



19th Annual Report of the **Ombudsman**

January — December 1992

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19th
Annual Report
of the
Ombudsman

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OFFICE OF THE OMBUDSMAN

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Ombudsman's Office,
Bank of Baroda Building,
4th Floor,
Sir William Newton Street,
Port Louis.

11 June 1993.

His Excellency Mr. Cassam Uteem, G. C. S. K.,
President of the Republic of Mauritius,
State House,
Le Reduit.

Your Excellency,

In accordance with the provisions of Section 101(3) of the Constitution of Mauritius I have the honour, pleasure and privilege to present to you this Annual Report which concerns the discharge of my functions during the period 1 January to 31 December 1992.

Yours respectfully,
(S. M. HATTEEA)
Ombudsman

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Annual Report of the Ombudsman

January — December 1992

Introduction

1993 marks the 25th anniversary of the establishment of the Ombudsman institution in Mauritius. I hasten to add however that it was only in 1970 that the first Ombudsman for Mauritius was appointed. He happened to be a Swedish Judge.

It is now generally accepted that Sweden is the country where the Ombudsman institution, at least in its present form, originated. That was in 1809. Ever since, an increasing number of countries the world over, with varying political and parliamentary systems have introduced similar institutions albeit under different appellations. Their activities may vary according to their respective jurisdiction but the main objective is the defence of the citizen.

The present report concerns the discharge of my functions during the period 1 January to 31 December 1992.

Mauritius having acceded to the status of a Republic since 12 March 1992 this is also the first annual report of the Ombudsman which is submitted to the President of the Republic.

New powers of the Ombudsman

The same amending Act which brought about this constitutional change also enlarged the Ombudsman's jurisdiction with effect from the same date in order to enable him to investigate into allegations of fraud and corruption against certain specified persons. Unfortunately these new powers have to a large extent been misinterpreted by many persons who believed that a magic wand has been placed in the hands of the Ombudsman who now has a solution to every problem. Yet others labour under the mistaken belief that now the Ombudsman can investigate into any case that is brought to his attention or that he is empowered to do almost anything, with the result that I, as Ombudsman, have been faced with a number of fanciful requests ranging from an invitation to inquire into a case of sexual harassment in a private firm to one of causing the Prime Minister to be arrested, which have of course been turned down, not without explanation.

I have therefore deemed it fit to explain the new powers of the Ombudsman, although at the time of preparation of this report Government has declared its intention of setting up an Anti-Corruption Tribunal.

The new law (section 102A of the Constitution) states that the Ombudsman may investigate any allegation of fraud or corruption made against certain specified persons concerning any act or omission related to the exercise of the duties of those persons. A list of such persons is specified in the Fourth Schedule of the Constitution and it includes Ministers, Members of the National Assembly, Members of local authorities,

Public Officers, Members of the Police Force, Local Government Officers and employees or members of the controlling body of statutory corporations. Judges of the Supreme Court are however expressly excluded from the scrutiny of the Ombudsman.

Although an allegation of fraud or corruption must be made in writing the Ombudsman has the power to start an investigation of his own motion.

The legislator has however taken care to define what is an allegation of fraud or corruption. It means an allegation that the person concerned has by an act or omission rendered himself liable to be prosecuted for an offence involving fraud or corruption which is punishable under the Criminal Code. Therefore the Ombudsman must be satisfied that he is dealing with a case involving fraud or corruption under the Criminal Code.

A two-tier inquiry is envisaged. First a preliminary inquiry is held with a view to finding out whether there is, as it were, a *prima facie* case. If such is the case then the Ombudsman passes on to the next stage, i.e a full inquiry, in which case he is assisted by two assessors appointed by the President of the Republic. On completion of the full inquiry the Ombudsman makes a report to the President. It is to be noted that even when there is no *prima facie* case the Ombudsman must make a report to the President.

It is also worth mentioning that the Ombudsman is precluded from conducting an investigation where it appears to him that (a) the allegation is merely frivolous or vexatious, (b) the subject-matter of the allegation is trivial, or (c) the allegation has been delayed for more than twelve months without reasonable cause.

In every case where the Ombudsman conducts an investigation into an allegation he must afford an opportunity to the person against whom the allegation is made to make his comments. This is a rule of natural justice whereby a man cannot be condemned unless he is heard.

Finally it is provided that an allegation made in writing or any evidence given before the Ombudsman shall not, where made or given in good faith, give rise to any civil or criminal proceedings.

In relation to these new powers, eleven fraud/corruption files were opened by me in the year under review, comprising of 10 cases reported to me and one of my own motion.

In five of these cases a preliminary investigation was carried out by me. In four of them the allegation proved to be groundless whereas in the fifth one I had no jurisdiction in the matter. In all these cases a report was submitted to the President of the Republic in accordance with section 102A(4)(c) of the Constitution.

Two cases were not investigated into as they had not been substantiated at all in the first place.

In one case the preliminary investigation was discontinued as the main witness who was resident abroad was not willing to depone.

In yet another case the matter could not be inquired into as it related to events occurring before the coming into operation of the law.

Two cases are still pending.

Traditional role of the Ombudsman

The responsibility for delivering good service and sound administration rests on the Government of the day. Can it however be said that every citizen who has a dealing with Government is satisfied with the action taken by the latter in his case? The answer is clearly no. The number of complaints I receive bears testimony to this. And as my jurisdiction covers all government departments I have an extremely wide range of complaints to deal with.

The Ombudsman therefore acts like a watchdog. He receives complaints from aggrieved persons, conducts investigations and, where any complaint is justified, recommends corrective action. I must however add that sometimes when a complaint is found not to be justified all the explanation in the world may not be sufficient to convince the complainant that the administration has acted correctly. It must however be remembered that the Ombudsman institution is a service which the State itself provides so that its own actions or decisions may be investigated by an independent person. Such independence is guaranteed by the Constitution.

To-day in every part of the world the citizen is faced with an increasing number of problems, mostly due to the rapid development the world is experiencing and the inability of Government to adapt itself to the situation. In fact governing a country itself is becoming a complex problem. And no matter how much goodwill a Government may show it will never be able to give satisfaction to one and all at the same time.

Sometimes the problem is not so much with the situation or the case being dealt with as with the officers dealing with the files. Negligence, incompetence, lack of dedication, corruption, etc. are all factors which aggravate problems and give rise to a lot of dissatisfaction and frustrates the legitimate expectation of the citizen.

All this of course leads to injustice and whenever the Ombudsman's services are solicited he has to find out why and where matters have gone wrong. And as the first and foremost role of the Ombudsman is to redress grievances he will try to be constructive. In the process however the Ombudsman helps the administration to improve itself.

There exist other avenues for redress, e.g. the Courts of Law. However not everybody has the required resources to follow this path. Another way would be to have an internal review by higher-ranking officers but this exercise may not

be perceived as being carried out with the necessary degree of independence, especially when it is a top officer himself who has taken a particular decision.

This is where the Ombudsman comes into play at no additional cost to the citizen.

Statistics

From 1 January to 31 December 1992 we received 342 new cases, slightly more than in 1991 (323). Taking into account the number of cases pending as at 31 December 1991 the total number of cases dealt with during the year under review amounted to 408.

The number of rectified cases has seen a sharp increase over the previous year (45 compared to 28), which goes to show that more and more people are obtaining satisfaction as a result of the Ombudsman's intervention.

Although the percentage of rectified cases to the number of cases dealt with is still on the low side (approximately 11%) it must be remembered that all cases are investigated in the same way and rectification is something which comes last i.e. when it is found that the complaint is justified. What is most important is that the citizen has been able to have recourse to an independent institution in order to air his grievance and have his case reviewed.

The following table shows the situation as at 31 December 1992:

Cases pending as at 31 December 1991	...	66
Case intake in 1992	...	342
Cases dealt with in 1992...	...	408
Cases rectified	...	45
Cases partly rectified	...	3
Cases not justified	...	68
Cases explained	...	85
Cases discontinued	...	19
Cases declined for want of jurisdiction...	...	6
Cases not entertained	...	33
Cases withdrawn	...	1
Cases pending as at 31 December 1992	...	77
Cases against bodies falling outside jurisdiction (including one case pending in 1991)	...	72

In the course of 1992 I also received 114 copies of complaints addressed to various other bodies. Whenever I felt it desirable I assisted the complainants by following up the matter with the authority concerned and obtained positive results in certain cases.

Furthermore I also received 107 letters which were not complaints addressed to the Ombudsman as such but which all the same, in certain cases, needed to be looked into and were therefore referred to the appropriate authorities for remedial action where necessary. In fact one of these such cases, after being investigated by the authority concerned, revealed a prima facie case of forgery which first led to the

interdiction of a Local Government Officer, and after further inquiry and consideration to the stoppage of one year's increment with a warning that any recurrence on his part may lead to more severe disciplinary action, including dismissal.

International Conferences

1° The International Ombudsman Institute, of which the Republic of Mauritius is a member, organised a Workshop on "The Ombudsman—Diversity and Development." The workshop was held in August 1992 at the Faculty of Law, University of Alberta, Canada. It was attended by 25 delegates and 15 speakers. The participants who came from various parts of the world included Ombudsmen, staff of Ombudsmen's Offices and persons interested in establishing Ombudsman or similar institutions in their jurisdictions.

The Workshop addressed a variety of issues faced by Ombudsmen Offices in diverse political and cultural environments. Among the topics discussed were: Techniques of Investigation, Public Education on the Role of the Ombudsman and Administrative Fairness.

2° Every four years the International Ombudsman Institute organises an International Ombudsman Conference in cooperation with the Ombudsman Office of the host country. The Fifth International Ombudsman Conference was hosted by the Austrian Ombudsman Board Volksanwaltschaft in Vienna in October 1992. About 55 countries were represented and the number of participants was approximately 225.

The theme of that Conference was: Ombudsman-Idea and Reality. Among the topics discussed were Organisation, Jurisdiction, Procedure, The Role of the Ombudsman and The Ombudsman and other cultures.

Both these meetings proved to be very fruitful and enriching. They provided great opportunities for me to meet, work and discuss with Ombudsmen and other participants from a variety of jurisdictions.

Acknowledgements

I keep on receiving the annual reports of other Ombudsmen from different parts of the world. I am thankful to them as such reports provide me with useful information about their work and specially how different Ombudsmen tackle complaints received by them.

The International Ombudsman Institute regularly sends its Newsletter which contains a lot of information about the Ombudsman world.

Conclusion

I would like to conclude by thanking all ministries/departments for their fullest cooperation. I believe that they have now taken the full measure of my queries and investigations which, I keep on repeating, benefit both the citizen and the administration. Indeed the Ombudsman acts also like a shield for the administration against unjustified accusations.

I am also deeply indebted to my staff for their meticulous and efficient work. Special thanks to the Secretary of my Office who is regularly called upon by the Training Unit of the Ministry for Civil Service Affairs and Employment and by the Prisons Department to deliver talks on the role and functions of the Ombudsman.

As far as I am concerned, I remain committed to the concept of Ombudsmanship and I shall continue to do my best to provide an independent review into complaints of maladministration.

