in area; Government projects; like Health Centre etc. Finally decision taken to transfer).	Explained
C/105/89	No reply to requests for the lease of a plot of Crown land for building a house. (Government policy: no such lease to be granted any more).	Explained
C/141/89	Not delivered registered lease of a plot of Crown Land (Case complicated — Contradicted by a third party — Solicitor-General's advice sought and being awaited).	Explained
C/144/89	Undue delay in effecting transfer of lease of a plot of Crown Land. (Complainant produced necessary documents with some delay — lease document prepared after calculating economic rent).	Not justified
C/169/89	Undue delay in having deed of lease re complainant ready for signature. —	Not justified

Industry

C/ 5/89	Requirement of clearances from several Ministries as pre-requisites before issue of permit to run a small handicraft shop as a small jeweller's shop is too oppressive ...	Explained
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APPENDIX E—continued

Internal and External Communications

No.	Subject of complaint	Result
C/147/89	Undue delay in payment of lump sum and passage benefits. (Complainant's pension overpaid. Time taken to compute correct sum and refund of overpaid amount; passage benefits also re-computed).	Explained
Labour and Industrial Relations, Women's Rights & Family Welfare		
C/187/88	Undue delay in taking action on complaint of wrongful dismissal from job. (Employer denied. Finally Ministry of Labour took case to Court. Settled). ...	Not justified
C/198/88	No action by regional labour Office on declaration of wrongful termination of employment by doctor-employer.	Not justified
C/ 14/89	Sugar Industry Labour Welfare Fund did not take into consideration complainant's service as TV operator at a SILWF Centre; Retiring benefits inadequate. ...	Explained
C/ 29/89	Not kept informed of action taken by local Labour Office re his declaration against his employer for wrongful dismissal — (complainant stated shortly after his declaration his counsel was taking the case to Court).	Discontinued
C/ 53/89	No action on complaint to a local Labour Office re non-payment of "compensation" after death of her husband, an employee of a sugar estate. (Complainant's mother — widow of the deceased worker — had received Rs 3,736.20 from the estate before complaining to the regional Labour Office).	Discontinued
C/142/89	No action on complaint of non-granting of pre-retirement leave by employer the S.I.L.W.F.	Being Investigated
Local Government		
C/ 77/88	Obstruction built on access road by neighbour. Complainant petitioned to Governor-General who referred petition to Local Government for action ...	Being Investigated
C/ 92/89	Whole length of service not taken into account when computing retiring benefits. (Ministry took immediate action in contacting Municipality of Port Louis for a statement of complainant's service there and then will consider the need for revision).	Explained
C/131/89	No action on excavation for building purposes which was a threat to complainant's printing press and a danger to life and limb of his employees. (Municipality involved; advised to seek legal advice).	Explained
National Development Unit		
C/ 56/89	Roads at a Cité in Roche Bois not tarred thus resulting in a number of nuisances. (High cost involved. Government is tackling the problem with foreign aid). ...	Explained
C/164/89	Neighbour erected a wall on access road tarred by NDU. No action by latter. ...	Not Justified
National Transport Authority		
C/ 24/89	Irregular schedule of bases on the line resulting in delays in attending offices and places of work. (Chairman kindly sent a complete explanation; hoped that arrival of new NTC's buses shortly would solve the problems).	Explained
C/ 47/89	Need for a new bus from Quatre Soeurs to Central Flacq.	Explained
Passport Office		
C/118/89	Not issued with a passport. (Complainant did not call at Ombudsman's Office although called. Complaint not clear).	Discontinued
Police		
C/ 8/87	No further action re report of bribery against an Inspector of Police by complainant. (Inquiry with DPP). (Case dismissed against the Chief Inspector by the Intermediate Court)	Discontinued
C/ 60/87	Authors of "murder" not traced yet. No action by Police (Judicial Inquiry held. DPP then advised no further action).	Not Justified
C/131/87	No action re declaration against the action of a Police Officer. (DPP advised the Police to prosecute complainant for false and malicious denunciation in writing). ...	Explained
C/160/87	No action on declarations re trading without licence, connivance of local Police, etc. against complainant's tenant.	Not Justified

