



21st
Annual Report
of the
Ombudsman

January — December 1994

No. 15 of 1995

21st
Annual Report
of the
Ombudsman

January — December 1994

OFFICE OF THE OMBUDSMAN

OMB. 13/04 Vol. XXI

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

30 June 1995

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 the 21st Annual Report of the Ombudsman which concerns the discharge of my functions during the period 1 January to 31 December 1994.

The Report is to be laid before the National Assembly.

Yours respectfully,
(Soleman M. HATTEEA)
Ombudsman

Table of Contents

	<i>Page</i>
Introduction ...	1
The role of the Ombudsman ...	1
Statistics ...	2
Rodrigues ...	2
World developments ...	2
Conclusion ...	3
Appendices ...	3

APPENDICES

Appendix A

Chapter IX of the Constitution - The Ombudsman ...	4
--	---

Appendix B

The Ombudsman Act ...	8
-----------------------	---

Appendix C

Selected Complaints—

Accountant General...	9
Agriculture, Fisheries and Natural Resources...	9
Agriculture and Natural Resources (2) ...	10
Civil Aviation ...	10
Education and Science (3) ...	11
Energy, Water Resources and Postal Services	12
Health (2)...	12
Housing, Lands and Town and Country Planning (3)	13
Income Tax (2) ...	14
Police (5)...	15
Prisons	16
Rodrigues (4) ...	16
Sales Tax ...	18
Social Security and National Solidarity (3)	18
Works (3) ...	19

Appendix D

Statistical summary of complaints ...	21
---------------------------------------	----

Appendix E

Schedule of complaints ...	22
----------------------------	----

Appendix F

Cases outside jurisdiction ...	33
--------------------------------	----

Annual Report of the Ombudsman

January — December 1994

Introduction

This Report covers the period 1 January to 31 December 1994.

We started the year 1994 with a carry forward of 92 cases, whilst during that year we received 214 new complaints, which include 16 cases which I investigated on my own initiative as a result of press articles picked up by me. Indeed our Constitution empowers the Ombudsman to investigate any action of an administrative nature which causes injustice, taken by any officer or authority falling under his jurisdiction, where he considers it desirable to do so (section 97(1)(c)). Since "action" includes failure to act (section 97(10)), most of these own-motion cases concerned situations which, in my view, were caused by inaction on the part of the appropriate authority.

1994 was also the year when Mauritius was hit by severe tropical cyclone Hollanda. Many people became homeless: some were tenants, others owners. Government set up the Post Hollanda Housing Assistance Programme in order to come in aid to those households whose houses had been completely destroyed and had become homeless. Various criteria and conditions were laid down for eligibility. This brought in its wake several complaints - 10 altogether - where the complainants alleged that they had been wrongly excluded from the re-housing scheme.

More details about all these cases will appear later.

The role of the Ombudsman

The Office of Ombudsman is a device set up by the State whereby its own alleged wrongdoings are brought to the knowledge of the Ombudsman for purposes of investigation and rectification where justified. It is an integral part of our democratic process and provides a form of non-contentious approach to the resolution of disputes between citizens and government.

In order to understand the role of the Ombudsman it is perhaps appropriate to know first what is expected of a public servant. And I have no hesitation to provide the answer by borrowing from the Public Service Act of Quebec, section 5 of which states as follows —

"A public servant shall perform his duties in the public interest, to the best of his ability, with honesty and impartiality, and shall treat the public with consideration and diligence."

Therefore the Ombudsman is here to see that, in their dealings with public servants, people get a fair deal.

Daily handling of complaints received by the Ombudsman provides him with an opportunity to discover the large variety

of problems and difficulties encountered by members of the public when dealing with ministries, departments and other government agencies. The Ombudsman has therefore the responsibility of ensuring that their cases are dealt with in the most appropriate manner so that at the end of the day every complainant feels that he has been treated with consideration and diligence.

In contemporary society people do not accept everything at face value. Whenever they feel they have been wronged, they complain. And complaints about maladministration in the public service are addressed to the Ombudsman. Section 97(1) of our Constitution indeed provides that *"... the Ombudsman may investigate any action taken by any officer or authority 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"*

Maladministration cannot be defined with precision because, although it covers a great deal of situations we can think of, it may sometimes cover a situation we could not have imagined. Generally it may be considered to be a lapse from the high standard expected of the public service.

It must not be believed, however, that maladministration has occurred each time a complaint is received by the Ombudsman. The latter will have to investigate with a view to finding out whether the complaint made is justified or not. A complaint would be regarded as justified where the Ombudsman is of opinion that the action taken is —

- (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.

The options that are open to the Ombudsman where he considers that a complaint is justified are as follows. He may recommend that -

- (i) the matter be given further consideration;
- (ii) an omission should be rectified;
- (iii) a decision should be cancelled, reversed or varied;
- (iv) any practice on which an action or a decision was based should be altered;
- (v) any law on which an action or a decision was based should be reconsidered;
- (vi) reasons be given for the action or decision; or
- (vii) some other step be taken.

Where the Ombudsman has made a recommendation, he may request the principal officer of any department or authority concerned to notify him, within a specified time, of any steps that it is proposed to take to give effect to his recommendation. In such a case the Ombudsman must also send a copy of his report and recommendation to the Prime Minister and to the Minister concerned.

Where no adequate and appropriate action is taken after the lapse of a reasonable time, the Ombudsman may, after considering any comments made by or on behalf of the department, authority, body or person affected, again send a copy of his report and recommendation to the Prime Minister and the Minister concerned and eventually make a report to the National Assembly on the matter.

I must here pause to say that I have so far encountered no real difficulty to convince the decision-makers whenever I felt that a particular decision was wrong or unjust. Indeed in most cases the solution to the problem comes to the surface through the exchange of correspondence and discussions.

In the same way, whenever a complaint is found not to be justified, the Ombudsman sometimes does a lot of explaining to convince a complainant that the action or decision complained of has been correctly taken. All the same, more often than not, the complainant has the satisfaction that his case has been looked at by an independent and impartial person.

Statistics

The following table shows the situation as at 31 December 1994:

Cases pending as at 31 December 1993 ...	...	92
Case intake in 1994 ...	...	214
Cases dealt with in 1994 ...	...	306
Cases rectified ...	...	68
Cases partly rectified ...	...	1
Cases not justified ...	...	34
Cases explained ...	...	67
Cases discontinued ...	...	15
Cases not entertained ...	...	9
Cases not investigated ...	...	1
Cases declined for want of jurisdiction ...	...	4
Cases pending as at 31 December 1994 ...	...	106
Cases against bodies falling outside jurisdiction		1

Although the number of cases dealt with during the year under review is more or less the same as in the previous year, the percentage of rectified cases has increased from 14% to 22%.

As regard own-motion cases referred to at the beginning, 9 of them have already been rectified at the time of preparation of this report, whilst 4 are still pending. 2 of them were not justified and 1 has been explained to my satisfaction (Total 16 cases).

As regard the complaints of cyclone Hollanda victims (10 altogether) I have personally effected site visits wherever I deemed it necessary to do so and I was always accompanied by officials of the Ministry of Social Security and National Solidarity and the Ministry of Housing, Lands and Town and Country Planning; and the situation may be summarised as follows:

— 2 cases were reviewed after my intervention and were being finalised for N.H.D.C. apartments

— 1 case was discontinued by me as the complainant could not be reached at the given address; furthermore he could not effect a deposit representing at least 10% of the selling price of an apartment

— in 1 case the complainant was not homeless as she had returned to her house which had been repaired; she was therefore not eligible

— in 1 case the complainant's case could not be finalised as he failed to call at the Mauritius Housing Company Ltd.

— in 2 cases the complainants did not have sufficient income for a NHDC apartment; however a building site lease over State land was being considered in their case

— in 3 cases the complainants failed to register themselves within the delay; however upon my intervention their cases were referred to the Ministry of Housing, Lands and Town and Country Planning for consideration.

In addition to formal complaints I also received 110 copies of complaints addressed to various other bodies and 106 other letters for assistance in one way or another. In cases where I felt it necessary to do so, I followed up the matters with the authorities concerned and informed the writers of the outcome of my inquiries.

Rodrigues

My last working trip to the island of Rodrigues dates back to October 1993. It was however not possible for me to visit Rodrigues in 1994 but I am contemplating a visit this year.

The situation concerning Rodrigues as at 31 December 1994 was as follows: 15 cases were dealt with, out of which 8 were justified and remedial action taken, 4 have been explained to my satisfaction, 1 was not justified and 2 are still pending.

World developments

The November 1994 issue of the Newsletter of the International Ombudsman Institute (I.O.I) of which Mauritius is a member, informs us that "At present, 65 countries in all parts of the world have an ombudsman institution - at the national level and/or on a regional and local level. Some 25 countries are on their way to having an ombudsman institution in the next few years. However, there is not only a growth in quantity but also an increase in diversity. A simple indication of this is the variety of names of the institutions that perform the ombudsman function in the various countries. Nevertheless, there is similarity on basic characteristic. This development is a great challenge to the I.O.I., to perform its function as a framework for the professional communication and cooperation of Ombudsmen around the world.

A special task of both the I.O.I. and its members is to give support to those countries which are considering the creation of an ombudsman institution, as well as to share experiences with the newly established institutions."

I am indeed thankful to the I.O.I. for regularly sending to our Office copies of its issues of Newsletter which contain a lot of information about the Ombudsman world, and also for the annual issue of the Ombudsman Journal.

My thanks also go to my colleagues from different parts of the world who, without fail, send me copies of their own annual reports.

Conclusion

My warmest thanks to my staff for their commitment and dedication to work.

I would also like to place on record my appreciation for the fullest cooperation of the different ministries and departments whose actions have been investigated by me.

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: 30th June 1995

(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/37/94

Retired public officer is paid balance of allowance in lieu of passage benefits

G.R., a retired officer of the Posts and Telegraphs Department since 14 October 1993, submitted a complaint to the effect that upon retirement he was paid all his dues except his allowance in lieu of passage benefits.