Appendices

Appendix A reproduces Chapter IX of the Constitution which relates to the establishment, appointment, jurisdiction and powers of the Ombudsman.

Appendix B reproduces the Ombudsman Act which provides for the oath to be taken by the Ombudsman and his staff upon assumption of office, the procedure for lodging a complaint and other ancillary matters. The Act also makes it an offence for any person who influences or attempts to influence the decision of the Ombudsman with regard to a complaint made to or an investigation carried out by the Ombudsman, and similarly for any person who wilfully gives false or misleading information to the Ombudsman.

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

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

Appendix E gives a quick idea of the nature of the complaint, the department/ministry against which made and the result of the case.

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

Date: 11 June, 1993.

(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 President, acting after consultation with the Prime Minister, the Leader of the Opposition and such other persons, if any, as appear to the President, 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 President, 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 President 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 an 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 President 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 such a 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 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 State 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 comments 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, other than proceedings under section 102A, shall be called in question in any court of law.

(2) In determining whether to initiate, to 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 President 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.

102A. Allegation of fraud or corruption.

- (1) (a) Notwithstanding the other provisions of this Chapter and subject to subsection (2), the Ombudsman may investigate any allegation of fraud or corruption against a person, other than a Judge of the Supreme Court, who holds or has held an office specified in the Fourth Schedule, concerning an act or omission related to the exercise of the duties of that person.
- (b) The Ombudsman may investigate any allegation of fraud or corruption under paragraph (a)—
 - (i) on a complaint made to him in writing;
 - (ii) of his own motion.
- (c) In paragraph (a) "allegation of fraud or corruption" means an allegation that the person concerned has by an act or omission rendered himself liable to be prosecuted for an offence involving fraud or corruption which is punishable under the Criminal Code or such other enactment as may be prescribed.

(2) The Ombudsman shall not conduct an investigation in respect of an allegation made under subsection (1) where it appears to him that—

- (a) the allegation is merely frivolous or vexatious;
- (b) the subject-matter of the allegation is trivial;
- (c) the making of the allegation has, without reasonable cause, been delayed for more than twelve months.

(3) Where the Ombudsman proposes to conduct an investigation under this section, he shall afford to the person against whom the allegation is made an opportunity to comment thereon.

(4) Where after hearing the person concerned and after making such preliminary investigation as he may deem fit, the Ombudsman is of the opinion that the allegation is groundless, he shall—

- (a) put an end to the investigation;
- (b) inform the maker of the allegation as well as the person against whom the allegation was made accordingly;
- (c) make a report to the President accordingly.

(5) The Ombudsman may obtain information from such person and in such manner, and make such enquiries, as he thinks fit.

(6) Where after making a preliminary investigation, the Ombudsman is of the opinion that a full enquiry is necessary, he shall inform the maker of the allegation as well as the person against whom the allegation was made accordingly.

(7) (a) The Ombudsman shall when making a full enquiry under this section, be assisted by two assessors appointed on such terms and conditions as the President may deem fit.

(b) Any assessor appointed under this subsection shall take such oath as may be prescribed.

(8) The procedure for conducting a preliminary investigation or a full enquiry shall be such as the Ombudsman considers appropriate in the circumstances of the case.

(9) Section 99 shall apply to a full enquiry under this section.

(10) Subject to the other provisions of this section, the Ombudsman shall be bound by the law of evidence as is applicable in proceedings before the Supreme Court.

(11) Any complaint made in writing to the Ombudsman or any evidence given before the Ombudsman shall not, where made or given in good faith, give rise to any civil or criminal proceedings.

(12) On the completion of an enquiry under this section, the Ombudsman shall make a report to the President.

(13)(a) On receipt of a report under subsection (12), the President shall submit a copy thereof to the Prime Minister.

(b) The Prime Minister shall, within 3 months of the receipt of a copy of the report, lay it before the Assembly.

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 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

ACCOUNTANT-GENERAL

C/154/92

Erroneous deduction from pension refunded

The complainant who is a pensioner now settled in Australia had written to the Accountant General, Pension Division, asking for information concerning deductions made from his pension for payment of income tax. The particulars supplied to him by the Accountant General did not however tally with information contained in the last statement from his bank in Port Louis where his pension was being remitted.

He therefore concluded that the amounts deducted by the Accountant General were erroneous and sought my intervention for a clarification of the matter.

I forwarded a copy of complainant's letter containing his bank's figures to the Accountant General so that the latter

might reconcile his figures with those of the bank. The Accountant General then wrote to the complainant, with copy to me, and gave a breakdown of the amounts deducted during the relevant period.

The complainant contested one particular deduction of Rs. 2,034 which according to him was unexplained and requested for a refund in case his claim was correct.

Again the Accountant General was invited to check his figures and a few days later he informed me that the amount of Rs. 2,034 had been credited to the complainant's bank account, meaning that the complainant was right.

Subsequently the complainant confirmed having received that amount and claimed interest on it from the Accountant General. This too was paid to him.

AGRICULTURE, FISHERIES AND NATURAL RESOURCES

C/156/92

Labourer gets allowance in lieu of passage benefits

A labourer of the Entomology Section of the Ministry of Agriculture, Fisheries and Natural Resources claimed that he has been denied passage benefits although he reckoned 20 years continuous service as from 12 February 1965, date of his first appointment.

Unfortunately, upon inquiry, it was found that there had been a break of 425 days in his service — from 4.1.68 to 3.3.69. However, whilst he was initially told that he was not entitled to any passage benefit at all, his case was considered anew upon my intervention.

Soon I was informed that he was eligible for passage benefits as from 19 April 1986 (in view of the break in service) and was entitled to the sum of Rs. 3,615.98 i.e. 60% of Rs. 6,026.64 as at 31 July 1987. (See Chessworth Report, Chapter 4, Paragraph 4.3.6.).

That sum was therefore paid to the complainant who did not notify us although requested to do so.

C/210/92

Application for land conversion permit approved

A year before writing to me the complainant who is the Managing Director of a company had submitted an application to the Ministry of Agriculture, Fisheries and Natural

Resources for a land conversion permit for residential purposes in respect of a plot of land of an extent of 8A76P (3.7Ha) at Balaclava and belonging to the company.

He averred that the land had never been planted and was of such a rocky nature that any agricultural activity on it was practically impossible. He therefore believed that the Ministry had no ground to reject his application but several attempts of his to inquire about his application had failed. He even added that no land conversion tax is payable under the Sugar Industry Efficiency Act 1988 as the land had not been cultivated.

Indeed under the above-mentioned Act land conversion tax is payable when agricultural land is put to any non-agricultural use except in certain specified cases. And "agricultural land" is defined in the Act as land which is or has been under cultivation on a profit making basis.

Upon being queried about the application the Ministry replied that it was still being processed and some two months later I was informed that the application had been approved.

The complainant was informed accordingly.

COOPERATIVES, HANDICRAFT AND SMALL SCALE INDUSTRIES

C/168/92

Widow gets release of charge

Widow B. S., member of a Cooperative Credit Society, alleged that her late husband had taken loans from that Society in the 1970s and same were refunded in the 1980s but the security had not yet been cancelled or released as at 1 June 1992 date of her letter addressed to me. She admitted however that it was only in January 1992 that she had completed the legal formalities for the needful to be done.

The Registrar of Cooperative Societies explained that it is not the practice to release any bond subscribed unless the subscriber makes a written request to the Management of the Society. The Ministry intervenes for the release of the charge only when a request to that effect is made by the Management

Committee of the Society upon certification by the auditors that the subscriber of the bond is no longer indebted.

In this particular case a request for release was received on 25 January 1992 but as other cases in the Society's file were being processed the case of the widow got delayed. However on 9 June 1992 full release of charge was conveyed to the Registrar General. A copy of same was forwarded to me.

Asked whether she was satisfied with the action taken the complainant kept silent.

Her complaint stands as rectified.

EDUCATION AND SCIENCE

C/325/92

Complainant's daughter admitted to school of her catchment area

The complainant alleged that her daughter had been victimised by the Ministry of Education and Science inasmuch as she has been refused admission in a school situated in her catchment area without any reason being assigned, notwithstanding the fact that proof of residence (C.E.B., C.W.A., Telephone and Municipal bills) had been produced to the Ministry. She further averred many children

who lived outside that catchment area have been admitted to that school.

She therefore prayed for justice in which she said she believed.

I am pleased to report that justice was meted out to her. Indeed after having taken up the matter with the Ministry due consideration was given to her case and action was taken to admit the daughter in the required school.

ENERGY, WATER RESOURCES AND POSTAL SERVICES

C/268/92

Sewerage system to be regularly checked by Ministry

On 4 October 1992 there appeared an article in the newspaper Week-End entitled "Grave Problème d'insalubrité à Roche Bois" with the following sub-title "Depuis plus de six ans, des eaux nauséabondes débordant régulièrement d'un drain d'égout menacent la santé des habitants de Batterie Cassée".

I queried the Ministry of Energy, Water Resources and Postal Services (responsible for sewerage) on my own initiative as to what was being done to put an end to the situation described in the article and received the following reply—

- (i) frequent overflow of sewerage at Batterie Cassée, Roche Bois, is due to the misuse of the sewers by inhabitants of the area. It is an established fact that inhabitants of that region take the liberty of dumping any type of foreign matter (empty bottles, wood, clothes, etc.) in the manholes;
- (ii) the site was visited by workers of the Sewerage Division on the 2nd October to take stock of the situation;

(iii) cleaning of the network was done on the 3rd and 4th October; and

(iv) the situation at Batterie Cassée is now back to normal

I was further assured that in order to avert any further risk of overflow of sewerage, the manholes in the area would be inspected twice weekly and foreign matter dumped therein would be removed so as to prevent malfunctioning of the sewer line. At the same time, the house sewers would be checked to detect any misuse thereof.

I requested the Ministry to find out whether the dumping of foreign matter in the manholes was not due to an absence of dumping facilities but was informed that such was not the case.

It is therefore hoped that the regular checks of the Ministry will minimise the incidence of any irresponsible use that may be made of the sewerage system and thus lead to an improvement of the situation.

On my part I am satisfied that I have been able to have the problem attended to.

ENVIRONMENT AND LAND USE

C/151/91

Long-standing problem solved

This case is one of the hardest nuts I ever had to crack as Ombudsman. It took me more than a year but a positive solution to the problem was eventually found.

In April 1991 the P.A.S.S.S., a Hindu Society, complained that after a lapse of five years the Ministry of Environment and Land Use (now the Ministry of Housing, Lands and Town and Country Planning) had not yet taken a decision about its application for the lease of a plot of Crown Land at Pointe aux Sables for religious purposes for the Hindu Community. The Society alleged maladministration and delaying tactics of the Ministry.

When called upon to furnish its explanation, the Ministry, whilst admitting that the Society had applied in 1986, stated that another religious society (the S.M.K.), a Tamil Society, had applied for the same plot in 1987 for the purpose of setting up a temple. The Ministry, it was said, was "faced with a delicate situation whereby two religious societies are coveting the same portion of land, a situation compounded by the presence of the Catholic grotto." I was told that the Ministry was trying to come to a satisfactory arrangement with all the parties concerned.