APPENDIX E—*continued*

POLICE — *continued*

<i>No.</i>	<i>Subject of complaint</i>	<i>Result</i>
C/ 60/88	Statements as accused taken under coercion admitting guilt and involving other co-accused. (Advised to relate all facts to his counsel or to the Court re coercion etc.).	Explained
C/ 70/88	Outstanding cases unduly being postponed at request of Police. (DPP's advice sought but not obtained yet).	Explained
C/ 91/88	No action on declaration of noise nuisance caused by the operation of metal cabinet making workshop. (Case lodged against offender before complaint made to me)	Not Justified
C/149/88	No action re declarations of forgery (fresh inquiry referred to DPP for advice by the Police)	Being Investigated
C/171/88	Unfair contravention of son for driving offence. Assault by the Police. (Serious allegations made by complainant against Police. Commissioner of Police decided to send enquiry to DPP for advice)	Explained
C/182/88	Opening and operation of liquor shops and bars after closing time unchecked by Police — deleterious effect on neighbourhood especially the young. (Offenders — shopkeepers — bar owners — prosecuted. Found guilty and fined. Police acted soon after receiving complaint)	Discontinued
C/185/88	No action on several declarations mainly against Police Officers	Explained
C/188/88	No action re declaration of threats, insults and harassment by neighbours. (Police always attended calls for assistance)	Not Justified
C/199/88	No sign of action by Police on declaration re illegal sale of lottery tickets by a club. (DPP advised no action)	Explained
C/201/88	Complainant's statement not correctly taken re missing PF 58. Wanted a copy of his statement. (Copy sent by Police)	Explained
C/ 1/89	Unaware why he is remanded to jail; pleads innocence. (DPP advised Police prosecution of complainant for conspiracy)	Discontinued
C/ 4/89	Remanded to jail since 1986 on motion of Police. Unduly long periods of remand. (Cases lodged in Court against complainant)	Discontinued
C/ 10/89	Passport impounded not returned	Explained
C/ 17/89	Hypothetical questions put to me for reply! More like a Bar Examination question paper!	Declined for want of jurisdiction
C/ 21/89	No action by Police on declaration of rape of daughter. (Case lying at DPP's Office for advice)	Explained
C/ 22/89	Complainant accused of offence of swindling made to appear in Court every month and remanded to jail by Court on motion of Police every month (Cases sub-judice)	Explained
C/ 41/89	No action re declaration against landlord for removing complainant's clothes and furniture in her absence and refusing to restitute. (Complainant obtained a judgment against landlord for Rs 500 plus costs for the clothes and furniture i.e. long before her complaint to me)	Not Justified
C/ 46/89	No effective action against the operation of a driving school opposite complainant's house in a narrow street; residential area. No proper licences. (Complainant called at this Office and informed Secretary that he was starting legal proceedings against operator of the driving school and asked that the investigation be discontinued) ...	Discontinued
C/ 52/89	Complainant's building rented by Police for a Police Post at Rs 325 p.m. He wants to get back his building but Police replies it will not vacate. (Advised to see lawyers and enter a plaint under the Landlord and Tenant Act)	Explained
C/ 61/89	No action on declaration of personation by someone before a Notary for the sale of a plot of land of person who was in U.K. Declaration made by his proxy. (Despite the efforts of the Police, the unknown personator could not be traced. Complainant has entered an action in Supreme Court against the purchaser). (Matter sub-judice)	Discontinued
C/ 65/89	No persecution of person suspected of larceny of money from complainant's place (No evidence — No finger prints — Denial by person)	Not Justified