He therefore called at the Accountant General's Department, Passage Section, where he was informed that he would receive his payable order by post.

Up to the time of writing i.e. March 1994 he had not yet received any payable order and he requested me to look into the matter so that justice be done to him.

The Accountant General was invited to give his comments and it would appear that G.R. was paid allowance in lieu of passage benefits amounting to Rs 13809 for the period 1 August 1987 to 31 July 1993 (eve of his pre-retirement leave)

on 18 October 1993 i.e. 4 days after the date of his effective retirement. That payment was based on a statement of passage benefits submitted by the Postmaster General.

However complainant made representations to the Postmaster General claiming additional passage benefits for period 1 July 1977 to 31 July 1987 following which a further statement of passage benefits was submitted to the Accountant General for computation. Unfortunately that statement contained certain errors and omissions which the Postmaster General's Department failed to amend until my intervention.

Subsequently a fresh computation was done and whatever balance was due to complainant was paid to him.

Indeed G.R. wrote to inform me that the matter had been settled to his entire satisfaction. He further added: "I take this opportunity to thank you for your intervention which has been fruitful. Without it I suppose it would have taken months to settle the matter."

AGRICULTURE, FISHERIES AND NATURAL RESOURCES

C/28/92

Contract officer refunded air fares for himself, his wife and daughter

S.B. was employed by the Ministry of Agriculture, Fisheries and Natural Resources as Scientific Officer (Animal Husbandry) on a contract/gratuity basis in October 1984 for a two-year resident service in Rodrigues.

As per clause 4c of his contract he was entitled to a free passage to Mauritius and back once a year, and if married, for his wife and up to three children as well.

His contract was renewed until October 1991 - three times for a period of one year and once for a period of two years, although not in that order

He claims that the condition respecting free passage to Mauritius was complied with from 1984 to 1989 but not so in respect of the years 1990 and 1991, during which he or his family had travelled. He spent the amount of Rs 7115 for the tickets and claimed a refund.

He stated in his letter addressed to me that he has been made to understand that he will not be refunded.

He further averred that he was short-paid Rs 25 in September 1991 and Rs 207 in October 1991 towards travelling allowance.

I first took up the matter with the Ministry of Agriculture, Fisheries and Natural Resources but upon being informed that since August 1987 it was the Island Secretary, Rodrigues who

was the Responsible Officer, I pursued the matter with the Ministry for Rodrigues.

The issue of travelling allowance was first cleared after some confusion arising out of the fact that the amounts claimed by the complainant had been credited to his bank account in Rodrigues after he had already left Rodrigues. Finally this issue was settled when he received a cheque from his bank in Rodrigues.

There remained the issue of his air fares. In the Ministry's view the clause regarding free passage applied only during a two-year contract and not during a one-year contract. Since the complainant claimed the benefit for periods during which he held a one-year contract therefore his claim was untenable.

Not satisfied with the reasoning of the Ministry and bearing in mind that the complainant's contract was every time renewed *on the same terms and conditions*, I requested the Ministry to seek legal advice on the matter.

After taking advice the Ministry agreed that the complainant should be refunded the amount claimed by him and instructions to that effect were issued to the Island Secretary.

However a few months later the complainant informed me that he had been refunded only Rs 3830 for his personal travels in May 1990 and March 1991, whereas the balance of Rs 3285 representing air fares for his wife and daughter in July and August 1991 was not refunded.

I again had to intervene and he was finally refunded the balance.

AGRICULTURE AND NATURAL RESOURCES

C/226/93

Application for land conversion permit approved after one year

Mr. C.M. lodged a complaint before me upon the instructions and on behalf of his father who had been hospitalised.

His complaint was to the effect that an application for the conversion of a plot of agricultural land into a residential plot had not yet been processed after 7 months.

A month after I received the complaint the application was still being looked into by the Ministry and had still to be examined by the land conversion committee.

I pressed the Ministry for an early decision in the matter and finally at the beginning of May 1994 the complainant himself informed me that the Ministry had approved the application. He requested that the complaint against the Ministry be withdrawn.

His complaint is however considered as justified

C/118/94

Applicant company obtains land conversion permit after more than four years

On 20 July 1994 one I.M., representing the C.C.M. company, complained that since June 1990 the company had

applied to the Ministry of Agriculture and Natural Resources for a land conversion permit and that no reply had been received from the Ministry since that time, in spite of various letters addressed to the Ministry requesting a written reply.

My inquiry reveals that the site was only visited two years after the application, a favourable decision taken one year later but still no reply made to the applicant company on account of the fact that there was a case pending before the Supreme Court involving one of the directors of the company.

It was only much later that the Ministry discovered that the application was in respect of a totally different plot of land from the one concerning the court case and had to be advised that the case had no bearing on the application.

The Ministry finally agreed to issue the land conversion permit upon payment of the appropriate land conversion tax. I was so informed by letter dated 18 October 1994 from the Ministry.

It took the Ministry more than four years to decide upon this application. In my view, this is a clear case of maladministration.

CIVIL AVIATION

C/90/90

Patrolman obtains rent allowance and salary (instead of time off) for work performed on public holidays. Other Patrolmen who had not complained obtain same benefits

In his letter dated 4 April 1990, a Patrolman of the Civil Aviation Department complained to me that (a) the payment of his rent allowance had been stopped, and (b) no time off was being granted to him for work performed on public holidays.

The Director of the Civil Aviation Department explained that the Patrolman was not entitled to rent allowance as his name was not included on the list of those eligible for same. Reference was made to two circular Letters from the then Establishment Secretary.

He however added that since the merging of Station Patrolman and Airport Patrolman into one common grade following Chesworth Report, *"..... authority has been sought from the Ministry for Civil Service Affairs and Employment for the payment of a rent allowance to all Patrolmen residing within a radius of 15 miles from their place of work at the Airport or at the outstations. As the reply received does not provide for the Patrolmen posted to the outstations, this department intends to seek fresh authority in that connection."*

As regards the refund of time-off for work performed on Public Holidays, the Ministry for Civil Service Affairs has

advised that Shift Workers are no longer eligible for time-off for work performed on Public Holidays in accordance with the recommendations of the Chesworth Report at para 4.10."

On several occasions my Office sent reminding letters to the Director, Civil Aviation Department to enquire about the situation. He was however himself waiting for a reply from the Ministry for Civil Service Affairs and Employment.

I therefore enquired directly from the Ministry for Civil Service Affairs and Employment. That Ministry sought the views of the Pay Research Bureau which, in its recommendation had left out the case of officers posted at the outstations. So when the Ministry took up the matter again with the PRB the latter replied that the issue would be considered in the context of the review of salaries and conditions of service.

Finally the PRB recommended that all officers of the patrol cadre residing within a distance of 15 miles from either the airport or any outstation irrespective of posting, be paid the rent allowance.

Accordingly all patrol staff of the Civil Aviation Department were paid rent allowance at approved rates with effect from 1 July 1993.

However, the issue concerning time-off for work performed on public holidays was still not resolved and was the subject-matter of further discussion.

CIVIL AVIATION — *cntd.*

Finally, in a letter dated 2 September 1994 the Director, Civil Aviation Department, informed me that—

"2. Following advice received from the Ministry for Civil Service Affairs, this Department has already initiated action regarding payment of either one day or two days salary to its shift officers/employees who have either worked on a public holiday or were rostered off duty on public holidays for period July 1987 to June 1993.

3. The case of Mr. is being dealt accordingly."

I conveyed the result of my investigation to the complainant with a word of thanks for the patience he had shown and requested him to inform me when he received his due. Until the end of 1994 I did not hear from him but on 30 May 1995 he informed me that this had been done. He further added: "I would like on behalf of all shift workers and myself heartily thank your esteemed office for due efforts in rendering justice to us."

It took me almost four and a half years to complete this case. However, I was satisfied with the end result. My intervention rectified not only the case of the complainant but also that of all the officers in the Patrolman Cadre.

EDUCATION AND SCIENCE

C/188/93

Child admitted to school applied for

Mrs. P.P. had written to me on 25 October 1993 to complain about the admission of her son at a primary school situated some 5 kilometres from her residence whereas she lives at a distance of about 100 metres from another primary school where she had actually applied for the admission of her son.

She further averred that other pupils from distant places had obtained admission to the school she had applied for and could not understand such an illogical decision of the Ministry.

Invited by me to furnish its comments the Ministry inquired into the matter further and found that complainant's son did in fact reside within the catchment area of the school he had applied for.

His father was informed accordingly and requested to report to the new school for admission formalities.

C/9/94

Complainant, a primary school teacher, obtains full satisfaction upon his transfer

The complainant who is a primary school teacher averred that in 1992 he was in charge of a whole class throughout the year but in the subsequent year he was kept "floating" without any valid reason.

In January 1994 when classes resumed he was allocated another class but a few days later he was informed by the new headteacher that he was "floating" again.

He sincerely believed that he had been unjustly victimised and requested for my intervention to undo the injustice done to him.

I queried the Ministry of Education and Science about this case and a month later complainant himself informed me that he had been posted at another school in charge of a whole class.

He stated that he was fully satisfied and wished to thank me and the Inspectorate of the Ministry.

The explanation of the Ministry was that in the school where he was previously posted there were 104 pupils for the standard and therefore four sections of that standard had been squeezed into three sections. As complainant was the last to join the staff he found himself floating.

However, to maximize resource utilisation, complainant was redeployed and transferred to another school where he had full charge of a whole class.

A happy ending to this affair.

C/58/94

Compromise found for pupil of State Secondary School accused of gross misbehaviour

The Ministry of Education and Science wrote to the mother of a pupil attending a State Secondary School requesting her to withdraw her son from school immediately on the ground that the boy had been guilty of gross misbehaviour in a bus and had been involved in other incidents with the Rector and the Caretaker of that school.

In her letter addressed to me one week later the mother hotly contested that request as, according to her, her son was not to be blamed for any of the incidents related in the Ministry's letter (dated 12 April 1994). She gave her own version of each of the incidents and claimed that her son was being victimised.