The Ministry also gave me some practical details about the situation prevailing on the site which later on helped me to a large extent in finding a solution. These were as follows: the land, which was formerly used as a dumping ground, had been cleared by the P.A.S.S.S. and the statues of several Hindu deities already set up; on the same site stands a Catholic grotto which the P.A.S.S.S. had undertaken to shift to another site with the approval of the Catholic religious bodies; on several occasions the S.M.K., the Tamil Society, had applied for and was granted leave to hold religious ceremonies on the site; and finally no formal lease of the land had been granted yet.

I first intimated to the Ministry that I considered it reasonable to allocate the land to P.A.S.S.S. on a first-come-first-served basis, especially as it had done certain works on the site and had given an undertaking concerning the Catholic grotto.

The Ministry replied that it was desirable to find a global solution to the problem but as the land in question was inadequate to satisfy to three religious bodies it was considering the possibility of making another plot of Crown Land in the vicinity available.

In the light of this I decided to effect a visit on the coveted site and I requested the presence of officials of the Ministry. The visit took place on 1 June 1992. After the visit I decided to convene all parties concerned to my office, including an adjoining lessee of Crown Land who, in my view, could, in a spirit of co-operation, help towards reaching a solution in the matter.

After discussion I proposed the following solution—

- A. Mr. M., the adjoining lessee, yields part of his land which would be leased to S.M.K., and in return he would obtain from Government a new lease on better terms and conditions.
- B. The Catholic Authorities having no objection to the displacement of the grotto to a nearby place, the P.A.S.S.S. would do so at its own costs and the land accommodating the grotto would be leased to the Catholic Authorities.
- C. The P.A.S.S.S. would displace the grotto to the satisfaction of the Catholic Authorities before it be given a lease of the plot it applied for. In the meantime it would allow the S.M.K. to use the land pending construction of the latter's own temple.

All parties concerned were agreeable to the proposal and the Ministry gave effect to it.

Subsequently, the P.A.S.S.S., the complainant in this case, informed me that it had invited the Vicar of the locality to officiate the relocation ceremony of the grotto in the presence of its members and their families and extended its warm thanks and congratulations to our office.

ENVIRONMENT AND QUALITY OF LIFE

C/22/92

Problems caused by artificial pond remedied

An inhabitant of Caroline Road, Upper Vallee des Pretres, complained about the existence of a "disgusting reservoir" near his house. He in fact came to me after having unsuccessfully made several complaints to the authorities concerned.

That person spoke about leakage from the reservoir causing damage to his house, the dumping of all sorts of

objects and dead animals in the reservoir with all the attendant nuisances, the danger it represented to children, being unfenced, and the various problems to the health of people living in the neighbourhood.

Upon my solicitation the Ministry of Environment and Quality of Life reported that the pond in question belonged to a private person and had an approximate capacity of 90m³. It

served for the storage of water for irrigation of sugarcane and food crops. But indeed cracks and fissures had been observed in the walls.

The Ministry therefore requested the owner to repair the cracks and fissures so as to prevent any leakage, to clean the pond regularly and to fence the area around the pond to prevent public access and illegal dumping. However, taking into consideration the utility of the pond, it was not thought advisable at that time to recommend its suppression.

Some two months later I was informed that the owner of the pond had agreed to dismantle it. No reasons were given. I assume the owner was not prepared to or could not comply with the requests of the Ministry. Indeed I was told, a few other months later, that the owner had been given a delay either to fill it with earth and rocks or to dismantle it, otherwise the Ministry of Health would be required to initiate action against him.

My Office followed up the matter and finally the Ministry informed me that the pond had been completely filled with earth and rocks, to the great relief of the complainant.

FINANCE

C/251/92

Pensioner's lump sum and other monies transferred to Australia

The lady complainant who is now settled in Melbourne, Australia, emigrated to Australia around March 1988 with her family. She had requested the Accountant General in November 1991 to credit her lump sum and pension to her savings account in a bank in Beau Bassin and this has been done up to May 1992.

Her complaint is that the Bank of Mauritius has not given clearance for the transfer of that money to her in Australia in spite of the fact that before leaving Mauritius she "paid the necessary tax".

She therefore, by letter dated 7 September 1992, requested my intervention in the matter in order to have her money in Australia.

I enlisted the Financial Secretary's help in the matter with a view to obtaining a report from the Bank of Mauritius.

I finally learnt that on 19 October 1992 exchange control permission had been given to the lady's bank to make available to her in Australia a certain sum within her emigration entitlement out of the money standing to her credit at her bank, and that on 22 October 1992 the balance was released for transfer to Australia against payment of 5% duty.

I was however satisfied that there had been no maladministration in the matter.

The complainant sent me a 'Thank you' card for Christmas.

HEALTH

C/162/92

Nursing Officer gets travelling allowance due since more than two years

In May 1992 one S.N. a Nursing Officer in the Ministry of Health complained that he had still not been paid travelling allowance for the months of February 1990 (19 days), March 1990 (26 days) and April 1990 (24 days). The total amount due to him was Rs. 690.

He had apparently made representations to the Ministry but without success.

When I took the matter with the Ministry of Health I was

simply informed that "it was due to administrative omission that travelling allowance was not paid to Mr. S. N." and that necessary arrangements were being made for such payment.

I must pause here to say that the excuse of the Ministry was a very lame one and might not be acceptable in future.

Even after another two months the complainant had still not been paid (yet another administrative omission?) and he had to resort to my intervention again. I was forced to write to the Ministry to request that the complainant be paid his due immediately. Three days later this was done.

HOUSING, LANDS AND TOWN AND COUNTRY PLANNING

C/160/92

Government accepts the Ombudsman's recommendation

In March 1992 the manager of a Societe complained that his application to the Ministry of Housing, Lands and Town and Country Planning for a portion of Crown land had

remained unattended for close to five years. He requested my intervention in order that justice be done to him.

The facts of the case are as follows—

On 1 June 1987 he applied to the Ministry for a portion of Crown land at Mont Oreb for a bungalow project

and artisanat shop. As he received no reply he sent reminders in September 1987, October 1987, January 1988 and July/August 1991. He further alleged that others who had applied after him had already obtained their lease.

The explanation of the Ministry was to the effect that since part of the land applied for by the Societe had already been leased to others who had applied before, the Ministry could not entertain the Societe's application. However no reply was made to the Societe with the result that other applications for more reasonable portions of the same plot were received and favourably entertained.

I made it known to the Ministry that I found it inconceivable that the Societe had been left in the dark for so long, and that had the Societe been made aware of the situation it would have been open to it either to "reduce" its application or apply for a different plot or simply not pursue the matter further.

Whereupon the Ministry expressed its regret and informed me that it had identified another plot of land which it proposed to lease to the Societe subject to Government's approval. Being encouraged by such a reply I followed up the matter closely. Unfortunately, some time later, the Ministry informed me that it was under no legal obligation to grant any State land to the Societe.

I therefore recommended that, in view of the injustice caused to the Societe, it should be granted a lease of the identified plot if still available or of another reasonable plot.

I forwarded a copy of my report and recommendation to the Honourable Prime Minister and the Honourable Minister of Housing, Lands and Town and Country Planning.

In December 1992 I was informed that Government had agreed to give effect to my recommendation and proposed to lease to the Societe the already identified plot.

To me this was a clear-cut case of maladministration but which had a happy end due to my recommendation.

C/61/92

Long-awaited compensation finally paid

The complainant, an old man of 90, had two plots of his land compulsorily acquired by Government in 1988. In March 1992 he had still not yet received his compensation.

He has been attending the office of the Notary Public appointed to draw up the deed of acquittance a number of times but each time he was told that the Ministry of Housing, Lands and Town and Country Planning had not yet forwarded the necessary certificates.

For the complainant who is an inhabitant of Rose Belle, coming down to Port Louis by bus, walking through the streets of Port Louis and crossing the road on numerous occasions was too much. He therefore sought my intervention to obtain his money.

I took up the matter immediately with the Ministry and was informed that they were still waiting for the certificates from the Conservator of Mortgages. I contacted the latter at once and he informed that he would do the needful on the same day.

It was only in February 1993 that the complainant informed me that he had received his money but he did not say when.

It is a matter of serious concern that this old man had been made to wait for so long before obtaining the compensation due to him. I am therefore requesting the authorities concerned to see to it that such a situation does not occur again in the future.

C/187/92

Zoning Certificate issued to complainant in only 17 days

The complainant was to purchase a plot of land of an extent of 1475 square metres situated at Long Mountain belonging to a lady. That plot of land had been declared to be in a non-residential zone by the Ministry of Housing, Lands and Town and Country Planning.

According to the complainant, who submitted a site plan to me, he has been discriminated against as the plot next to "his" plot had been declared to be in a residential zone only a couple of months before.

When I sought the explanation of the Ministry of Housing, Lands and Town and Country Planning I was informed that the application made by the complainant had been given further consideration and it had been decided to release the site for residential purposes. I was even favoured with a copy of what is termed a zoning certificate issued to the complainant declaring that the land in question is in a residential zone.

It is important to know that under Section 45A of the Land (Duties and Taxes) Act 1984 the registration duty leviable on a deed of transfer of a portion of bareland to an individual for the construction of a residential building is reduced by a sum of Rs 24,000 or such other sum as may be prescribed, where the deed of transfer contains a declaration from the Ministry that the land transferred is in a residential zone. Hence the importance of that zoning certificate to the complainant.

From the day I took up the matter with the Ministry it took them only 17 days to issue the certificate!

LOCAL GOVERNMENT

C/182/92

Vegetable-seller's problems solved

One C. J. of Chemin Grenier complained that he was facing a lot of difficulty to earn his living.

He is the holder of a stall in Chemin Grenier market and he sells vegetables. According to him certain other stall-holders were obstructing the free passage of customers either by leaving their vegetable bags in the alley-way or by increasing the width of their tables. One had even raised his structure up to the ceiling. All this impeded him in the proper performance of his work.

Furthermore he drew my attention to the fact that as the toilet was kept locked and nobody knew where the key was to be found, members of the public relieve themselves against the wall behind his stall thus causing an acute nuisance to health.

He had reported the matter to the Market Officer, the Secretary of the District Council, the Health Inspector of the locality, the Ministry of Environment and Quality of Life, the Ministry of Local Government and finally the Minister of Justice who gave him a letter for the Secretary of the District Council. All this to no avail.

I requested the Ministry of Local Government to take up the matter with the District Council and to report to me.

After about 6 months the Ministry informed me that an inquiry carried out by the Market Inspectorate had revealed that—

- (i) vegetables which are disembarked from lorries are temporarily placed in the corridor pending their transfer to the respective stalls;
- (ii) one stall had an upraising structure since the opening of the market;
- (iii) the toilet was kept under lock and key because of frequent larcenies of the flushing apparatus and the toilet was not in good condition.