APPENDIX E—continued

POLICE — continued

No.	Subject of complaint	Result
C/ 74/89	No adequate action re a car which was sent to complainant by his daughter from England. Ownership contested by daughter's husband. (Complainant obtained an order from judge in Chambers for safe keeping of the car which his son-in-law had removed from his yard)	Discontinued
C/ 89/89	Complainant on remand — Wanted to know the dates of the declarations to the Police before June 1988 and July 1989	Explained
C/ 91/89	No police protection provided to complainant — a landlady — against the brutal misbehaviour of her tenants. (Case of disturbance pending against complainant before Court: <i>Sub-judice</i>)	Explained
C/100/89	Harassed by Police	Withdrawn
C/108/89	A relative of complainant called at Souillac Police Station to seek assistance so that he could attend funeral of his brother. Police refused	Not justified
C/117/89	No action on complaint against neighbours who are operating electric machines without permit	Being Investigated
C/121/89	Wanted to have dates and O.B. numbers of several declarations made by him at Flacq Police Station (Supplied)	Explained
C/127/89	Period on remand too long. Requests early trial. (Inquiry was with DPP. Released by Court order, treatment at Idriss Goomany Centre)	Explained
C/128/89	Spent 15 months on remand yet no sign of a trial. (Case coming pro forma on 28.11.89 before Intermediate Court. Complainant involved in a series of larcenies)... ..	Explained
C/130/89	Sum of Rs 9,000 secured by Police during raid not returned to complainant after trial and sentence. (Court ordered forfeiture. Explained)	Declined for want of jurisdiction
C/133/89	Undue delay by Police to prosecute complainant in a case of sodomy. (Inquiry submitted to DPP for advice)	Explained
C/135/89	Police refused to take complainant's declaration re the unlawful removal of his movables etc. from his house by a person named by him. (Complaint not clear. Called by registered letter to this Office for clarification, he failed to call. No reason given)	Discontinued
C/140/89	After arrest for breach of HC's regulations, complainant was moved from one Police Station to another and hospitalised at Beau Bassin prison. He alleged that his personal belongings e.g. clothes, plate, hospital card were mislaid by Police (He had no personal belongings)	Not justified
C/149/89	Requests to let him have reports on Police inquiries into several declarations made by complainant. (Not an aggrieved person: Repetitive).	Discontinued
C/160/89	Not expediting trial of son who has been in remand for 10 months. (Mother advised to ask her son to complain to me as aggrieved person — S. 97(4) of the Constitution).	Explained
C/162/89	Kept on remand out of spite. (Had a series of previous convictions for swindling i.e. issuing cheques without provision. Delay in prosecution caused by late receipt of advice from DPP's Office).	Not justified
C/168/89	Wanted to know the numbers of the pages of his first statement to the Police. (Supplied).	Explained
C/171/89	Re-arrested and charged for offence after conviction (Case lying at DPP's Office for advice).	Explained
C/172/89	Remanded to jail on drug charge since long on motion of the Police. (Case referred to DPP by Police for advice since November 1989).	Explained
C/175/89	No reply to letter stating no Police action on several declarations at a Police Station.	Being investigated
C/177/89	No action by Police against neighbour who threatened complainant with a sabre in presence of her children.	Being investigated
Prisons		
C/ 84/88	Assaulted by a prisons officer. Consequence: dental set broken. (Prisoner discharged since. Letters asking him to collect payment of the cost returned undelivered).	Discontinued