In view of the intended participation of the boy at the forthcoming School Certificate examinations, for which the fees had already been paid, and in view of all the circumstances of the case, I suggested to the Ministry not to take any drastic action at that stage in order not to jeopardise the future of the boy and I requested them to allow the boy to continue attending school pending further inquiry.

The Ministry explained to me that it could not come back on its decision in view of the importance attached to school

EDUCATION AND SCIENCE — *cntd.*

discipline which was a sine qua non condition for effective teaching and learning to take place.

Further discussion took place and finally the Ministry proposed to accept the boy in another school which the mother (complainant) accepted. Her son was effectively admitted in another school on 15 June 1994.

I must say that in this case I was very much concerned about the boy's future and I had to devise ways and means of safeguarding his chances for the future. At the same time I was well alive to the exigencies of school discipline for the proper running of our educational institutions.

A delicate balance had to be struck and I am satisfied that a compromise has been found.

ENERGY, WATER RESOURCES AND POSTAL SERVICES

C/39/94

New water pipe to be installed at Riche Mare

One R.S. of Riche Mare, Central Flacq, wrote to me on behalf of the inhabitants of the locality to complain about the inadequate supply of water to them due to the size of the water pipe which had been installed by Government some thirty to forty years back and at a time when there were only about thirty families living there.

Now that the place is being inhabited by some two hundred families the supply of water was clearly insufficient.

R.S. averred having knocked on almost every door in order to have the situation remedied but in vain. So he and the other inhabitants decided to seek my intervention.

The matter was taken up with the Ministry of Energy, Water Resources and Postal Services and a few months later it was decided that the Central Water Authority would lay a new pipeline there and the project was earmarked to be carried out during financial year 1994/1995 under the National Development Unit Project.

The inhabitants were informed accordingly and I did not hear from them again.

HEALTH

C/257/92

Proposed cremation ground moved away from original site following protest made to Ombudsman

In September 1992 four inhabitants of Midlands submitted to me a protest against the erection of a cremation ground on the ground that the proposed site was at a distance of about 30 feet from the residential area where they lived.

Actually they had previously objected at the Ministry of Health but were informed that the site was found suitable as it was about 500 metres away from the nearest human habitation and not within view as it was located within a space of dense vegetation.

Indeed section 171 of the Public Health Act provides for the burning of dead bodies in a place other than a crematorium provided that—

- (a) there is no crematorium at hand;
- (b) the place selected for burning is not within view of any inhabited dwelling house

Upon the insistence of the complainants that the proposed site was only 30 feet from their land and that the distance between the proposed site and the nearest house was only 77 metres, which they supported by the production of a plan drawn up by a Sworn Land Surveyor, I requested that an officer of the Ministry of Health should attend my Office with the relevant file for the purpose of my perusal. In the meantime I made a request that the National Development Unit of the Prime Minister's Office (NDU), which was responsible for

the actual construction of the cremation ground, should not proceed any further until my investigation was completed.

It must here be said that the involvement of the Ministry of Health was merely to the effect that they had no sanitary objection to the project.

All the same I received the visit of the Principal Health Inspector, the Chief Health Inspector and the Sanitary Authority for the area. They were shown the plan produced by the complainants and they stated that when they went to the site some two months earlier the sugar canes were still standing and no human habitation could be seen at less than 500 metres from the proposed cremation ground.

I decided to effect a site visit in company of the above Officers, and one of the complainants was also present. The sugar canes had been cut by then and I, in fact, saw a house which was situated as described on the plan i.e. about 77 metres away from the proposed cremation ground.

In November 1992 I wrote to the NDU and informed them of my findings and recommended that the cremation ground be moved away a couple of hundred metres or to a completely different site.

Finally in September 1994 I was informed of the decision of the NDU to move the proposed cremation ground away from the original site.

The complainants were informed accordingly and thanked for the patience they had shown all along.

C/4/94

Three-year old health nuisance promptly attended to upon Ombudsman's intervention

On 12 January 1994 an article appeared in the daily L'Express under the rubric "Who cares?" and bearing the following title: "Faut pas attendre la malaria!"

The situation obtaining at Enniskillen Street, Port Louis, was described as follows —

"Des habitants de la rue Enniskillen à Port-Louis se plaignent d'une situation malsaine qui prévaut depuis plus de trois ans. En effet, à la suite de certains travaux, les eaux usées dans le caniveau ne peuvent plus suivre leur cours normal et restent stagnantes.

Cette situation fait le bonheur des moustiques et autres insectes. Toutes les démarches entreprises auprès des autorités concernées pour régler ce problème ont été vaines. Les habitants font un appel au ministère de la Santé vu qu'avec les pluies d'été la vigilance contre la malaria est de mise et ils souhaitent voir une solution à ce problème..."

and was supported by a picture of the offending gutter.

For three years the inhabitants have endured such an outrageous situation! I thought it was too much. And how many more years would they have to wait?

I therefore referred the matter on the same day to the Permanent Secretary, Ministry of Health, and requested immediate action on his part.

An inspection by officers of the Ministry was carried out on the next day and it was observed that the drain along Enniskillen Street was obstructed with mud which blocked the proper flow of surface water. A notice under the Public Health Act was served upon the Municipality of Port Louis on 20 January 1994 to clear up the drain.

The Municipality must have complied, as another subsequent visit revealed that the nuisance had been removed to the satisfaction of the Ministry.

Although I must thank the Ministry of Health for prompt action after my intervention it would have been much better if the authorities concerned, including the Ministry, had acted when they were first approached.

HOUSING, LANDS AND TOWN AND COUNTRY PLANNING

C/321/92

Complainant obtains satisfaction in his endeavour to get back his sand dealer's licence

Complainant, G.L., is a handicapped person and was until March 1992 the holder of a permit to extract sand from the sea at Roches Noires, ever since 1979.

In his letter of complaint dated 4 December 1992 he avers that his permit as well as those of some others operating in the same region have not been renewed after March 1992.

He however claims that since about one month the permits of the others had been restituted whereas his own permit has not been so restituted in spite of various efforts made by him.

He avers having invested a lot of money in this business and, without this permit, he will be completely ruined. He therefore sought my intervention for the restitution of his permit.

Whilst the matter was being looked into by the Ministry at my request, the complainant informed me that the bank from which he had borrowed a large sum of money had effected the seizure of his equipment and would, if nothing is done, proceed to the sale thereof.

I had to press the Ministry for a quick reply and finally the Ministry informed me that they had advised the complainant to submit an application to the Ministry of Cooperatives and Handicraft for the registration of a sand carrier cooperative society and that a sand dealer's licence would be issued to the registered society to operate at Pointe des Lascars.

Subsequently the complainant appeared personally at our Office to inform us that he had obtained satisfaction.

His complaint stands as rectified.

C/96/93

Public beach restored to former state and offender refunds Government for works done

On 6 May 1993 an article (with photos) appeared in the L'Express concerning rubbish which had been dumped on to the public beach at a place called Pointe-des-Hollandais by the builders of a new hotel complex. The article disclosed that the matter had been referred by the Ministry of Local Government to the Police for necessary action.

I feared that an eventual prosecution in the matter might take some time but my primary and immediate concern was the removal of that disgraceful blot from the Mauritian landscape.

I therefore contacted the Ministry of Local Government which informed me that the matter was being pursued by the Ministry of Housing, Lands, Town and Country Planning.

On 20 May 1993 a Notice (mise-en-demeure) was served on the hotel company calling upon it to cause the rubbish to be removed within 48 hours and to restore the land to its former state.

The hotel company in fact started removing the rubbish but at a slow pace. This operation did not progress very much and therefore the Ministry of Housing, Lands, Town and Country Planning in conjunction with other ministries mobilised a team of workers to do the clearing and restoration. The expenses of that operation would be claimed from the hotel company as stipulated in the Notice (Mise-en-demeure). After initial works started by Government the hotel company completed the works and reimbursed Government the sum of Rs 70,500.

Had no immediate action been taken in the matter it is the public at large that would have suffered, especially when we know that a good part of our nicest beaches have been "taken up" by hotels.

HOUSING, LANDS AND TOWN AND COUNTRY PLANNING—*contd.*

C/35/94

Application for State land granted

Complainant in this case was occupying a building at Moka Road, Port Louis, which had been condemned by the Municipal Council of Port Louis. He was using it as a printing workshop.

So he applied to the Ministry of Housing, Lands and Town and Country Planning for a portion of State land at Camp Yolloff, Port Louis, to construct his printing workshop there.

On 8 July 1993 the Ministry informed him that Government was prepared to grant him a portion of State land of an extent of 253m² at Camp Yolloff, provided he would submit preliminary drawings of the building for clearance by the Planning Division.

The drawings having been cleared, the Ministry wrote to him on 3 September 1993 to inform him that Government had approved the drawing up of an industrial site lease in his name over the said plot for the period 8 July 1993 to 30 June 2013 at rentals to be communicated subsequently. The rentals were indeed communicated to him on 10 November 1993.

Five days later he paid Rs 12000 representing one year's rental and a survey fee and was told to call at the Ministry fifteen days later to sign the deed of lease.

As at the end of February 1994 he had received no communication from the Ministry notwithstanding the fact that he called there several times and each time he was told the lease would be ready in a matter of days.

Complainant requested me to intervene in the matter as according to the Ministry's letter of 3 September 1993 he has been given one year to complete the construction of the building.

Following my intervention and after being informed by the Ministry that allocations of State land during a determined period were being reconsidered on a case by case basis, I was further informed on 30 June 1994 that the application of the complainant had been approved and that the Ministry was in the process of finalising the lease agreement.

The complainant was immediately informed of the situation and requested to keep me informed of developments in his case. He made no reply however.

His case is considered as rectified.

INCOME TAX

C/71/94

Tax erroneously deducted from sick leave money refunded to complainant

H claimed that he had been unjustly penalised by the Income Tax department which deducted the sum of Rs 5219 from the amount of non-taxable sick leave money paid to him.