The following corrective measures have been taken—

- (i) notice served on all stall-holders not to keep their vegetables in the corridor;
- (ii) pulling down of the upraising structure by the stall-holder;
- (iii) toilet repaired and opened to the public.

Furthermore Market Inspectors have been requested to ensure that complaints are attended to on the spot and remedial action taken immediately if possible.

As I did not hear from the complainant again I can safely assume that he is now able to work in better conditions.

POLICE

C/29/92

Abuse of authority by Police checked

The complainant decided to operate a guest house in Rose Hill and, to that end, submitted the appropriate application form and plan to the Municipality of Beau Bassin/Rose Hill, caused legal notices to appear in two dailies on different dates, obtained the necessary clearance from the Ministry of Health after having brought certain structural modifications to his building at the request of that Ministry and finally secured the approval of the Fire Services. All that took him a little over two years.

In order to obtain the necessary permission from the Police authorities he submitted all the relevant documents. Five months later he still had no reply from the Police and therefore decided to write to me saying that he was "still lurching in the dark for my permit".

It would appear that the Police were asking him to submit the original copies of the press notices whereas he contended that the Police could examine same at the Municipality where they had been deposited.

I took up the matter with the Police and five weeks later they informed me that they had no objection to the issue of a licence to the complainant and that the Town Clerk of the Municipality had been advised accordingly.

On being so informed the complainant expressed his sincere gratitude for our prompt intervention which he said had "nipped in the bud the abuse of the police authorities".

C/291/92

Procedure for driving tests modified

The complainant who had applied for a driving licence in respect of buses had undergone two driving tests and had failed on both occasions. His complaint was to the effect that each time it cost him Rs 800 to hire a bus and on the second occasion he was not even road-tested.

The explanation of the Police was that on the second occasion the complainant failed the oral test which is normally done first and therefore he was not examined further on the road, with the result that he has again to hire a bus and to submit himself to a third test.

A solution has now been found to the problem in that the test is now done on different days—first the oral test and then the road test. It is only when an applicant has passed the oral test that he will have to hire a bus for the road test.

This is an example of the multiplier effect of the Ombudsman's intervention. Not only the complainant will benefit but others also.

PRIME MINISTER'S OFFICE

C/336/92

Ex-public officer gets his end-of-the-year bonus

The complainant, a former Citizens Advice Bureau Organiser of the National Development Unit, made a simple complaint to me to the effect that he had not been paid his end-of-the-year bonus for 1992 and requested my intervention to right the wrong done to him.

I was favoured by explanations concerning overpayment of salary made to the complainant in view of the fact that he had taken up employment elsewhere during vacation leave granted to him, which, as a public officer, he had no right to

do. Measures were being taken for the recovery of the overpayment.

This perhaps explains non-payment of his end-of-the-year bonus. All the same I requested the National Development Unit to let me know its stand as regard the only issue before me. I was soon informed that arrangements were being made to pay to complainant his end-of-the-year bonus.

Asked to inform me whether he had obtained satisfaction the complainant never wrote again.

PRISONS

C/1/92

No maladministration found

Detainee J. L. F. complained that he had been refused work which attracts extra remission whereas others admitted to the same Prison at Petit Verger after him were granted such work. He averred that when he complained about such irregularities he was transferred to Beau Bassin Prison. Furthermore he alleged that his medical appointments were not being respected by Prison Officers who took him to see the Specialist whenever they wanted.

The matter was inquired into and the following was revealed: the detainee was allocated a job in the kitchen at Petit Verger Prison by the Reception Board; however upon medical examination he was found to be unfit to work in the kitchen; he was therefore given another job; he appeared on application before the Superintendent in Charge of Petit Verger Prison and made a request to work after normal working hours in a job which attracts extra remission but he was told that his request could not be acceded to as he was suffering from athlete's foot and had been ordered by the Prison Medical Officer to work away from mud and water; it is not denied that a few detainees transferred to Petit Verger Prison after the complainant had been given work attracting extra remission but they were medically fit and skilled.

As regard his transfer to Beau Bassin Prison this was done for security reasons.

Regarding his medical appointments the Prison Administration had to ask for new appointment dates as the complainant was aware of all his appointment dates which normally he should not know. This also was done for security reasons.

I therefore found no cause to fault the Prison Administration.

C/57/92

Unjustified complaint by detainee

Detainee J. A. B. who is undergoing a sentence of five years penal servitude since 1990 alleges that he often falls

sick and is not getting proper medical treatment. One day in February 1992 he applied to the Principal Hospital Officer on duty in order to be seen by the Prison doctor to request a change of diet but he was ill-treated by the P.H.O. According to him his health is deteriorating.

Inquiry revealed that ever since his admission in prison he has been examined more than a hundred times and his diet has been changed more than twelve times. He has also been to hospital at least twelve times to see the Skin Specialist. Very expensive drugs have been purchased for him on the local market since they were not available either at the hospital or at the prison pharmacy. A variety of other drugs prescribed by the Prison Medical Officer and the Skin Specialist were also issued to him.

Further he was again seen by the Prison Medical Officer one week after he wrote to me and an X-ray was requested and done four days later.

In the circumstances it could hardly be said that the detainee had been medically neglected.

Asked whether he wished to say anything else the detainee remained silent.

His complaint was adjudged unjustified.

C/104/92

Shortcomings at Richelieu Open Prison redressed

Detainee B. S. who is held at Richelieu Open Prison had many complaints to formulate. They can be summarised as follows—

- 1^o No Medical Officer is in attendance on Saturdays.
- 2^o Detainees engaged in stone-breaking do not get extra food nor are provided with helmets.
- 3^o Unwholesome food served to detainees.

- 4^o Certain detainees are favoured by being allowed to work in the kitchen although they are medically unfit.
- 5^o Lack of security in workshop. No overall issued to detainees working there.
- 6^o Detainees working in animal farm have to wake up at 3.00 a.m. and go there in a simple suit whether it rains or not. The path leading there is not sufficiently lit. No food served to them before as the kitchen is still closed.
- 7^o Colour TV although already purchased still lying in the store. No video player provided.
- 8^o Lack of communication between the Commissioner of Prisons and detainees especially when there are serious problems which cannot be handled by other officers.

All these points were raised with the Commissioner of Prisons who reported as follows—

- 1^o The Prison Medical Officer visits all institutions daily during week days. On week ends all emergency cases are referred to the Central Prison Hospital, Beau Bassin. Further details sought by me indicate that when a detainee at Richelieu Open Prison reports sick during a week end a Nursing Officer records his complaints and phones the Prison Medical Officer, who is on call round the clock, to inform him about the matter. The latter then decides whether he should go and see the detainee or ask that he be sent to the nearest public hospital or to Beau Bassin Prison's Hospital for treatment.
- 2^o Detainees from the building party are normally supplied with helmets. Now all detainees doing digging work are forced to wear their helmets.
- 3^o Food is served according to the Diet Scale in force. Senior Officers and the Nursing Officer on duty check the food daily before it is issued to detainees. Vegetables received from contractor or from the Prison gardens are checked by the Officer-in-Charge Stores and the Officer-in-Charge Kitchen before issue.
- 4^o Jobs to detainees are normally allocated by the Reception Board and their medical fitness ascertained by the Medical Officer. However the allegation about medically unfit detainees is not founded.
- 5^o Qualified officers are posted at all workshops to provide detainees with security, guidance and training. The handling of complicated and dangerous tools is done under the direct supervision of the Officer-in-Charge Workshop. No serious injuries ever sustained by detainees. The latter are already provided with an additional set of protective clothes. Now provision has been made to issue them with an overall.

- 6^o Detainees posted at the animal farm wake up at 5.00 a.m. and leave for work at 5.15 a.m. Yard lightings are scattered all over the place. Action has been taken to improve lighting conditions. Detainees are dressed according to season and climate. They are issued with an overall, a pair of gloves and boots. Breakfast is served to these detainees at 6.00 a.m.
- 7^o There is a black and white TV set in use. It was intended to purchase a colour TV set and a video player — I was subsequently informed that a colour TV set and a video player are now in use there.
- 8^o An Officer-in-Charge is designated by the Commissioner of Prisons under section 4 of the Reform Institutions Act to supervise and control all matters in connection with the institution to which that officer is appointed. He is responsible to the Commissioner for the treatment and training of detainees under his control. Moreover whenever the Commissioner or his Deputy visits a prison he interviews detainees who have applied to meet him.

Inasmuch as the complainant's avowed concern was to improve the welfare of detainees he was thanked by me for drawing my attention to certain shortcomings which were immediately dealt with.

C/124/92

Detainee serving life imprisonment requests same treatment as those awaiting capital punishment

Detainee D. J. is a lifer, having been found guilty on a charge of manslaughter.

He wrote to say that he was physically and morally handicapped. The thought of having to spend the rest of his life in prison was too much for him.

He requested my intervention in order that he be treated in the same way as detainees awaiting capital punishment as the latter are well fed, have the privilege of being visited every day and are well entertained. He further requested frequent visits of a psychiatrist as he was feeling depressed.

Unfortunately I could not help him much as the treatment meted out to prisoners sentenced to death is completely different from that of other detainees, including lifers.

As regard the right to visits Prison Regulations clearly stipulate that every convicted detainee is entitled to a visit every 28 days. However he was informed that an application for special additional visits would be entertained in genuine cases.

As for D. J.'s wish to be seen by a psychiatrist this can only be acceded to whenever the Prison Medical Officer deems it necessary. He was advised to first see the latter in case he felt depressed and he would be referred to the psychiatrist if necessary.

C/161/92

Detainee denied extra-remission work because of bad conduct

Detainee D. F. applied to do extra-remission work. According to him he was sent for X-ray in order to find out whether he could work either in the bakery or the kitchen of the prison. Up to the time of writing to me he had not heard anything.

Secondly he claims having applied to see the Officer-in-Charge which has been denied to him.

The explanation of the Prison Administration is to the effect that his request to work for extra remission was not acceded to as his conduct was bad. Indeed whilst undergoing sentence at Beau Bassin Prison he committed sodomy on a fellow inmate and has been sentenced to three years imprisonment to start running after his current sentence.

As regard the X-ray this was done in view of the fact that he had some skin disease and he was sent to hospital for treatment.

Upon my intervention he was seen by the Officer-in-Charge who however informed him that his request for extra-remission work could still not be acceded to in view of his conduct and his medical treatment but that his case would be reviewed at a later stage. He was satisfied with the explanation.

C/185/92

Detainee with heavy record of indiscipline seeks restoration of lost remission

Detainee M. F. H. who still had to undergo 40 days imprisonment wrote to me in order to recover lost remission. He alleged that he had lost 11 days remission because he had been reported on a number of occasions by Prison Officers who according to him were persecuting him.

The inquiry revealed that on 9 June 1989 he had been sentenced to undergo detention at the Correctional Youth Centre. He however escaped from the Centre on 13 September 1989 with a group of detainees after having caused damage to Government property whilst in a band, assaulted and inflicted wounds and blows upon Prison Officers. He was subsequently recaptured and, by order of the Intermediate Court, transferred to Beau Bassin Prison to serve the unexpired portion of his detention at the Centre.