APPENDIX E—continued

PRISONS—continued

No.	Subject of complaint	Result
C/141/88	No help to obtain legal aid to start divorce and custody proceedings. (At my request Commissioner of Prisons helped prisoner to apply for legal aid, which was later granted).	Explained
C/196/88	Not informed of decision of the Prisons Board to whom prisoner complained of assault by Officers etc. (Complaint of assault made a year after the alleged occurrence; Officers denied allegations).	Not Justified
C/ 16/89	Not allowed to write to Chief Justice to ask for the reasons why complainant's application for leave to appeal in <i>forma pauperis</i> was rejected. (Allowed thrice — Replies as to rejection and as to request for not giving reasons communicated to him).	Not Justified
C/ 23/89	Fear of new sexual aggression by fellow-prisoners — seeks protection in prison. (DPP advised Police no further action in case of alleged sodomy on complainant's person. Protective measures taken).	Explained
C/ 33/89	Various complaints re two-colour garb, not allowed to say prayers at the temple for Maha Shivaratree etc.	Not Justified
C/ 34/89	No ration of bananas. (Bananas not available on market owing to bad weather).	Not Justified
C/ 35/89	Asking for several facilities for the practice of Islam at the prison.	Explained
C/ 37/89	Diet ration under weight: garbs not enough: no bananas.	Not Justified
C/ 38/89	Unjustly Counsel not allowed to visit complainant etc. (Complainant did not follow procedure — Counsel understood position).	Not Justified
C/ 39/89	Prison never implemented Board's recommendations. Prisons Board never replied to prisoner re his complaints made to it about issue of books, supply of cheese and butter etc.	Not Justified
C/ 40/89	Complainant's Counsel not allowed to visit him in prison. (Complainant had not followed procedure by regulations. Counsel understood).	Not Justified
C/ 49/89	Complaint of facts which were really a matter for the Police to look into. (Complainant advised accordingly).	Explained
C/ 55/89	No light work allowed to him in spite of his ill-health.	Not Justified
C/ 57/89	Complaints about his suffering from ulcer and diabetes. PMO referred him to Specialist at Dr Jeetoo Hospital etc. Prison found not suitable for him. (Prisoner discharged as soon as his complaint was received at this Office).	Discontinued
C/ 58/89	Corporal punishment inflicted on complainant; not informed of rights and obligations under Prisons Act.	Not Justified
C/ 59/89	Not supplied with spectacles although recommended by government eye-specialist; senior officer used abusive language towards him; not allowed to say Namaz in Association Yards or at work.	Not Justified
C/ 64/89	No adequate treatment for stomach ulcer. (Referred to Specialist at Dr Jeetoo Hospital; appropriate treatment is provided as in such cases).	Explained
C/ 72/89	Unjustly placed on special watch etc.	Not Justified
C/ 73/89	Various complaints about conditions of work as prison staff	Declined for want of jurisdiction
C/ 84/89	Was told by an officer that he could not write to the Minister of Health. (Never applied for permission).	Not Justified
C/ 93/89	Questions about writing letters and writing to Chief Justice and Minister etc.	Explained
C/ 95/89	Prisons Welfare Officer did not act honestly in obtaining "the complete file" of his Assize case. Shortage of money credited to him after obtaining the copy against payment with complainant's money	Not Justified
C/112/89	Apprehension of aggression on his person by some fellow-prisoners; a newspaper's article highly defamatory to him	Explained
C/114/89	1. Wanted to know: (a) whether he could write to Chairman, Discharged Prisoners' Aid Committee (b) whether he could write to Chairman, Parole Board 2. Not enough entertainment facilities like games	Explained