His numerous efforts for refund have remained unsuccessful and he therefore sought my intervention.

Asked for his explanation, the Commissioner of Income Tax stated that as payment was effected in July 1993 P.A.Y.E. was applied and the sum deducted. However as payment referred to a period prior to 1 July 1993, P.A.Y.E. should not have applied.

I informed the complainant that steps would be taken to refund him and a few days later he informed me that he had been refunded the amount deducted and conveyed his heartfelt thanks to us for our prompt and positive intervention in his favour.

He further added: "It comforts an old man like me to know that there still exists an Institution which can restore justice to the weak, while I had been desperately knocking at the door of the Income Tax Office for nearly a year."

It is incredible that nothing was done for this man until my intervention.

C/110/94

Tax overpaid refunded to complainant after nearly two years

Mr. L.S. forwarded to me copies of correspondence between him and the Income Tax Department and requested my intervention for a refund of Rs 3600, amount by which, according to him, his tax liability for year of assessment 1991-1992 should be reduced.

He claimed that sum from the Income Tax Department since October 1992 and, in spite of reminders sent by him, the matter has not been settled yet.

On 18 July 1994 he therefore wrote to me for my intervention.

On 27 July 1994 the Commissioner of Income Tax explained that the claim for refund by the complainant was made on the ground that no relief in respect of his retirement pension was granted to him. However as he derived income from other sources, some additional information was required of him before any refund procedures could be started. In the same letter I was informed that necessary action was being taken to effect the refund claimed.

Although requested by me to inform me as soon as he received his refund the complainant remained silent.

C/81/93

Alleged criminal caught soon after Ombudsman's intervention

The complainant in this case was a lady who could not read or write. She called on us and was interviewed by the Secretary of the Office who in the end wrote down her complaint which she signed.

Her story was that she had been cheated by a building contractor who took from her a fairly large amount of money to construct her house but finally never did so and disappeared. She reported the matter to the police on 8 December 1992 but averred that she was not satisfied with the police who kept on telling her that the man could not be traced.

Her complaint was dated 7 April 1993 and the next day I inquired from the police about the situation. Somehow the man was arrested 6 days later, the matter inquired into and finally, following advice from the Office of the Director of Public Prosecutions, the man was prosecuted.

I informed the lady accordingly but my role ended there.

Her complaint was considered justified.

C/141/93

Police action taken after 21 months following Ombudsman's inquiry

A lady from Curepipe had reported a case of wounds and blows against her husband at Curepipe Police Station on 24 November 1991.

Seeing no development in the matter after some 21 months she complained to me about the situation and averred that she was of the view that "something very fishy has taken place in the inquiry." That was on 2 August 1993.

I requested the Commissioner of Police for a report on the matter and I was favoured with one dated 23 August 1993, which revealed that at a certain stage she was informed that the case had been filed. She then went to see the Superintendent of Curepipe who looked into the matter more deeply. When she was shown her complaint she stated that it did not reflect the true facts. She simply relied on the Police Officer who recorded the complaint and signed.

The whole matter was then referred to the Central C.I.D. for further investigation and subsequently forwarded to the Director of Public Prosecutions for advice.

Finally the husband was prosecuted for assault before the Curepipe District Court and disciplinary action at departmental level taken against the Police Constable who recorded the initial declaration of complainant.

Her complaint was thus justified.

C/170/93

Police Constable prosecuted in road accident case after 13 months

The complainant was involved in a road accident which resulted in a fracture at his right foot and admission in hospital where he stayed 9 days.

The accident took place on 20 January 1993 whilst he was riding a motorcycle and the other vehicle involved was a Police van driven by a Police Constable, who according to the complainant was at fault.

When he wrote to me on 29 September 1993 he claimed that his file had not yet been sent to the Office of the Director of Public Prosecutions for a decision and this was causing a big problem to him as he could not take any decision as to "what to do in life."

I queried the Police about the matter and was informed that the complainant was still under treatment in a private clinic and that his PF 58 had not yet been received. Upon completion of the inquiry, I was told, the matter would be referred to the Director of Public Prosecutions.

Finally in February 1994 prosecution was advised against the driver of the Police van and the complainant was informed accordingly.

At long last i.e. after 13 months he was thus made aware of the stand of the Police in the matter.

C/13/94

Detainee's property restituted

A detainee wrote to me from Central Prison, Beau Bassin, to complain that his property consisting of a pair of trousers, shirt, etc. had not been returned to him in spite of the fact that they had not been produced in court upon his trial. Since five months he has been trying to get them back but in vain.

Upon my intervention his property was returned to him one month later.

C/34/94

Complainant's assailant prosecuted

S.D.H. averred in his letter dated 28 February 1994 that he had been assaulted three-days before by a person he knew by name and duly reported the matter to the police. When he inquired about the case from the police he was told several times that the accused had not been traced.

According to him the case was being handled in a doubtful manner by the police and he requested my prompt intervention.

Invited to give his explanation about the matter the Commissioner of Police informed me that the accused had admitted the charge - meaning that he had finally been traced!

The police also informed me that the accused was a mental outpatient and that a letter from the mental hospital was being awaited to know if accused could stand trial.

Finally the accused was prosecuted and convicted.

As I did not hear from the complainant again I assume he was satisfied.

PRISONS

C/101/94

Detainee seen by skin specialist at request of Ombudsman

A detainee at Central Prison, Beau Bassin, averred that he had been suffering from skin disease for quite some time. He complained that the Prison Medical Officer had on more than one occasion declared that he could not find anything wrong with him and that it was only when the disease started to spread to other parts of his body that the Prison Medical Officer started treating it.

According to the Prison Medical Officer he first saw detainee on admission and latter was physically fit. In his absence another doctor had prescribed medication for a week to detainee when latter came up to complain about small skin

problems on his forearms. Later on when he saw the detainee he continued the medication for another four weeks.

Subsequently the detainee had skin infections of the feet due to the wearing of slippers. He again gave him some medicine and on two occasions requested admission in hospital which the detainee refused.

I requested the Prison Authorities to have the detainee examined by a skin specialist which was done. The latter prescribed appropriate ointments.

The detainee was subsequently seen by the Acting Commissioner of Prisons and the former was satisfied with the treatment given to him.

RODRIGUES

C/61/93

Application for transfer of State land resolved in favour of complainant's husband after two years etc.

The complaint of this lady, Mrs. N.R., was principally to the effect that her uncle, B.R., had offered to cede part of State land which he held on lease from Government to the husband of complainant but that nothing had been done by the Rodrigues Administration in spite of an application to transfer the land made some eight months before.

She alleged that she and her family, including an eight-month old baby, were living in rather precarious conditions: water penetrating their rented wooden house each time it rained and having to vacate their house and seek refuge each time there was a cyclone.

Secondly she averred that there was neither an optician nor an ophthalmologist permanently posted in Rodrigues with the result that Rodriguans had either to wait a long time before being attended to whenever they had eye problems or to incur the expenses of an air trip to mainland Mauritius. Having problems herself and being unable to incur such expenses she requested me to approach the Ministry of Health with a view to having an eye specialist in Rodrigues at least once a month.

According to the Ministry for Rodrigues the application had been under consideration since June 1992 and the Rodrigues Administration was conducting a survey of all applications by zones. The complainant was interviewed in May 1993 to that end.

During my trip in Rodrigues in October 1993 I discussed the matter with the Island Secretary on the 27th. Then the State Land Committee met on the 27th and 28th October 1993 and approved a list of 250 applications for transfers/excisions. The complainant's application ranked 17th for the La Ferme zone.

The following actions still needed to be taken —

- (a) checking of lease documents of sitting lessees;
- (b) visit of sites and preparation of survey plans;
- (c) approval of new leases by the State Land Committee; and
- (d) drawing up and signing of new lease documents.

Finally in August 1994 the Ministry informed me that Government had approved of the grant of a new residential lease of an extent of 693 square metres at La Ferme to complainant's husband.

As regard the medical aspect of the complaint I was informed that arrangements were being made for visiting specialist staff in ophthalmology as and when their services were required. In the meantime she was seen by the Superintending Medical and Health Officer who was of the view that she did not have any eye problem. In case she had any acute problem Government would make arrangements for the lady to be seen in Mauritius at Government expense.

Although it took quite some time, the first leg of the complaint was resolved in complainant's favour whilst the second leg was partially solved.

I can only appeal to the Ministry of Health to see to it that the services of an eye specialist be made available in Rodrigues on a regular basis.

C/185/93

Complainant gets back his property free of illegal constructions

This complaint dated 20 October 1993 reads as follow—

"The WATER AUTHORITY IN RODRIGUES, prevailing itself of a decried liberty, has caused to be erected a series of fountains on our private property, situated at "Abatis Coromandel" in Rodrigues.

On behalf of all the legal heirs concerned, I have on four different occasions, requested the competent Authority

concerned to remove the incriminated fountains that are now being widely used by the public at large, notably washerwomen, thus causing, through trespass, havoc to the remaining rare species of indigenous plants found on the spot. Unfortunately the four correspondences mentioned have so far, neither been honoured with a reply nor with an acknowledgement of receipt. In face of such a deplorable attitude that savours highly of inelegance, challenge or autocracy and the resulting prejudices which will be increasing as days go by, we have in the end come to the conclusion that there is no alternative than to appeal to your impartial and nationally known justice."

When queried about the situation, the Permanent Secretary of the Ministry for Rodrigues explained that *"The fountain, together with three concrete water reservoirs and infrastructures, was set up in 1990 to provide washing facilities to the Community of Tambes. It was a project of the Rodrigues Council of Social Service in collaboration with the village Committee of Tambes and was financed by the Association Française des Volontaires du Progrès (AFVP) for the sum of Rs 20,000."*

All the same a site visit was effected on 16 November 1993 and it was discovered that the ownership of the plot of land was claimed by another family which had no objection to the erection of the public fountain and reservoirs.