He also committed various offences against discipline due to his refractory tendencies — reported 26 times since admission. In all the cases he pleaded guilty and was accordingly punished. He was even placed under special watch for a

period of about seven and a half months. The last report against him was only twenty days before he wrote to me.

In spite of this heavy record the Prison Administration was still willing to consider an application by him for the restoration of lost remission. He has even been explained the procedure to be followed if he wished to do so.

I did not hear from him again.

C/248/92

Proper procedure for medical visit not followed by complainant — Serious allegation against Prison Officer

Detainee M. J. R. R. alleged that he had been denied medical visit on 21 August 1992 by the Officer-in-Charge of the Beau Bassin Prison Hospital. When he told the Officer that he would complain to the Ombudsman the Officer insulted him and used vile words to the address of the Ombudsman.

I immediately wrote to the Commissioner and at the same time summoned the Officer to my office.

When asked by me why the detainee would make such an allegation against him, the Officer replied that some detainees make all sorts of allegations whenever they are refused anything to which they are not entitled. He assured me that it is not his habit to use foul language. I informed the Officer that I took note of his explanation but would watch whether such similar complaints are made against him in future.

As regard the denial of medical attention the Officer submitted his written report.

His explanation was to the effect that the complainant is one of a group of detainees who had been flouting established rules regarding medical visits. The complainant was allowed to see the doctor on 14 and 18 August 1992 although he did not comply with the proper procedure. Each time he was warned to comply with the rules. When the complainant came again on 21 August 1992, still in disregard of the rules, he had no alternative but to refuse complainant's request to see the doctor as he considered that, inter alia, allowing such practice would disrupt the smooth running of the system and would cause frustration among other detainees who comply with the rules and have to wait their turn.

It is noteworthy that the complainant complied with the rules subsequently when he reported sick and therefore had no problem to see the doctor again.

RODRIGUES

C/44/92

Half-day's salary refunded

Upon receiving a letter from the Island Secretary, Rodrigues, to the effect that it had been decided to deduct half-a-day's pay from her salary for alleged absence without authorisation, the complainant sought my help as she felt she had been unfairly treated.

After receiving the explanation of the Ministry for Rodrigues in the matter I expressed the view that, having regard to the circumstances of the case, the decision was a bit harsh.

As the absence had taken place at the beginning of the year I assumed that the lady could not already have exhausted her quantum of leave. I therefore suggested to the Ministry to request the lady to submit an application to cover the half-day's absence and to refund her wages. This was accepted and the lady, who was a labourer, got her money.

I wish here to thank the Rodrigues Administration for showing compassion in such a situation.

C/243/92

Rodriguan gets lease of State land after long wait

In April 1990 Government had approved the reservation of a plot of land at Camp du Roi, Rodrigues, for one F. P. for the construction of a building to run a dressmaking business. The latter was requested to make a cash deposit of Rs. 1,000 and to submit a plan of the proposed building. He effected the cash deposit immediately and submitted the plan as requested. The plan was approved in January 1991 subject to certain conditions. He was further informed that in due course he would receive a formal grant of lease together with the terms and conditions thereof.

As until September 1992 he had not heard from Government whilst twelve other applicants who had applied together with him had already obtained their land, he decided to complain to me.

I took up the matter with the Ministry for Rodrigues which informed me that the clearance of the then Ministry of Housing, Lands and Environment was being awaited for and had now been obtained.

The complainant was thus given an area of 255m² of State land for a 20-year period for the construction of his building.

WORKS

C/228/92

Earth road is tarred to the great relief of inhabitants of locality

A complaint was lodged by one T. G. of Chemin La Gare, Verdun, in respect of the said Chemin which is found in a residential area and which is an access road for residents along this road.

He averred that ever since the removal of tramways through the cane fields a decade ago one sugar estate has been using that road for the conveyance of its sugar canes by heavy vehicles. As the road is an earth road this has been posing a great deal of inconvenience to inhabitants of the locality both during the rainy (the road becomes impracticable) and dry (the mud is turned into dust which penetrates into houses etc.) seasons.

The supplications of the inhabitants to various authorities to either divert the vehicles of the sugar estate onto alternative roads or to have the road in question tarred have fallen on deaf ears. Hence the complaint to me.

The Ministry of Works confirmed the state of affairs and was of the view that part of that road should be tarred. However since the road was not classified it did not fall under its jurisdiction. I was therefore referred to the National Development Unit.

I took up the matter with the National Development Unit and about a month and a half later was informed that the road

had been tarred by a private contractor at the request of the sugar estate itself.

The complainant wrote again to say how pleased he and the inhabitants of that area were and added "On their behalf and my own I cannot but thank once more the Ombudsman's Office for what it has done to solve this serious problem i.e. the earth road into a tarred road which has been effected very promptly".

Such acknowledgement can only reinforce our determination to come to the rescue of our fellow citizens especially the "laissés-pour-compte".

C/250/92

Who cares?

I picked up an article in the Express of 12 September 1992 under the rubric "Who cares?" and decided to query the Ministry of Works on my own initiative.

The article ran as follows—

"Une nouvelle attraction touristique attire nombre de visiteurs de l'étranger à l'angle des rues Royale et Joseph Rivière. En effet, il ne se passe de jour sans que des touristes ne viennent faire des photos d'un caniveau où stagne une eau nauséabonde, et ce depuis trois

mois! Les propriétaires de la quincaillerie qui ont la malchance de subir cette odeur pour le moins incommode ne savent plus à quel saint se vouer. Malgré plusieurs plaintes au département de Sewerage du Ministère des Travaux, à la Municipalité de Port Louis et à la firme Ericsson rien n'a été fait pour que ce caniveau obstrué à la suite des travaux entrepris pour l'installation de câbles de télécommunication soit débouché.

Qui plus est, les chauffeurs de taxi, qui stationnent à cet endroit, ne peuvent plus le faire, l'eau noirâtre étant devenue un obstacle certain à leur métier. Le Ministère de l'Environnement, à travers son SOS Environnement, a été mis dans le coup pas plus tard que cette semaine mais il semblerait que le mot environnement n'ait pas la même signification pour tout le monde. Jusqu'ici rien n'a été fait pour rendre plus salubre cet angle de rues.

En tout cas, le Ministère du Tourisme gagnerait à inclure ce caniveau dans une de ses brochures vantant la beauté de Maurice. On n'est jamais si bien servi que par soi-même!"

and was accompanied by a picture of the offending gutter.

Some time later the Ministry informed me that remedial action had been taken and that the nuisance existed no more.

Poor tourists! One attraction less!

C/252/92

Death gratuity paid to complainant

The complainant's father died on 17 February 1992. The father was employed as labourer in the Ministry of Works and his heirs were entitled to a death gratuity.

The complainant, one of the heirs, wrote to me in September 1992 averring that although he had submitted the necessary birth certificates, marriage certificates, affidavit and death certificate to the Ministry at the end of March 1992 he had received no reply. Only three days before writing to me he went to the Ministry but to no avail.

I took up the matter with the Ministry of Works on 17 September 1992 and within six days the death gratuity was already paid to the complainant.

There had been no maladministration at the Ministry of Works as they had since April 1992 forwarded all the documents to the Accountant-General's Office for computation and payment of the death gratuity.

STATISTICAL SUMMARY OF COMPLAINTS

Ministries/Departments	Rectified	Partly Rectified	Not Justified	Explained	Discontinued	Declined for Want of Jurisdiction	Not Entertained	Withdrawn	Pending	Total No. of Complaints
Accountant-General ...	1	—	1	—	—	—	—	—	—	2
Agriculture, Fisheries and Natural Resources ...	3	—	3	2	—	—	—	—	4	12
Central Statistical Office ...	—	—	1	—	—	—	—	—	—	1
Civil Aviation ...	—	—	—	—	—	—	—	—	1	1
Civil Service Affairs and Employment ...	1	—	1	—	1	—	—	—	—	3
Comptroller of Customs ...	—	—	1	—	—	—	1	—	—	2
Co-operatives ...	—	—	—	—	—	—	—	—	1	1
Cooperatives, Handicraft and Small Scale Industries ...	1	—	—	—	—	—	—	—	—	1
Education, Arts and Culture ...	1	—	—	—	—	—	—	—	—	1
Education and Science ...	2	—	2	3	1	—	4	—	3	15
Electoral Commissioner's Office ...	—	—	—	1	—	—	—	—	—	1
Energy, Water Resources and Postal Services ...	2	—	—	1	—	—	—	—	—	3
Environment and Land Use ...	4	—	2	—	1	—	—	—	1	8
Environment and Quality of Life ...	2	—	—	—	—	—	1	—	2	5
External Affairs ...	—	1	—	—	—	—	—	—	—	1
Finance ...	1	—	—	—	—	—	—	—	—	1
Firemen ...	—	—	—	—	—	—	—	—	—	1
Government Printing Office ...	—	—	—	—	—	1	—	—	—	1
Health ...	1	—	1	—	—	—	—	—	—	1
Housing, Lands and the Environment ...	2	—	6	6	2	—	1	—	11	27
Housing, Lands and Town and Country Planning ...	4	—	3	9	—	—	6	—	8	30
Income Tax ...	1	—	—	1	—	—	—	—	—	2
Judicial ...	—	—	—	—	—	2	—	—	—	2
Labour, Industrial Relations, Women's Rights and Family Welfare ...	—	—	—	—	—	—	—	—	1	1
Labour and Industrial Relations ...	—	—	1	—	—	—	1	—	—	2
Local Government ...	1	—	1	—	—	—	1	—	1	4
National Transport Authority ...	1	—	1	1	1	—	2	—	—	6
Police ...	6	1	17	29	4	3	9	1	16	86
Posts and Telegraphs ...	—	—	—	1	—	—	—	—	—	1
Prime Minister's Office ...	1	—	12	19	4	—	3	—	2	3
Prisons ...	—	—	—	—	—	—	1	—	4	43
Prison Officer ...	—	—	1	1	1	—	—	—	—	1
Registrar of Associations ...	—	—	—	—	—	—	—	—	—	1
Registrar of Companies ...	—	—	—	—	—	—	—	—	1	1
Registrar-General ...	—	—	1	—	—	—	—	—	—	1
Rodrigues ...	5	1	5	5	1	—	—	—	4	21
Social Security, National Solidarity and Reform Institutions ...	—	—	—	—	—	—	—	—	2	2
Social Security and National Solidarity ...	1	—	1	1	—	—	—	—	7	10
Tender Board ...	—	—	2	—	—	—	—	—	—	2
Tourism ...	—	—	—	—	—	—	—	—	1	1
Trade and Shipping ...	—	—	1	—	—	—	—	—	—	2
Works ...	4	—	3	5	2	—	3	—	7	24
Total	45	3	68	85	19	6	33	1	77	337