APPENDIX E—continued

PRISONS—continued

No.	Subject of complaint	Result
C/115/89	A journalist unjustly not allowed to visit complainant — a prisoner under sentence of death	Not Justified
C/120/89	Request to be released on parole pending trial of his case of attempt upon chastity. (Remand prisoner cannot be released on parole. Assisted by Counsel and Attorney-at-Law)	Explained
C/124/89	No X-Ray for stomach trouble etc. (X-ray done in 1987 and specialist treatment for 16 months. No abnormality)	Not Justified
C/129/89	Puzzled by declarations of several prison officers regarding the fate of his application for leave to appeal in <i>forma pauperis</i> against judgment and sentence in manslaughter case in which he was one of the accused. (Replies from Master and Registrar conveyed to complainant; no valid ground for appeal)	Not Justified
C/132/89	Prisons Medical Officer did not provide bandage for his wrist. (A lump on wrist was excised by specialist at Dr. Jeetoo Hospital on reference by the PMO who continued required treatment and found no need for bandage)	Not Justified
C/138/89	Prisons Officer unfit for his job. (Appointments made by PSC)	Declined for want of jurisdiction
C/153/89	Request to see Assistant Commissioner of Prisons Sooben not granted. In fear of danger to his person because of threats by a fellow prisoner. (Had seen Mr Sooben, asked for change of association yard. No report of threats)	Not Justified
C/159/89	Complainant — an ex-prisoner — unjustly not allowed to visit his nephew, a prisoner	Not Justified
C/165/89	Would like to have a copy of the Standing Orders; not allowed to buy chocolates etc. whereas at open prison prisoners are allowed etc.	Not Justified
C/166/89	Not allowed to work extra in evening to earn extra remission. Discrimination. (Told to re-apply in January 1990).	Not Justified
C/167/89	Unjustly not allowed to play soccer on the outdoor pitch	Not Justified

Private Secondary Schools Authority

C/ 44/89	Teacher although qualified graduate and had teaching experience not registered as Principal at request of Manager	Discontinued
C/ 82/89	Not paid salary as laid down in G.N. 181/84 and past experience as teacher and administrator not taken into consideration	Explained
C/158/89	Not paid salary as Grade C teacher as recommended by "Amiable Compositeur"	Not Justified

Reform Institutions

C/ 9/89	Would like to have assistance i.e. tools etc to work as small sculptor and "maquettiste" on discharge from prison. (Advised to apply to Commissioner of Prisons to refer his request to the Discharged Persons' Aid Committee. The Principal Assistant Secretary, Ministry of Reform Institutions too requested the Commissioner of Prisons to help him)	Explained
C/ 85/89	Prisoner's anxiety about a lodging after discharge. (His mother willing to accommodate him at her place)	Explained

Registrar of Associations

C/184/88	No action re refusal of double affiliation of complainant's association by a federation	Discontinued
C/125/89	Letter not sent by Registrar as promised. (Meetings between complainant and Assistant Registrar took place at latter's place. Eventually the letter was sent)	Not Justified

Registrar General

C/148/89	Deed of lease of a plot of Crown land deposited by Ministry of Housing, Lands and the Environment not registered: Undue delay. (Deed lying at the Ministry of Housing, Lands and the Environment through oversight. At request of Registrar General deed sent to him and was duly registered)	Explained
C/157/89	Prisoner wanted to know whether his late father had left any property; if so, what and where?	Explained