Furthermore, for the past 30/35 years, the land had been reafforested by the Forestry Services.

It was also intimated to me that the demolition of the fountain and its infrastructures would cause great hardship to the women of the village and might cause public discontent.

My inquiry also revealed that the complainant had obtained a writ *"habere facias possessionem"* against a member of the family mentioned above ordering him to quit, leave and vacate the plot of land in question.

By June 1994 the standing infrastructures had not yet been removed and the assistance of the Island Secretary had to be enlisted to inform the Rodrigues Council of Social Services to do the needful.

This was finally done in September 1994. I did not hear from the complainant again.

C/191/93

Salary of complainant adjusted

This is a complaint dated October 1993 from a Tradesman Assistant of Rodrigues who claimed that his basic salary was lower than his colleagues who had been appointed after him in the Public Service.

I immediately requested the Permanent Secretary of the Ministry for Rodrigues to look into the matter, and after a close scrutiny it was confirmed that complainant's junior colleagues were drawing a higher salary than him.

Necessary adjustments were made to his salary to take effect some 21 months before he complained to me.

The complaint was fully justified and justice has been done.

C/43/94

Regular supply of water restored to village

On 26 March 1994 an inhabitant of Rodrigues living in the village of Grand La Fouche, Corail, complained to me on behalf of all the villagers about the irregularities in the supply of water to that locality in spite of the fact that the island was no longer undergoing a period of drought.

It is apt here to recall that in October 1993, during my Rodrigues trip, I had intervened on behalf of those people for an adequate supply of water and the situation became more or less satisfactory as from November of that year until January 1994.

According to the complainant the irregularities have started again in February 1994, hence his letter of complaint to me.

The matter was again looked into by me and the situation appeared to be as follows —

- (i) due to bad weather, heavy rainfalls and bad conditions of the road, water lorries could not easily access the village for period February to April 1994;
- (ii) two out of four water lorries were under repairs;
- (iii) since April 1994 a new pump has been installed at Bigarade and water is now being pumped everyday to the village reservoir;
- (iv) distribution of water is made every week on each of the five water networks connected to that reservoir.

Indeed in July 1994 the complainant informed me as follows: *"We wish to inform you, since about two months there is a weekly supply of water and we are all satisfied. We also wish to thank you very much for your help which have been highly appreciated by all villagers."*

SALES TAX

C/109/93

Complainant granted further delay to settle sales tax liability in view of his circumstances

G.L. was registered at the Sales Tax Department since 1988. In April 1990 an assessment was made under the Sales Tax Act claiming an amount of Rs 70588 as being tax due during the period July 1988 to February 1990.

G.L. appealed to the Tax Appeal Tribunal against the assessment and the Tribunal reduced the amount to Rs 44289.

He gave an undertaking to pay the tax due by instalments and indeed started paying at the end of October 1991. By the end of March 1992 he had already paid Rs 24000.

However since then he effected no payment and the matter was referred to Police for prosecution.

He wrote to me on 7 June 1993 requesting my intervention either to have the debt cancelled or further reduced - something I am not empowered to do.

However in view of his circumstances, especially the fact that he is a handicapped person and that his licence as sand dealer had been suspended, I requested the Commissioner for Sales Tax to consider the matter on humanitarian grounds and grant him a further delay to pay.

Subsequently G.L. reported to my Office and informed us verbally that he had obtained satisfaction.

I later learned from the Commissioner that he had undertaken to pay the outstanding balance in monthly instalment of Rs 500 and legal proceedings instituted against him had been stayed.

It would appear that after having paid Rs 10000 he is still indebted to the Sales Tax Department in an approximately similar amount. He has been called at the Commissioner's Office to sort out the matter.

SOCIAL SECURITY AND NATIONAL SOLIDARITY

C/213/93

Social Aid Regulations 1984 amended following Ombudsman's recommendation

S.R. is married with two children. One of them, aged 7, is totally handicapped physically. His wife cannot take up employment on account of that.

According to the Social Aid Regulations 1984 a carer's allowance is payable in favour of a handicapped child below the age of 15 provided the aggregate income of the parents does not exceed Rs 42,000 per year.

S.R. agreed that his income exceeded Rs 42,000/- but argued that his real gross earnings amounted to only Rs 40,439.72 whilst the rest (Rs 2,706.60) represented refund of holidays not taken. He therefore requested that his case be reviewed.

Unfortunately for him, income is defined in the Regulations as income derived from any source and I found that the Ministry had applied the law correctly.

During the enquiry I came to know that there were other similar cases in which no complaint was lodged. Further, every year, there are a number of persons in receipt of a carer's allowance becoming disqualified on account of the yearly salary increase which takes their annual income outside the Rs 42,000/- limit.

Bearing in mind that —

- (i) the ceiling was raised from Rs 30,000 to Rs 42,000 some 5 years before (Government Notice No. 6 of 1989); and

- (ii) a carer's allowance is allocated for the benefit of a handicapped child, whose needs must surely grow as the years go by and should not be penalised by an increase in the parents' income,

I recommended that the law be amended with a view to increasing the present ceiling of Rs 42,000/-.

The Ministry of Social Security and National Solidarity first informed me on 3 February 1994 that my proposal would be submitted to the Ministry of Finance in the context of the preparation of the next Budget.

However, well before that, the law was amended and the ceiling raised from Rs 42,000/- to Rs 56,580 (G.N. 36/1994).

C/7/94

Arrears of food aid allowance paid to complainant

Since May 1993 G.P.V. had registered at the social security office of his locality for income support for rice and flour. Up to January 1994 he has been waiting in vain. So he sought my assistance.

According to the Ministry the complainant who is a beneficiary of basic retirement pension did in fact apply for support income for rice and flour (food aid allowance) in May 1993 at a time when there was mass registration of applications. However the surname which he gave as V. had created a certain confusion inasmuch as his actual surname is P.V. bearing a particular social security number.

Upon my intervention the matter was cleared and a cheque of Rs 500 representing arrears for the period May 1993 to January 1994 (including bonus 1993) has been forwarded to complainant under registered cover.

SOCIAL SECURITY AND NATIONAL SOLIDARITY — *contd.*

Arrangements were further made to replace his pension Order Book by a new one which would also include food aid allowance in future.

Complainant promptly confirmed having received his cheque, with thanks.

C/153/94

Cyclone victim's case taken in consideration although he registered himself outside delay

Cyclone Hollanda hit Mauritius during the night of 10 to 11 February 1994. It caused a lot of damage and several houses were completely destroyed.

Government immediately set up the Post Hollanda Housing Assistance Programme in order to come to the rescue of those persons whose houses had been completely destroyed. Such persons had to register themselves with the Ministry of

Social Security and National Solidarity within a prescribed time limit (18 February 1994).

R.J.'s house at Bambous was completely destroyed and he moved to the house of his brother in Vacoas. He however registered himself outside the delay i.e. on 21 February 1994. He himself admitted that he was disqualified for assistance under the Programme but all the same sought my help to obtain a NHDC apartment.

After I had pleaded his case with the Ministry the latter agreed to include his name in the list after those who had registered in time. His case was then forwarded to the Ministry of Housing, Lands and Town and Country Planning for consideration.

The complainant was informed of the above and requested to liaise with the Ministry of Housing, Lands and Town and Country Planning. That was all I could do for him in view of the circumstances.

WORKS

C/137/93

Compensation paid by Government for encroaching on complainant's property

The Assistant Manager of B. Co. Ltd. wrote to me on 23 July 1993 to inform me that the concrete wall of the company's property found on the main road at Petite Rivière had been broken down by the contractor for road improvement and further that the gutter and pavement adjoining the road had been constructed in such a way as to encroach on that property.

He sought my intervention with the Ministry of Works "to set things right." Indeed the company had written to the Ministry on 3 March 1993 but had received no reply.

Following my intervention a site visit was effected by a representative of the Ministry on 18 August 1993 and the Ministry agreed to remove all excavated material from the property and reconstruct a block wall.

Further the Ministry would carry out a survey of the boundaries of the property to ascertain the area of land encroached upon in order to determine the compensation payable to the company.

Finally, on 2 September 1994, the Ministry informed me that the compensation payable had been evaluated at Rs 137,500 and that the company had accepted an offer of that sum in full and final settlement of the prejudice caused to the company.

A fully justified complaint.

C/208/93

Complainant's landlord prosecuted for failure to comply with conditions of building permit upon Ombudsman's intervention

Mr. S.P. was the tenant of Mr. C.K. in Central Flacq. He complained that his landlord had started to erect a building

without leaving the statutory distance between the house he was occupying and the new building, thus causing great inconvenience, especially inadequate ventilation, to his family.

He appealed to the Ministry of Health and the Ministry of Environment and Quality of Life. Their Inspectors came to make a "constat" but there was no follow-up in the matter. He even wrote to them but his letter remained unanswered.

He therefore sought my assistance in trying to solve his problem.

I took up the matter with the Ministry of Works which caused a site visit to be made. It was in fact observed that C.K. had started construction of a building which was not in accordance with the plans he had submitted and which was approved.

C.K. was thus prosecuted, convicted and fined.

Asked whether he was satisfied, the complainant made no reply.

His complaint stands as rectified.

C/89/94

Application to run workshop in residential area turned down

B.R., an inhabitant of Triolet, complained about the proposed installation and operation of two electric motors of 1.5 H.P. each for the purpose of running a cabinet workshop, close to his house. His objection formulated before the licensing authority i.e. the Ministry of Works was mainly based on the fact that such a workshop cannot be installed in a purely residential area.

He further drew my attention to the fact that the applicant was a lady public officer and he therefore could not understand how such a person could be licensed to run a workshop.

According to the contents of his letter, the complainant must have laboured under the impression that the application had already been processed and a licence issued.

WORKS—*cntd.*

When I took the matter with the Ministry of Works, I found out that the application was still being processed and no licence issued yet.

Therefore, although the complaint was somewhat premature, I continued to follow up the matter with the Ministry until I was informed by the Ministry that the application had been rejected.