SCHEDULE OF COMPLAINTS

No.	Subject of complaint	Result
Accountant-General		
C/154/92	Amounts deducted from pension in respect of income tax erroneous	Rectified
C/278/92	Cash allowance in lieu of passage benefits not paid	Not justified
Agriculture, Fisheries and Natural Resources		
C/210/91	Claims he is being underpaid and obtains no day off	Rectified
C/24/92	Tailoring fees for winter uniforms not paid	Not justified
C/28/92	1. Not provided with free passage between Rodrigues (where complainant was working on contract) and Mauritius	Pending
	2. Travelling allowance short paid	
C/36/92	Complainant employed as cleaner on an ad-hoc basis not offered permanent appointment	Explained
C/45/92	No reply to letter addressed to the Permanent Secretary since 4 months	Not justified
C/156/92	Passage benefits not paid to complainant	Rectified
C/210/92	Application for land conversion permit made a year ago. No reply from Ministry	Rectified
C/211/92	Application for land conversion permit made a year ago. No reply from Ministry	Explained
C/220/92	Application for land conversion permit not granted	Not justified
C/274/92	Application for land conversion permit made since about 10 months. Still no reply received	Pending
C/314/92	Complainant is a Senior Nurseryman. States that his role has been reduced to a mere labourer. Complains that his rights have been overlooked and abused	Pending
C/320/92	Application for land conversion permit turned down	Pending
Central Statistical Office		
C/84/92	Contests decision to consider period of absence as leave without pay	Not justified
Civil Aviation		
C/90/90	Rent allowance stopped and days off for working on public holidays refused to him and his colleagues	Pending
Civil Service Affairs and Employment		
C/130/92	Complainant's son (absent from Mauritius) refused study leave without pay. (The son already dismissed from the police force)	Not justified
C/230/92	Work permit not granted	Discontinued
C/261/92	Late receipt of letter containing stand of Minister regarding declaration of industrial dispute by Union	Rectified
Comptroller of Customs		
C/5/92	Complainant a foreigner whose ship wrecked on the reef in Rodrigues. Salvaged articles detained by Customs pending completion of customs formalities. Claims he is not liable to pay customs duties etc	Not justified
C/31/92	Goods seized since 1986 and still detained	Not entertained
Co-operatives		
C/227/91	Permit of Co-operative Society to remove sand not renewed	Pending
Co-operatives, Handicraft and Small Scale Industries		
C/168/92	Loan to Co-operative Credit Society fully refunded but charge not yet released	Rectified
Education, Arts and Culture		
C/252/91	Complainant a primary school teacher. Has written four letters requesting a re-transfer. No reply received	Rectified
Education and Science		
C/270/91	1 ^o Duty free car facilities denied. 2 ^o Principle of granting actingship flouted. 3 ^o Office accommodation problems. Scheme of Service not strictly adhered to	Explained

APPENDIX E—continued

No.	Subject of complaint	Result
Education and Science — continued		
C/13/92	Arrears for uniform allowance not yet paid	Rectified
C/15/92	No oriental language class held by order of Headteacher	Not entertained
C/25/92	Does not agree with salary he is drawing. Incremental credit for additional qualifications denied	Pending
C/62/92	Vacation leave unjustly refused	Not justified
C/115/92	Request for transfer of son (pupil of primary school) to school where complainant—father is working turned down in a discriminatory way	Not justified
C/164/92	Request for certificate to be reconsidered by National Equivalence Council	Not entertained
C/169/92	Should work in a State Secondary School instead of in a primary school	Discontinued
C/196/92	Priority list of Universities chosen by complainant in application form not respected	Explained
C/198/92	Denied consideration for a training course overseas	Not entertained
C/199/92	Denied consideration for a training course overseas	Not entertained
C/237/92	Complainants aver that their qualifications and experience are not being used in an appropriate manner	Rectified
C/273/92	Contests Ministry's decision that he has to apply whenever vacancies are advertised. Complainant avers that he should have been offered the post of Education Officer (Grade A).	Explained
C/325/92	Complainant's daughter refused admission in school found in catchment area where they live	Pending
C/333/92	Complainant, after having worked for 14 years in remote schools, posted in primary school even further away from his place of residence	Pending
Electoral Commissioner's Office		
C/242/92	Has been recruited as election staff only twice, the last occasion being 10 years ago. Wants to know the criteria for selection of such staff	Explained
Energy, Water Resources and Postal Services		
C/191/92	Neighbour has built a manhole in complainant's pathway. Ordered by Ministry to demolish the manhole but failed to comply. Requests me to intervene... ..	Explained
C/268/92	Sewerage overflow causing hazard to health	Rectified
C/288/92	Sewerage connection delayed by Ministry	Rectified
Environment and land use		
C/56/91	Offer of lease of land cancelled by Government as land required for Government project. No compensation paid	Rectified
C/110/91	Paying excess campement site tax	Rectified
C/116/91	Compensation for land compulsorily acquired not yet received... ..	Rectified
C/151/91	Application for lease of Crown land — no reply since nearly 5 years	Rectified
C/229/91	Industrial site lease of Crown land granted to complainant cancelled by Government	Not justified
C/239/91	Application for lease of Crown land rejected whilst same granted to others in same area	Pending
C/244/91	Delay in renewing lease of Crown land	Discontinued
C/258/91	No reply to application for lease of Crown land. Alleges discrimination	Not justified
Environment and Quality of Life		
C/292/91	No reply from the Ministry to request for clearing obstructed river	Pending
C/22/92	No action by authorities concerned in respect of pollution caused by artificial pond	Rectified
C/150/92	Damage to environment caused by owner of metal garage. Matter not yet reported to the Ministry	Not entertained
C/218/92	Noise nuisance caused by factory	Rectified
C/247/92	Noise and dust pollution caused by stone crushing plant... ..	Pending
External Affairs		
C/197/92	Claim for arrears of travelling allowance and home leave passages	Partly rectified

APPENDIX E—continued

No.	Subject of complaint	Result
Finance		
C/251/92	Delay by Bank of Mauritius to transfer lump sum and pension to complainant in Australia	Rectified
Firemen		
C/58/92	Dispute between firemen. Officers using abusive language against others	Declined for want of jurisdiction
Government Printing Office		
C/202/92	Allowance for performing higher duties not received	Not justified
Health		
C/39/90	Nuisance caused by factory to adjoining residents	Discontinued
C/68/90	Tenders not allotted to Complainant Company as the Principal Dental Surgeon discredits its equipments	Not justified
C/320/90	Health hazards caused by noise and dust coming from stone-crusher	Pending
C/337/90	Hazard to health caused by drainage works effected by Municipality	Pending
C/59/91	Not satisfied with calculation of night duty allowance payable to Consultants and Specialists	Pending
C/195/91	Noise and smell nuisances caused by neighbour operating poultry farm. No action by authorities concerned	Not justified
C/261/91	Denied incremental credit	Pending
C/284/91	Not called for interview in respect of training course in intensive care unit under a scholarship scheme. Representation made to Ministry has remained unanswered. Alleges victimization	Not justified
C/311/91	Does not agree with computation of sick leave, days off, etc	Explained
C/312/91	Victim of unjust transfer by "some officers" of Central Supplies Division	Not justified
C/32/92	No action taken in respect of drain blocked by complainant's neighbour	Explained
C/63/92	No action taken to abate nuisance caused by canal leading to flooding of area where complainants live	Pending
C/98/92	Health Officers reluctant to cooperate in case of nuisance reported by complainant ...	Not justified
C/109/92	Dispute between Nursing Officer and Specialist and Medical Superintendent ...	Explained
C/116/92	Nuisance caused by smell due to rearing of pigs. No action by Ministry in spite of protests made	Not justified
C/129/92	Study leave for specialization purposes not reckoned as leave with pay. Decision taken more than 10 years ago	Not entertained
C/149/92	Denied permanent transfer to an "approved service"	Discontinued
C/162/92	Travelling allowance not paid	Rectified
C/256/92	Objection by Ministry to installation of workshop considered wrongful by complainant	Pending
C/257/92	Cremation ground too near residential area	Pending
C/279/92	Harassed by Flacq Health Office for a nuisance she had not caused	Explained
C/281/92	Complainant avers that the death of his wife is due to negligence of the doctors ...	Explained
C/296/92	Dental equipment not selected by Ministry's panel	Explained
C/302/92	Medical certificates not issued to complainant	Pending
C/318/92	Alleges Ministry owes him Rs. 9,000 towards salary short paid	Pending
C/332/92	Complainant avers that his company is black-listed by the Ministry in the purchase of dental equipment	Pending
C/342/92	Nuisances caused by dust and noise from neighbour's premises where latter operates sand selling business	Pending
Housing, Lands and the Environment		
C/40/90	Nuisance caused by factory to adjoining residents	Rectified
C/230/90	Request for lease of Crown land	Rectified

APPENDIX E—continued

No.	Subject of complaint	Result
Housing, Lands and Town and Country Planning		
C/303/91	No reply to application for lease of additional Crown land	Pending
C/319/91	Delay to give clearance in connection with purchase of a plot of land	Not justified
C/8/92	Compensation for land compulsorily acquired not yet paid	Explained
C/18/92	No reply to application for transfer of lease of Crown land	Explained
C/49/92	Compensation for land compulsorily acquired not yet paid. Complaint premature ...	Not entertained
C/51/92	Is illegally occupying Crown land. Has been served with a notice of eviction. Avers she is prepared to comply provided others in the same situation are also evicted ...	Not entertained
C/56/92	No reply to application for lease of Crown land. Has received notice of eviction ...	Not entertained
C/60/92	Application for lease of Crown land not considered	Rectified
C/61/92	Compensation not yet paid for land compulsorily acquired	Rectified
C/83/92	Squatters on State land leased to complainant. Not evicted by Ministry	Pending
C/110/92	Land acquired compulsorily by Government in 1974 for purposes of building post office. Land subsequently leased to religious organisation in 1986	Not entertained
C/117/92	Complainant illegally occupies plot of Crown land on which he has started construction. His situation has not been regularised by the Ministry. He is now being sued by a third person before the Supreme Court in respect of the same plot	Not entertained
C/138/92	Application for small strip of land turned down whilst same granted to others ...	Explained
C/157/92	Compensation for land compulsorily acquired not paid in spite of agreement reached on the quantum	Rectified
C/174/92	No reply to application for lease of Crown land	Explained
C/179/92	Application for lease of Crown land turned down	Not justified
C/183/92	No reply to application for lease of State land	Explained
C/187/92	Plot of land to be purchased by complainant declared to be not in a residential zone and therefore not released for residential purposes	Rectified
C/200/92	Application for lease of State land not granted	Explained
C/201/92	Application for lease of State land not granted	Explained
C/215/92	Applied to Ministry for lease of State land 23 days ago. No reply	Not entertained
C/219/92	Complainant submits that repairs to car purchased by him upon retirement should be borne by his ex-employer (the C.H.A.) as those repairs were due before his retirement	Explained
C/226/92	Transfer of lease not effected after death of complainant's husband	Explained
C/266/92	Application for lease of State land turned down whilst others granted	Not justified
C/272/92	Building site lease of State land denied to complainant	Pending
C/311/92	Lease of State land to complainant cancelled	Pending
C/315/92	Application for lease of State land not approved	Pending
C/316/92	Application for lease of State land not approved	Pending
C/321/92	Sand removal permit not renewed	Pending
C/331/92	Request for regularisation of occupation of State land	Pending
Income Tax		
C/163/92	Disputes tax liability... ..	Explained
C/307/92	Sum of money erroneously deducted from pension	Rectified
Judicial		
C/108/92	Case before court still untried. Bail refused	Declined for want of jurisdiction
C/232/92	Convicted for larceny. Appeal rejected. Disputes verdict	Declined for want of jurisdiction
Labour, Industrial Relations, Women's Rights and Family Welfare		
C/177/90	No reply from Ministry into complaint made at Labour Office in connection with loss of job	Pending