APPENDIX E—continued

Rodrigues

<i>No.</i>	<i>Subject of complaint</i>	<i>Result</i>
C/106/89	Not allocated lease of a plot of Crown land in Rodrigues despite several attempts ...	Explained
Social Security		
C/137/88	Application for basic invalidity pension unfairly rejected. (On appeal Medical Tribunal upheld the finding of 15% incapacity. Therefore no basic invalidity pension. Complainant shown report of Medical Tribunal by me) ...	Not Justified
C/143/88	Application for basic invalidity pension unfairly rejected. (Discontinued at request of complainant) ...	Discontinued
C/ 8/89	Mother's house caught fire and all movables destroyed. Would like Ministry to help. (Advised to ask mother to apply for assistance to Ministry's Office) ...	Explained
C/ 11/89	Complainant would like to be assisted by the Ministry to buy tools etc. in order to work as a "sculptor and maquettiste" after his discharge. (Ministry's reply: No such scheme. Should contact Ministry on his discharge) ...	Explained
C/ 60/89	Social aid to children stopped after only two months. Complainant — a prisoner: mother of children deserted them and left them with complainant's old grandfather. (Ministry unaware of the whereabouts of the children after departure of their mother to Britain) ...	Not Justified
C/ 75/89	Seeking information about how to obtain a loan of Rs 50,000 from the Development Bank of Mauritius for launching a small enterprise of his own after discharge from prison ...	Explained
C/103/89	Told by a Security Officer that his hardship relief would be cut off at end of month. (Permanent Secretary informed me not intended to stop relief) ...	Explained
C/151/89	Social aid to wife not adequate. Complainant in prison. (Aid paid according to law. Wife working and drawing a salary above the legal limit to qualify for extra assistance) ...	Not Justified
Works		
C/ 23/88	No action re operation of electric motors without permit. (Solicitor-General's advice sought and not obtained yet by Ministry of Works). (Later Ministry was advised to request aggrieved parties to report their complaints to the Police for prosecution) ...	Explained
C/ 79/88	Mileage credits not yet paid. (Cash Rs 4,097.55 paid on 12.10.88; delay caused by the number of claims under PRB and Chesworth) ...	Explained
C/173/88	Inaction re building without leaving statutory distance from boundary line and without permit ...	Explained
C/ 12/89	No reply to his objection to the proposed opening of a garment factory close to his residence. (After objection of Ministry of Health, Ministry of Works refused permit for the opening of the factory. Ministry of Works informed complainant on 21.3.89) ...	Explained
C/ 48/89	No satisfactory action re seepage of sewerage water on the premises of complainant.	Rectified
C/ 69/89	No action on complaint of excavation by neighbouring society too close to the common boundary. (Digging excavation close to boundary is no offence under the Building Act) ...	Explained
C/ 70/89	Ministry of Works drain close to complainant's residence collapsed and waiting for repairs. (Ministry of Works will repair in June after budget) ...	Rectified
C/ 78/89	No sign of any action re objection to granting a permit to install and operate additional electric machines. (Ministry of Works sought views of Ministry of Health on receipt of complainant's objection) ...	Not Justified
C/ 81/89	No action on complaint to Ministry of Works re building at less than statutory distance. (After explanations of Ministry of Works, complainant requested this Office to stop investigation as parties have come to terms)...	Discontinued
C/ 86/89	Employment as Cleaner terminated after discharge from prison (3 months) ...	Declined for want of jurisdiction
C/150/89	Objection by neighbour against proposed operation of a factory with electric machines not valid according to writer. (Advised to make his case before the Ministry of Works and to seek legal advice, as objection already before it) ...	Discontinued

APPENDIX F

CASES OUTSIDE JURISDICTION

<i>Complaints Registered Against</i>			<i>Declined</i>	<i>Discontinued</i>	<i>Explained</i>	<i>Declined in exercise of discretion</i>	<i>Withdrawn</i>	<i>Total No. of complaints</i>
1.	Barrister-at-Law	...	1	—	—	—	—	1
2.	Central Housing Authority	...	1	—	4*	—	—	5
3.	Commission on Prerogative of Mercy	...	—	—	1	—	—	1
4.	Director of Public Prosecutions	...	1	—	—	—	—	1
5.	Discharged Persons Aid Committee	...	—	—	1	—	—	1
6.	Former Governor-General	...	1	—	—	—	—	1
7.	Industrial Court	...	1	—	—	—	—	1
8.	Judiciary	...	11	—	3	—	1	15
9.	Mahatma Gandhi Institute	...	1	—	—	—	—	1
10.	Mauritius Telecommunication Services Ltd.	...	3	—	—	—	—	3
11.	Municipality	...	2	1	—	—	—	3
12.	National Transport Corporation	...	1	—	—	—	—	1
13.	Neighbour	...	—	—	2	—	—	2
14.	Private Individual	...	2	—	1*	1	—	4
15.	Public Service Commission	...	2	—	—	—	—	2
16.	Registered Professional Engineers Council	...	1	—	—	—	—	1
17.	Sugar Insurance Fund Board	...	1	—	—	—	—	1
TOTAL ...			29	1	12*	1	1	44
Cases falling either under proviso to s. 97(2), s. 97(8) or s. 101(2) of the Constitution, Cases outside s. 97(1) of the Constitution ...								9
GRAND TOTAL ...								53

*including outstanding cases.

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