I informed the complainant accordingly. In return he wrote the following—

"I must say frankly that I had entire confidence on your Office and Officers. Since the beginning of this case, I was confident that TRUTH WILL TRIUMPH.

How you dealt with this case is your business, however I must say 'Hat off Mr. Ombudsman' and I pray God that you continue giving satisfaction to those who need such help."

STATISTICAL SUMMARY OF COMPLAINTS

Ministries/Departments	Rectified	Partly Rectified	Not Justified	Explained	Discontinued	Not Entered	Not Investigated	Declined for want of Jurisdiction	Pending	Total No. of Complaints
Accountant-General	1	—	1	2	—	—	—	—	—	4
Agriculture, Fisheries and Natural Resources	1	—	1	1	1	—	—	—	—	4
Agriculture and Natural Resources	2	—	2	2	—	—	—	—	1	7
Attorney-General's Office	—	—	—	1	—	—	—	—	—	1
Civil Aviation	1	—	—	—	—	—	—	—	—	1
Civil Service Affairs and Employment	—	—	—	3	1	—	—	—	—	4
Cooperatives	—	—	—	1	—	—	—	—	—	1
Cooperatives and Handicraft	1	—	—	—	—	—	—	—	—	1
Education and Science	4	—	—	3	2	1	—	4	8	22
Energy, Water Resources and Postal Services	2	—	—	—	—	—	—	—	7	9
Environment and Quality of life	2	—	—	—	1	—	—	—	9	12
Finance	1	—	—	—	—	—	—	—	1	2
Fisheries and Marine Resources	—	—	1	—	—	—	—	—	—	1
Health	7	—	2	6	3	1	—	—	8	27
Housing, Lands and Town and Country Planning	6	1	4	8	1	—	—	—	15	35
Income Tax	2	—	—	—	—	—	—	—	—	2
Industry and Industrial Technology	—	—	—	—	1	—	—	—	—	1
Judicial	—	—	—	1	—	—	—	—	—	1
Labour and Industrial Relations	1	—	1	1	—	—	—	—	—	3
Local Government	1	—	1	—	—	—	—	—	2	4
Manpower Resources and Vocational and Technical Training	—	—	1	—	—	—	—	—	—	1
National Transport Authority	—	—	—	—	—	1	—	—	—	1
Police	17	—	6	20	4	5	—	—	17	69
Postal Services	—	—	—	—	—	1	—	—	—	1
Prisons	4	—	5	9	—	—	1	—	6	25
Registrar of Associations	2	—	—	—	—	—	—	—	2	4
Registrar of Civil Status	—	—	1	—	—	—	—	—	—	1
Registrar General	—	—	2	1	—	—	—	—	—	3
Rodriguez	5	—	1	3	—	—	—	—	6	15
Sales Tax	1	—	—	—	—	—	—	—	—	1
Social Security, National Solidarity and Reform Institutions	—	—	—	—	—	—	—	—	1	1
Social Security and National Solidarity	2	—	1	1	—	—	—	—	4	8
Trade and Shipping	—	—	—	1	—	—	—	—	—	1
Women's Rights, Child Development and Family Welfare	—	—	1	—	—	—	—	—	—	1
Works	5	—	3	3	1	—	—	—	18	30
TOTAL	68	1	34	67	15	9	1	4	106	305

APPENDIX E

No.	Subject of Complaint	Result
Accountant General		
C/206/93	Complainant claims that he and his brother are drawing less pension than they are entitled to ...	Explained
C/19/94	Application for loan to purchase car not yet approved ...	Explained
C/37/94	Passage benefits not yet computed for complainant, a retired civil servant ...	Rectified
C/64/94	Complainant claims he is entitled to higher pension ...	Not justified
Agriculture, Fisheries and Natural Resources		
C/28/92	1. Not provided with free passage between Rodrigues (where complainant was working on contract) and Mauritius ... 2. Travelling allowance short paid.	Rectified
C/320/92	Application for land conversion permit turned down ...	Discontinued
C/181/93	Complainants are fishermen by profession. Indiscriminate granting of permits for the removal of sand from the sea is causing them prejudice as fish is becoming rare ...	Explained
C/217/93	Ministry fails to apply ruling of Public Service Commission ...	Not justified
Agriculture and Natural Resources		
C/226/93	No reply to application for land conversion permit ...	Rectified
C/97/94	Denied wood exploitation permit... ..	Explained
C/118/94	Complainant applied for land conversion permit since June 1990. Has not been informed of the outcome of his application yet ...	Rectified
C/133/94	Acting as Sprayerman since 9 years. Has not yet been appointed to that post ...	Explained
C/139/94	Complainant was "Assistant gangman" at La Chartreuse Tea Factory. Transferred to Ministry in 1991. Was given job of "labourer" instead of "assistant gangman" etc. ...	Pending
C/156/94	Complainant's junior performing duty as senior mason and being paid allowance ...	Not justified
C/179/94	Allowance paid to complainant discontinued. Wants it to be restored ...	Not justified
Attorney-General		
C/63/94	Nothing done concerning complainant's application for change of name ...	Explained
Civil Aviation		
C/90/90	Rent allowance stopped and days off for working on public holidays refused to him and his colleagues ...	Rectified
Civil Service Affairs and Employment		
C/52/93	Night duty allowance wrongly computed... ..	Discontinued
C/60/94	Registered at Employment Exchange since 1985. Hasn't been selected for a job yet...	Explained
C/102/94	Has registered for a post of Office Attendant since 1979 but has only been appointed Substitute Attendant ...	Explained
C/104/94	Has registered himself for a job since 14 years but to no avail ...	Explained
Cooperatives		
C/227/91	Permit of Co-operative Society to remove sand not renewed ...	Explained
Cooperatives and Handicraft		
C/35/93	Sand removal permit of Cooperative Society not renewed ...	Rectified
C/199/94	Complainant alleges that a co-operative society is indebted to him. Alleges that Ministry is protecting the Society ...	Pending

APPENDIX E—Continued

No.	Subject of Complaint	Result
Education and Science		
C/25/92	Does not agree with salary he is drawing. Incremental credit for additional qualifications denied	Explained
C/127/93	Complainant who is an Education Officer (Grade B) claims he should have been promoted to Grade A	Pending
C/188/93	Complainant's son admitted to school found at 5 km. from place of residence. Denied school she had applied for	Rectified
C/238/93	Complainant protests against her transfer to new school as she has not completed her cycle as teacher in school where she was previously posted	Discontinued
C/9/94	Complainant, a primary school teacher, avers that he has not been given charge of a class and is kept "floating"	Rectified
C/36/94	No reply to application for accumulated leave by Government Primary School teacher	Explained
C/45/94	Student frequenting secondary school and university at the same time. Won Secondary School State scholarship	Pending
C/58/94	Complainant requested to withdraw her son from school. Claims that her son is the victim of injustice	Rectified
C/69/94	Complainant, a primary school teacher, alleges he is the victim of a "punitive" transfer from one school to another in the middle of the year	Discontinued
C/75/94	Complainant who is a primary school teacher has never been promoted. Allowance paid to him upon secondment to State Secondary School reduced	Pending
C/85/94	Complainant, a primary school teacher, transferred to another school in the middle of the year. No reason assigned	Declined for want of jurisdiction
C/86/94	Complainant's daughter kept in detention at school. Requests for explanation ...	Not entertained
C/90/94	Punitive transfer of complainant who is an Education Officer	Pending
C/103/94	Complainant's son not offered seat at University of Mauritius according to his priority list	Rectified
C/106/94	Complainant's appointment as Temporary Education Officer terminated after less than two months. Claims she has suffered prejudice	Declined for want of jurisdiction
C/114/94	Complainant, a teacher/senior teacher expected to be promoted Deputy Head Teacher but has now retired without being promoted	Declined for want of jurisdiction
C/135/94	No reply to application for 90 days vacation leave	Pending
C/165/94	Recruited as Temporary Education Officer but dismissed some 5 months later ...	Declined for want of jurisdiction
C/178/94	(i) Ex-community school teachers still not appointed (ii) Allowance paid to them reduced since Pay Research Bureau Report	Explained
C/180/94	Complainant who is an Executive Officer claims responsibility allowance for performing duties similar to those of Higher Executive Officer	Pending
C/195/94	Application to obtain upgrading from Education Officer Grade B to Education Officer Grade A unsuccessful	Pending
C/209/94	Does not agree with the salary he is getting	Pending
Energy, Water Resources and Postal Services		
C/88/93	Environmental nuisance caused by overflow of sewage	Pending
C/1/94	Sewerage problem giving rise to odour nuisance	Rectified
C/39/94	Water pipe designed for some 30 families about 40 years ago not replaced in spite of petition by the inhabitants of the locality (now about 200 families) to various authorities	Rectified