APPENDIX E—continued

No.	Subject of complaint	Result
Labour and Industrial Relations		
C/53/92	No reply concerning industrial dispute referred to Ministry	Not entertained
C/244/92	Complainant an ex-employee of S.I.L.W.F. not paid pension on retirement	Not justified
Local Government		
C/182/92	Complainant who is a vegetable seller in Chemin Grenier market faces numerous problems created by other sellers in market, no toilets available, etc.	Rectified
C/236/92	Complainant convicted by Intermediate Court to undergo 5 years penal servitude. Has appealed against the judgment. Salary stopped from the date of judgment	Not justified
C/245/92	Issue of restaurant keeper's licence wrongly issued to third party who, according to complainant, is now an unlawful tenant. Connected case in Court,	Not entertained
C/249/92	Macadams for District Council supplied by company other than successful tenderer	Pending
National Transport Authority		
C/322/91	Taxi-cars operating outside base of operation	Discontinued
C/43/92	Application for transfer of taxi licence rejected	Not entertained
C/101/92	Request for list of licencees operating at hotel and irregularities concerning taxi cars	Explained
C/123/92	Application for taxi licence turned down. Has appealed to the Minister	Not entertained
C/173/92	Fees paid twice over in respect of goods vehicle not refunded	Rectified
C/235/92	Application for transfer of base of operations for taxi rejected. Appeal to Minister rejected	Not justified
Police		
C/21/91	Contests the requirement of prior permission for vessels before calling at Agalega or St. Brandon, which are Mauritius territory	Not justified
C/166/91	No action by police in connection with a declaration made against a police constable	Not justified
C/226/91	Request for early trial	Explained
C/248/91	No action in respect of declaration made	Not justified
C/255/91	Complainant convicted for swindling and sentenced to undergo penal servitude. Claims the return of his belongings and sum of money produced as exhibits in Court ...	Partly rectified
C/290/91	No action taken against "conspirators"	Withdrawn
C/300/91	No action by police in disturbance case	Not justified
C/304/91	No action by police in respect of declaration of fraud made by complainant	Not justified
C/307/91	On remand since 5 months. Request for early hearing of his case	Explained
C/309/91	No reply to letter addressed to Commissioner of Police	Not justified
C/315/91	No action taken in respect of allegation of brutality made against a police officer ...	Not justified
C/316/91	On remand since 9 months. Others involved in same case released. Request for early trial	Explained
C/318/91	Request for early trial or release on parole	Explained
C/6/92	Insulted by police officer who formed part of a party of police officers who raided his house and arrested him for possession and cultivation of gandia	Not justified
C/10/92	Complainant involved in homicide case. States he is innocent	Not entertained
C/11/92	No action by police in respect of declaration made	Not justified
C/16/92	Passport of complainant seized by police on his return to Mauritius	Explained
C/17/92	Complainant charged with unlawful possession of firearm. Case still in Court. Firearm not yet returned to him	Not entertained
C/29/92	Abuse of authority by police in dealing with application to run a boarding house ...	Rectified
C/38/92	Failure by police to afford protection to certain inhabitants of a locality in spite of report made to the police	Explained
C/41/92	Complainant under police supervision. Request to have it cancelled or altered ...	Not entertained
C/42/92	No action in cases reported by complainant	Not justified
C/65/92	No reply from Commissioner of Police to letter addressed to him by complainant in connection with a certificate of previous conviction filed in a case against complainant	Explained
C/67/92	Detained since seven months on charge of possession of gandia	Discontinued

APPENDIX E—continued

No.	Subject of complaint	Result
Police — continued		
C/68/92	Not taken to hospital as ordered by Magistrate following declaration of assault made to the latter	Pending
C/69/92	Complainant convicted for possession of stolen property since 1980. Appeal to Supreme Court unsuccessful. Alleges fabrication of evidence by police. Requests re-opening of inquiry	Not entertained
C/76/92	No action by police in respect of declaration of building without permit on river reserve	Rectified
C/78/92	No reply received from Commissioner of Police to complainant's letter	Rectified
C/79/92	Was convicted for an offence he did not commit as his statement was extracted by the police	Not entertained
C/85/92	Detained since more than 2 months. Does not know the charge against him	Explained
C/86/92	Auto-cycle seized by police. Requests that it be returned to him on his release from jail	Pending
C/87/92	No follow-up action regarding declaration of assault made against police officer	Explained
C/93/92	Complainant being prosecuted for criminal offence. Another person allegedly involved not prosecuted	Declined for want of jurisdiction
C/95/92	Arrested by the police since 6 days. Has been remanded to custody by District Court. Does not know the charge against him	Explained
C/96/92	Ill-treated by police officers	Not justified
C/100/92	No action by police in alleged murder case. Victim is complainant's sister	Not justified
C/111/92	No reply to application for learner's driving licence	Explained
C/114/92	Complainant involved in road accident. Case filed by Police. Complainant believes his case has not been dealt with adequately	Explained
C/118/92	States he is not involved in the larceny with which he has been charged. Awaiting judgment of the Court	Not entertained
C/127/92	Declaration given to police. Case filed and no action taken	Explained
C/133/92	"Trapped" by prosecutor to plead guilty	Discontinued
C/134/92	Case of arson against complainant who is being detained not lodged because his identity card is lost. Prosecution delayed	Explained
C/136/92	Arrested by ADSU about a month ago in connection with a drug charge. Still on remand. Wants light to be thrown on his case	Not entertained
C/137/92	No action taken in respect of declaration made by complainant against a police officer	Rectified
C/139/92	Contests conviction for manslaughter before the Assizes	Not entertained
C/143/92	No reply to application for provisional driving licence	Not justified
C/146/92	No action taken in respect of death of complainant's husband killed in road accident	Pending
C/147/92	Choice of venue to prosecute complainant wrong. Objection taken before Court turned down	Declined for want of jurisdiction
C/148/92	Allegedly beaten by police to extract statement from him	Explained
C/155/92	Unlawful force used by police against complainant	Explained
C/165/92	Problems caused by licensed bar	Discontinued
C/167/92	Assaulted by police officer	Not justified
C/175/92	No action by police in respect of declaration made	Explained
C/176/92	No action by police following declaration made	Discontinued
C/180/92	Complainant involved in several criminal cases. Requests that all cases be lodged at the same time	Declined for want of jurisdiction
C/181/92	Articles seized from complainant upon his arrest not returned to him	Not justified
C/192/92	Request to know how matters in respect of declarations made to police	Explained
C/205/92	Request for information regarding declaration made and statement given by complainant to police, etc.	Explained
C/208/92	Request for early trial	Explained

APPENDIX E—continued

No.	Subject of complaint	Result
Police — continued		
C/213/92	Complainant involved in road accident since 10 months. Awaiting for case to be heard in order to proceed abroad. Not yet summoned to appear in Court	Explained
C/217/92	No action taken in respect of declaration made by complainant	Rectified
C/221/92	Complainant's seized articles sold by police	Explained
C/227/92	Request to have driving test done before appointment date	Explained
C/238/92	Refusal by police to record statement from complainant	Pending
C/239/92	Request for early trial	Explained
C/241/92	Complainant has made various declarations against his landlord. No action by police	Not justified
C/258/92	Burglary committed at complainant's place not solved by police	Pending
C/263/92	No decision taken yet concerning whether complainants will be prosecuted or not. Meantime both are not allowed to leave the country	Rectified
C/264/92	Complainant has received a notice of intended prosecution in respect of a road accident in which he is involved. States he is not to be blamed for the accident... ..	Explained
C/265/92	Complainant claims to be a British national. Has been arrested by police and is now on remand pending completion of enquiry. Wants to be sent back to England	Pending
C/267/92	No action by police in respect of declaration made against neighbours	Explained
C/269/92	Request for early trial	Pending
C/277/92	No action taken in respect of declaration of forgery made by complainant	Explained
C/282/92	Subject of police brutality and blackmail	Pending
C/291/92	Expenses incurred to hire a bus in order to pass driving test for bus. No road test carried out with the result that a bus has to be hired again for next appointment	Explained
C/292/92	No action taken by police in respect of declaration made by complainant	Pending
C/293/92	Refusal by police to admit that complainant had made certain declarations	Explained
C/301/92	Gross negligence by police in handling burglary case committed at complainant's place	Pending
C/303/92	Inaction by police following declarations made by complainant	Pending
C/306/92	Threatened by police	Not justified
C/310/92	Assaulted by police	Pending
C/319/92	No action taken in connection with declaration made by complainant	Pending
C/327/92	Request for early trial. Case already fixed by Court	Not entertained
C/329/92	Not informed of result of police inquiry in which complainant gave a statement ...	Pending
C/340/92	On bail for more than a year. Case not prosecuted yet	Pending
C/341/92	Cases in which complainant was declarant not prosecuted	Pending
Posts and Telegraphs		
C/14/92	Officers allowed to go back on their choice of cadre for future promotion. Complainant alleges he may suffer prejudice in future	Explained
Prime Minister's Office		
C/71/92	Subsidy denied to religious body	Not justified
C/336/92	End of year gratuity not paid to complainant	Pending
C/338/92	Application by complainant to register her son as a citizen of Mauritius turned down without reason assigned	Pending
Prisons		
C/314/91	Request to pass before Medical Board	Explained
C/1/92	1. Not granted extra-remission work. 2. Appointments with specialist doctor not respected by prison administration	Not justified
C/3/92	Letters addressed to him retained by the Prison Administration	Discontinued
C/4/92	Complainant states that he should be freed from jail inasmuch as co-accused who appealed to Privy Council has been acquitted, whereas he did not appeal as he could not afford to	Explained
C/19/92	Will be made to serve unexpired portion of earlier sentence	Explained