APPENDIX E—Continued

No.	Subject of Complaint	Result
Energy, Water Resources and Postal Services — <i>cntd.</i>		
C/116/94	Complainant is a biochemist at Ministry. States that he should benefit from privilege of purchasing 60% duty-free car as does the biochemist of Central Water Authority which falls under same Ministry	Pending
C/122/94	Not promoted as Postal Controllers etc.	Pending
C/145/94	Serious problem of water-supply faced by inhabitants of certain locality. No action taken by the Authorities	Pending
C/186/94	Repair to be effected to sewer line on property of complainant's neighbour. Complainant agrees to foot part of the bill. No quotation yet received from Ministry	Pending
C/205/94	Claims refund of double payment of sewerage tax	Pending
C/212/94	Whole village deprived of running water for about six months every year ...	Pending
Environment and Quality of Life		
C/292/91	No reply from Ministry to request for clearing obstructed river	Rectified
C/49/93	Nuisances caused by factory adjoining complainant's house — noise and dust ...	Pending
C/40/94	Noise nuisance caused by factory adjoining complainants' houses. No action taken by authorities	Pending
C/73/94	Environmental problems posed by warehouse belonging to private company.No action taken in spite of neighbour's protests	Pending
C/79/94	Nuisance caused by workshop. No action taken by Ministry in spite of protests ...	Discontinued
C/93/94	Noise and dust problem caused by factory operating without permit	Pending
C/94/94	Failure by Ministry to monitor execution of undertaking given in Court to remove sand bags from the sea opposite complainant's house	Rectified
C/107/94	Nuisance posed by dumping ground	Pending
C/131/94	Danger to health caused by polluted water.	Pending
C/163/94	Nuisance caused by polluted water. No action by authorities concerned	Pending
C/176/94	Leakage and stagnation of water causing danger to health	Pending
C/206/94	Nuisances posed by factory	Pending
Finance		
C/30/94	Rating allowance not paid to complainant	Rectified
C/52/94	No reply to application for licence to operate as auctioneer	Pending
Fisheries and Marine Resources		
C/14/94	Abuse of authority by fisheries officers	Not justified
Health		
C/59/91	Not satisfied with calculation of night duty allowance payable to Consultants and Specialists	Discontinued
C/261/91	Denied incremental credit	Rectified
C/63/92	No action taken to abate nuisance caused by canal leading to flooding of area where complainants live	Rectified
C/257/92	Cremation ground too near residential area	Rectified
C/302/92	Medical certificates not issued to complainant	Rectified
C/54/93	Noise caused by bakery. No action taken by the Ministry to which the matter has been reported	Pending
C/142/93	Complainants victims of mistake in blood test performed at hospital	Discontinued
C/171/93	Smell nuisance caused by cowbreeding activities. No action taken by authorities ...	Rectified
C/203/93	Health nuisance caused by drain	Pending
C/228/93	Not receiving proper medical treatment at hospital	Not justified
C/3/94	Application for leave without pay turned down	Explained

APPENDIX E—Continued

No.	Subject of Complaint	Result
Health — <i>cntd.</i>		
C/4/94	Nuisance caused by obstructed drain since three years. Malaria feared ...	Rectified
C/23/94	Past services with Mauritius Family Planning Association, now integrated into the Ministry, not properly reckoned ...	Not justified
C/32/94	Health nuisance caused by complainant's neighbour. Matter reported to Sanitary Office. No action so far ...	Explained
C/65/94	Complainant had an argument with a doctor in hospital. Did not get appropriate treatment ...	Explained
C/68/94	Complainant states that he can no longer perform the duties he has been entrusted with. ...	Discontinued
C/76/94	Complainant refused leave without pay ...	Explained
C/91/94	Feels victimized in the choice of candidate to follow training course abroad in Cardiac rehabilitation ...	Pending
C/92/94	Complainant avers that there has been gross negligence on the part of the Doctor who attended to his father in hospital ...	Explained
C/117/94	Arrears of uniform allowance not paid ...	Pending
C/137/94	Problem (light, air etc.) posed by high wall constructed by complainant's neighbour.	Pending
C/149/94	Leave to pursue studies at University of Mauritius denied ...	Pending
C/151/94	Complainant has applied for recruitment in the Police Force. Upon medical examination at Jawaharlall Nehru Hospital has been found unfit. States that he has subsequently been found fit by another hospital doctor ...	Explained
C/166/94	Complainant alleges that his mother has been waiting for more than two years to undergo surgery ...	Pending
C/187/94	Request for medical report following accident in which complainant was victim. Hospital authorities claim not having received any letter ...	Rectified
C/202/94	Allegedly victimised by senior officer who reported complainant to Ministry in 1992	Not entertained
C/208/94	Smell nuisance caused by large scale poultry breeding by complainants' neighbour.	Pending
Housing, Lands and Town and Country Planning		
C/303/91	No reply to application for lease of additional Crown land ...	Pending
C/321/92	Sand removal permit not renewed ...	Rectified
C/96/93	Nuisance caused by dumping of waste building materials ...	Rectified
C/175/93	Pas Geometriques leased to complainant. Application for renewal turned down ...	Explained
C/177/93	No incremental credit granted to complainant ...	Not justified
C/211/93	1 st Application for additional State land not granted ... 2 nd "Clearance" from Ministry as landlord to produce vinegar on land leased to complainant not issued yet	Partly rectified
C/2/94	Application for State land to build a house not yet granted ...	Explained
C/18/94	Applied for plot of State land for residential purposes. Letter of intent issued to complainant by Ministry. Application not yet finalised ...	Pending
C/20/94	Application for plot of State land for residential purposes rejected ...	Explained
C/25/94	No reply to application for plot of State Land since 9 years ...	Explained
C/26/94	Application to obtain State land made since four years. No reply yet ...	Explained
C/33/94	Application for State land not considered since more than three years ...	Pending
C/35/94	Government has approved industrial site lease to complainant. Survey fee and one year's rental already paid. Lease not yet drawn up ...	Rectified
C/53/94	In 1961 Government compulsorily acquired complainant's land. He was granted a plot of State land in exchange. Lease not yet finalised ...	Pending
C/62/94	Government agreed to grant a lease of State land to complainant since 7 years. No lease agreement drawn up yet ...	Discontinued

APPENDIX E—Continued

No.	Subject of Complaint	Result
Housing, Lands and Town and Country Planning — <i>cntd.</i>		
C/67/94	Application for building site lease not granted... ..	Not justified
C/99/94	No reply to application for State land	Explained
C/100/94	Complainant's land compulsorily acquired by Government. Still not compensated after six years.	Not justified
C/120/94	Application for State land rejected	Explained
C/123/94	Complainant victim of cyclone Hollanda. House completely destroyed. Now living in refugee centre. Wrongly excluded from re-housing scheme ...	Pending
C/124/94	Complainant's house completely destroyed during cyclone Hollanda. Sought refuge in a refugee centre. Claims he has been wrongly excluded from re-housing programme	Rectified
C/126/94	Complainant's house seriously damaged by cyclone Hollanda. Claims she has been wrongly excluded from re-housing scheme	Not justified
C/127/94	Complainant victim of cyclone Hollanda. House seriously damaged and cannot be inhabited. Now living in refugee centre. Wrongly excluded from re-housing scheme.	Rectified
C/128/94	Complainant, a cyclone victim whose house has been seriously damaged, claims he has been wrongly excluded from re-housing scheme	Pending
C/132/94	Complainant is a cyclone victim (house destroyed). Has been wrongly excluded from re-housing scheme	Rectified
C/134/94	Complainant victim of cyclone Hollanda. House seriously damaged. Not obtained a house yet	Explained
C/141/94	Sewerage works carried out on behalf of Ministry. Roads left in very bad state due to non-completion of works.	Pending
C/157/94	Wrongly advised by Officer about transfer of lease of State land from name of complainant's sister to her name	Pending
C/162/94	Complainant's neighbours illegally constructing building on State land. No action taken by Ministry yet	Pending
C/167/94	Application for plot of State land wrongfully turned down	Pending
C/171/94	Two offers of leases of State land made to complainant but afterwards cancelled. No reply to claim for refund	Pending
C/175/94	Lease of State land granted to complainant since a year. Annual rent paid on two occasions. No formal deed drawn up yet. Complainant faces problem in obtaining bank loan	Pending
C/182/94	Complainant is a victim of cyclone Hollanda — house destroyed. Denied temporary housing by Ministry	Pending
C/191/94	Request for transfer of lease of State land from complainant to his son delayed unreasonably	Pending
C/203/94	Complainant's sand removal permit not renewed	Pending
Income Tax		
C/71/94	Income tax erroneously deducted from refund of sick leave.	Rectified
C/110/94	Complainant claims that his tax liability should be reduced. No reply to application for refund made since 1992	Rectified
Industry and Industrial Technology		
C/129/94	Complainant claims he has not been refunded by MEDIA under the Freight Rebate Scheme for export of pineapples between September 1993 to January 1994. ...	Discontinued
Judicial		
C/169/93	Surety furnished by complainant not refunded	Explained

APPENDIX E—Continued

No.	Subject of Complaint	Result
Labour and Industrial Relations		
C/59/94	Claim for arrears of wages short paid. Complainant states that he was forced by employer to sign a letter saying he had no claim against employer. Now requests that Labour Inspectorate goes ahead with his claim	Rectified
C/87/94	Industrial case referred to Ministry by complainant who alleges too much time is being taken by Ministry	Explained
C/108/94	Complainant alleges "parti pris" on the part of the Labour Inspectorate in connection with complainant's case against former employer who dismissed him... ..	Not justified
Local Government		
C/89/93	Pollution caused by blocked drain	Pending
C/126/93	Complainant claims responsibility allowance denied to him	Not justified
C/28/94	Stream of bridge in a lamentable state and is a source of nuisance to neighbouring inhabitants. Responsibility of Municipality	Rectified
C/148/94	Blocked canal causing flood etc. in the yard of adjoining residents. Works started but stopped. No action taken by authorities	Pending
Manpower Resources and Vocational and Technical Training		
C/111/94	Invitation to tender by IVTB. Complainant alleges that specifications etc. may have been fiddled with in order to favour a particular company.	Not justified
National Transport Authority		
C/204/94	Public Service Vehicle (Taxi) Licence revoked. Appeal to Minister turned down. Requests that his case be re-opened	Not entertained
Police		
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	Discontinued
C/319/92	No action taken in connection with declaration made by complainant	Not justified
C/2/93	No reply from Police concerning cases in which complainant involved	Rectified
C/73/93	Request to Police to send an officer to record a statement from him not acceded to	Pending
C/81/93	No action taken by police in case of alleged embezzlement reported by complainant	Rectified
C/84/93	Complainant is a Special Police Constable. His request for leave granted but without pay	Rectified
C/102/93	Non-renewal of complainant's learner's driving licence by police authorities.	Rectified
C/141/93	No action taken in connection with declaration of wounds and blows given by complainant... ..	Rectified
C/158/93	No action taken in respect of an alleged criminal case reported to the Police	Explained
C/159/93	Harrassed by Police	Not justified
C/164/93	Detained since seven months. Police delays to lodge case against him	Discontinued
C/170/93	Complainant injured in road accident since 8 months. No action taken by Police yet.	Rectified
C/173/93	Request for an early trial	Explained
C/197/93	Complainant's son dies in mysterious circumstances. Suspects foul play	Explained
C/198/93	Ex-police Officer claims refund of contribution made to retiring benefit scheme	Explained
C/200/93	Complainant the victim of severe attack by nine persons. Sustained multiple injuries. No action by Police yet.	Rectified
C/201/93	Complainant's contribution credited to wrong fund (Police Benevolent Fund). His request for refund rejected by Police Department	Not justified
C/216/93	Nuisances caused by presence of a "tabagie" where other illegal activities are carried out	Rectified
C/218/93	No action by Police in respect of declaration made by complainant	Explained