APPENDIX E—continued

No.	Subject of complaint	Result
Prisons — continued		
C/20/92	1. Request to purchase statue of a Deity refused 2. Applications not recorded in file 3. Informed that he has no right to write to the Honourable Prime Minister 4. Food served caused sickness 5. Detainees injecting themselves with kerosene	Explained
C/33/92	Permission to write to Honourable Prime Minister denied	Not justified
C/34/92	Complainant suspects that letters written by him in prison may not have been posted by the Prison Authorities	Not justified
C/52/92	Complainant suffers from severe Osteo Arthritis Lumbar Spine. Requests that he be not transferred from his present site of work to do another job, etc.	Discontinued
C/57/92	Not getting the proper medical treatment	Discontinued
C/77/92	Refund of money by postal orders by complainant (a detainee) to other detainees through a third person not remitted to addressees	Not justified
C/80/92	Complainant condemned to life imprisonment. Not benefitted any remission upon accession of Mauritius to status of Republic	Not entertained
C/88/92	Spent about 1 year on remand before conviction and sentence. Requests that the period of remand be taken in consideration and his sentence reduced	Not entertained
C/94/92	Applications to meet Assistant Superintendent of Prisons unsuccessful	Discontinued
C/104/92	1. No Medical Officer available at Richelieu Open Prison on Saturdays. 2. No extra-diet nor security helmet provided to detainees. 3. Unwholesome food. 4. Medically unfit detainees work in kitchen. 5. Lack of security in workshop. 6. Animal farm workers not properly treated. 7. No TV or video. 8. Lack of communication between Commissioner and detainees	Explained
C/119/92	1. Not issued with vegetables and fruits. 2. Use of force by Prison Officers. 3. Dirty cell. 4. Food served not satisfactory	Explained
C/124/92	Complainant is a lifer. Requests the same treatment as that meted out to prisoners sentenced to capital punishment. Further requests frequent visits of psychiatrist ...	Explained
C/126/92	1. Falsely charged with attempt to escape. 2. Application to be seen by Medical Board denied	Not justified
C/132/92	1. Not passed before Reception Board. 2. Not allowed to join earnings Scheme. 3. Sent to yard where detainees under medical treatment are kept	Explained
C/140/92	Request to have Prison Officer transferred	Explained
C/144/92	Complainant remains on duty until date of retirement. Does not go on pre-retirement leave. Alleges that Public Service Commission not informed. Consequently promotion denied to him	Not justified
C/151/92	Complainant who is a lifer claims remission of sentence	Explained
C/159/92	Letter written by complainant not posted, extra-remission work refused, etc.	Explained
C/160/92	1. Application to see Officer-in-Charge refused 2. Letter addressed to Ministry of Health not sent 3. Request for long-sleeved cardigan turned down 4. Permission to talk to A.C.P. during latter's routine inspection refused'	Explained
C/161/92	1. No reply to application to work either in bakery or kitchen in order to earn extra remission 2. Request to meet Officer-in-Charge turned down	Not justified
C/166/92	Sleeps with two other detainees in the same cell. Wants to sleep alone	Not justified
C/172/92	1. Certain detainees "protected". 2. "Veste" issued not appropriate for winter. 3. Food served not properly cooked	Not justified
C/185/92	Wants restoration of remission lost	Explained
C/186/92	1. Request for information regarding period of time spent on remand. 2. Did not benefit special remission on occasion of accession of Mauritius to status of Republic ...	Explained
C/193/92	Finds decision of Prison Board unjust (Decision taken more than 5 years ago) ...	Not entertained
C/204/92	Applications not considered	Explained

APPENDIX E—continued

No.	Subject of complaint	Result
Prisons — continued		
C/206/92	Does not receive proper medical attention	Not justified
C/207/92	Request to find a house for wife and child	Explained
C/209/92 ³	1. Treated as an "ennemi" by the Prison Administration because he has complained to the Ombudsman.	Explained
	2. Request for extra-remission work	
C/233/92	No proper flannel shirt issued to complainant	Pending
C/234/92	Complainant's mother who came to visit him in jail turned away	Explained
C/248/92	Denied visit of doctor	Explained
C/253/92	Ill treated by nurse	Not justified
C/262/92	Not promoted as Grade A prisoner	Rectified
C/270/92	Letter addressed to complainant not remitted to him	Pending
C/271/92	1. Assaulted by Prison Officer. 2. Not obtained flannel shirts prescribed by Doctor. 3. Placed in inappropriate cell. 4. Photos brought by wife spoiled... ..	Pending
C/280/92	Persecuted and ill treated by Prison Officer	Not justified
C/313/92	Complains about cell allotted to him	Pending
Prison Officer		
C/75/92	Provoked and persecuted by prison officer — trivial matters	Not entertained
Registrar of Associations		
C/97/92	Demand not to register change of officers turned down by Registrar	Not justified
C/212/92	Request to ask Registrar to release inspection report	Explained
C/255/92	Refusal by Registrar to approve alteration of rules of trade union	Discontinued
Registrar of Companies		
C/259/92	No action following report made to Registrar	Pending
Registrar-General		
C/30/92	Unjustly taxed on value of second hand car	Not justified
Rodrigues		
C/24/91	No refrigerator in quarters	Rectified
C/25/91	Application for financial assistance to purchase school materials for children rejected	Explained
C/32/91	Severe lack of transport facilities to perform duties	Partly Rectified
C/38/91	Leave denied	Discontinued
C/39/91	No reply to application for lease of Crown land	Rectified
C/76/91	Not offered trade-test with a view to promotion	Explained
C/90/91	Salary not according to duties performed	Not justified
C/104/91	1. One day's wages wrongly deducted. 2. Allowance to work on board ship denied. 3. Late promotion	Explained
C/119/91	Denied water by tank operator	Explained
C/121/91	Neither promotion nor allowance received for duties performed	Rectified
C/127/91	Dropped by ambulance driver at a place other than that instructed	Not justified
C/142/91	1. Not satisfied with date of appointment. 2. Request to be granted incremental credits. 3. Levelling of salaries with counterparts posted on main land Mauritius	Explained
C/153/91	Part of salary withheld and increment denied	Not justified
C/278/91	Complainant allowed use of Crown land since 1956. Now withdrawn and land allotted to another person	Not justified
C/317/91	Allowance for performing higher duty not paid	Pending
C/44/92	Half day's wages unjustly deducted	Rectified
C/224/92	Responsibility allowance not paid	Not justified
C/243/92	No reply to application for lease of State land	Rectified
C/283/92	Employment terminated after less than one month	Pending
C/322/92	Plot of land "given" to complainant taken back	Pending
C/335/92	Non-renewal of lease of State land to complainant	Pending

APPENDIX E—continued

No.	Subject of complaint	Result
Social Security, National Solidarity and Reform Institutions		
C/149/91	Proposed reduction of salary	Pending
C/218/91	Wrong interpretation of National Pensions Act	Pending
Social Security and National Solidarity		
C/321/91	Denied industrial injury allowance... ..	Not justified
C/99/92	Not receiving pension	Rectified
C/120/92	Payment of mileage allowance stopped	Pending
C/141/92	Disagrees with decision of Medical Tribunal regarding her entitlement to invalidity pension	Explained
C/142/92	Payment of mileage allowance stopped	Pending
C/254/92	Invalidity pension which complainant had been receiving has now been discontinued	Pending
C/285/92	Denied social aid	Pending
C/290/92	Complainant claims he is entitled to both basic invalidity pension and basic retirement pension	Pending
C/294/92	Basic retirement pension and survivor's pension denied	Pending
C/339/92	Denied industrial injury allowance... ..	Pending
Tender Board		
C/229/92	Tender allocated to tenderer who quoted higher prices than complainant	Not justified
C/312/92	Complainant's tender for the supply of boots/shoes rejected	Not justified
Tourism		
C/190/92	Denied hotel development certificate	Pending
Trade and Shipping		
C/233/91	Licence to operate bakery refused	Not justified
C/300/92	Services terminated without any plausible reason	Discontinued
Works		
C/64/90	Reduction in salary of certain workers after their appointment on P.P.E. and Time off to attend banks to cash salary not enough	Rectified
C/287/91	Complainant's neighbour constructing house without respecting statutory distance. Matter reported to Ministry but no action taken	Rectified
C/320/91	Not paid December salary at place of work on pay day as other workers are	Explained
C/2/92	Neighbour operating factory illegally. No action taken	Discontinued
C/7/92	Illegal construction put up by private individual next to complainants' premises	Not entertained
C/27/92	Not granted Public Service Vehicle (Taxi) Licence	Not justified
C/46/92	Morcellement permit applied for since 12 years not delivered	Discontinued
C/82/92	Neighbour operating electric motors without permit	Not entertained
C/102/92	Was dismissed in 1982. Claims a lump sum	Not entertained
C/106/92	Neighbour constructing house without leaving statutory distance. No action by Ministry in spite of protests	Not justified
C/113/92	Non-payment of increments on reinstatement	Not justified
C/122/92	Noise nuisance caused by operation of machines without permit	Explained
C/128/92	Unlawful construction of building causing obstruction of common road	Explained
C/170/92	Allowance for performing higher duties not paid... ..	Pending
C/177/92	No action taken in case of nuisance caused by rain water coming from neighbour's house	Pending
C/178/92	No action by Ministry in respect of complaint to the effect that complainant's neighbour is erecting a building on the boundary line without leaving statutory distance	Explained
C/189/92	Promoter of "morcellement" using private road belonging to complainants as access road. Application wrongly approved by Ministry... ..	Pending
C/228/92	Nature of road in residential area causes a lot of nuisance to inhabitants	Pending

APPENDIX E—continued

No.	Subject of complaint	Result
Works — continued		
C/240/92	Noise pollution caused by cabinet maker. Permit issued in spite of objection by complainant	Explained
C/250/92	Nuisance caused by stagnant water	Rectified
C/252/92	Complainant's application for father's death gratuity not granted	Rectified
C/304/92	"Morcellement" permit granted by Ministry but purchasers not provided with water supply	Pending
C/326/92	Evicted from Government quarters in 1984	Pending
C/337/92	Labourer of Ministry of Works not allowed to go to Mosque on Fridays	Pending

CASES OUTSIDE JURISDICTION

<i>Complaints Registered Against</i>	<i>Declined</i>	<i>Explained</i>	<i>Not Entertained</i>	<i>Partly Rectified</i>	<i>Not Investigated</i>	<i>Total No. of Complaints</i>
Air Mauritius Ltd.	1	—	—	—	—	1
Attorney-at-Law	1	—	—	—	—	1
Cane Planters and Millers Arbitration and Control Board	—	—	1	—	—	1
Central Housing Authority	2	—	—	—	—	2
Central Water Authority	3	—	—	—	—	3
Commission on the Prerogative of Mercy	1	—	—	—	—	1
Director of Public Prosecutions	3	—	—	—	—	3
District Councils	2	—	—	—	—	2
Judiciary	14	—	—	1	—	15
Mauritius Telecommunication Services Ltd.	1	—	—	—	—	1
Municipalities (7 received - 2 cases treated in Fraud/Corruption Files)	5	—	—	—	—	7
National Transport Corporation	1	—	—	—	—	1
Outer Islands Development Corporation	1	—	—	—	—	1
Police Service Commission	4	—	—	—	—	4
Private Individuals or Bodies	15	2	2	—	1	20
Public Service Commission	8	—	—	—	—	8
University of Mauritius	—	1	—	—	—	1
Total	62	3	3	1	1	72*

* includes 2 cases under "Municipalities" which have been treated as fraud/corruption cases.

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