APPENDIX E—Continued

No.	Subject of Complaint	Result
Police — <i>cntd.</i>		
C/224/93	Complainant victim of theft. No action by Police so far...	Discontinued
C/227/93	No action taken by Police in accident case in which complainant's mother, an old lady, was knocked down by car	Explained
C/229/93	Complainant claims he is victim of Police conspiracy	Explained
C/234/93	Made to suffer morally and physically by certain persons who have not been prosecuted	Not entertained
C/237/93	Complainant involved in car accident. Not heard from the Police since	Explained
C/8/94	Complainant released after serving term of imprisonment for manslaughter. Applies for renewal of driving licence. Not granted	Explained
C/10/94	No action by Police in declaration of embezzlement made by complainant	Explained
C/13/94	Property belonging to complainant. Not produced in Court when he was prosecuted. Not returned to him as yet	Rectified
C/16/94	Clothings belonging to complainant not returned to him after his trial	Not justified
C/21/94	No action by Police in alleged case of issuing cheque without provision - complainant the victim	Rectified
C/22/94	Illegal operation of artisanat shop	Discontinued
C/27/94	Learner drivers made to wait too long during the day before undergoing driving test	Rectified
C/31/94	On remand since 4 months in connection with drug case. Not prosecuted yet	Not entertained
C/34/94	Complainant has reported a case of wounds and blows against named person. No action taken yet as he has been informed that the accused cannot be traced	Rectified
C/47/94	Cases of damaging property and assault reported to Police. Wishes to know whether the Police is doing its job properly	Explained
C/55/94	Complainant made a written complaint to Commissioner of Police. No statement recorded from her	Rectified
C/61/94	Illegal boarding house and hall. No action by authorities	Pending
C/72/94	Complainant is a Police Officer who claims that another colleague of his is illegally occupying Police Quarters, thus denying him of his chance to occupy same	Pending
C/77/94	Complainant's premises searched for stolen goods. Doesn't like the manner in which the Police searched his house	Explained
C/81/94	No reply to application for provisional driving licence re motorcycle...	Explained
C/83/94	No action taken by Police regarding declaration made by complainant	Explained
C/95/94	No action following declaration made to Police	Pending
C/96/94	Complainant arrested on drug charge. Requests that he be released on bail	Not entertained
C/105/94	Complainant's passport seized and not returned to him	Pending
C/115/94	Complainant is being prosecuted for assault following an incident between him and another person. States that he is innocent	Not entertained
C/119/94	No reply from Commissioner of Police to complainant's letter drawing attention to obstruction on road	Pending
C/121/94	No reply to letter by complainant addressed to Commissioner of Police concerning alleged theft to the prejudice of an association of which complainant is a life member	Explained
C/125/94	No action by Police in connection with declaration of assault in which complainant was victim	Explained
C/130/94	Complainant victim of a vicious attack on his person since December 1993. No action by Police yet	Rectified
C/140/94	No action taken by authorities in case of straying cattle in village	Pending
C/142/94	Complainant's mother knocked down by car. No action by police	Pending
C/150/94	No action taken by Police in case reported by complainant	Rectified

APPENDIX E—Continued

No.	Subject of Complaint	Result
Police — contd.		
C/152/94	Complainant prevented from leaving the country in view of likelihood of prosecution against him. Seeks my intervention	Not justified
C/154/94	Complainant claims he was the victim of an assault but he was locked up whilst his alledged assailant went free	Pending
C/159/94	No action by police in respect of declarations made by complainant's ex-concubine...	Explained
C/160/94	Complainant arrested and convicted for possession of heroin. Sum of Rs 6000 found on him and suspected as proceeds of sale seized at time of arrest.	
	Claims return of his money	Not justified
C/161/94	No action by Police in respect of declaration made by complainant	Rectified
C/164/94	Excessive noise caused by private club during dancing parties. Nuisance to neighbours. No action taken by police	Rectified
C/168/94	Road signs causing hardship to complainant's business	Pending
C/172/94	No action taken by police in road accident case in which complainant alleges he was the victim	Pending
C/174/94	Complainant arrested since two months. Request for an early trial	Explained
C/181/94	Complainant is proprietor of boat and engine seized by police in connection with an offence committed by Complainant's employees. Seeks my intervention for release of boat and engine so that he can continue work	Explained
C/183/94	No action taken by Police against alleged trespasser.	Pending
C/185/94	Garage operating unlawfully. No action by authorities concerned	Pending
C/192/94	Complainant is undergoing imprisonment for drug offences. Requires me to consider whether his sentence cannot be reduced by 7 months, period during which he was on remand	Not entertained
C/196/94	No reply to application for learner's driving licence for motorcycles	Explained
C/197/94	No action by Police in respect of declarations made.	Pending
C/200/94	No action by Police in spite of several declarations made	Pending
C/213/94	Complainant got injured in accident more than 8 years ago. Right foot amputated. Heard nothing from the police about the case	Pending
C/214/94	Complainant avers he is being pestered by the Police at his motorcycle workshop	Pending
Postal Services		
C/184/94	Complainant has been reproached certain shortcomings by management. Representations made to Public Service Commission and relevant ministries. No reply received	Not entertained
Prisons		
C/221/93	Request for information by complainant who alleges that the Prison Administration has made a mistake concerning Police Supervision after his release from jail	Explained
C/225/93	Not getting appropriate medical treatment in respect of knee problem	Rectified
C/231/93	Complainant who is a detainee alleges that he has been sentenced to 6 months' imprisonment whereas he is told by the Prison Administration that his sentence is for 2 years.	Not justified
C/17/94	Not yet considered for Parole etc.	Explained
C/29/94	Not receiving proper medical attention.	Rectified
C/41/94	On remand since 8 months etc.	Explained
C/42/94	Complainant is a Rehabilitation Youth Centre Officer. Claims that his seniority in the service has been disturbed	Pending
C/50/94	Absence of Prison Medical Officer leaves complainants under care of a nursing officer— same not appreciated by complainants	Not justified
C/54/94	Complainant sometimes made to wait two to three hours before being given an escort to proceed to Women Prison where he goes to visit his mother....	Explained

APPENDIX E—Continued

No.	Subject of Complaint	Result
Prisons — <i>cnld.</i>		
C/57/94	Lack of courtesy by senior staff towards junior staff; officers working continuously more than 6 days; delaying tactics in the filling of vacancies ...	Not justified
C/66/94	Risk of AIDS following use of same razor blade by more than one detainee for shaving purposes ...	Not justified
C/80/94	Prison Officer refuses to take all the foodstuffs brought by visitor etc. ...	Explained
C/82/94	Letter to overseas organisation suppressed by Prison Authorities ...	Rectified
C/88/94	Not allowed to work for extra remission etc. ...	Explained
C/101/94	Detainee has a skin problem. He is not satisfied with the treatment he is getting ...	Rectified
C/143/94	Letter addressed by complainant to outside body suppressed ...	Pending
C/144/94	Suffers from chest pain. Cannot eat rice etc. ...	Explained
C/158/94	Ordered to remove his cap during a search whilst another prisoner not so ordered, etc. ...	Explained
C/177/94	Complainant avers that Prison Officer lied in court ...	Not investigated
C/189/94	Not getting proper medical treatment ...	Pending
C/190/94	Steps taken by complainant to obtain NHDC house not taken seriously by the Prison Administration etc. ...	Pending
C/193/94	Does not agree with the sentences he has to serve ...	Explained
C/194/94	1° Allegation that Ombudsman's letters opened by Officers ... 2° Quality of food served leaves much to be desired	Not justified
C/198/94	Muslim lady detainees not allowed to dress properly in order to perform Friday prayers etc. ...	Pending
C/210/94	Request to write to His Excellency the President turned down ...	Pending
Registrar of Associations		
C/67/93	Irregularities in Constitution of an association. Registrar's attention drawn to these irregularities. No action taken by him ...	Pending
C/12/94	Request made to Registrar to look into the finance of an association. Not successful.	Rectified
C/173/94	No reply to letter addressed to Registrar. ...	Rectified
C/201/94	No action taken by Registrar following complaint made by life member of an association. ...	Pending
Registrar of Civil Status		
C/49/94	Civil Status Officer refuses to record declaration of birth ...	Not justified
Registrar-General		
C/230/93	Complainant claims refund of duty paid following purchase of property ...	Explained
C/56/94	Complainant contests "assessable value" placed on second-hand car by Registrar-General ...	Not justified
C/112/94	Complainant disputes assessment of registration duty payable in respect of two lorries purchased by him ...	Not justified
Rodrigues		
C/322/92	Plot of land "given" to complainant taken back. ...	Pending
C/335/92	Non-renewal of lease of State land to complainant. ...	Explained
C/61/93	1° No reply to application for transfer of land ... 2° Services of eye specialist not available in Rodrigues. Complainant has to incur expenses to come to Mauritius.	Rectified
C/185/93	Illegal structures built on complainant's land. The authorities have done nothing concerning his request to remove them ...	Rectified
C/191/93	Salary drawn by him not appropriate ...	Rectified
C/192/93	Complainant avers that the allowance now being paid to him is not appropriate ...	Explained
C/195/93	Complainants face acute problem of distribution of water for domestic purposes ...	Rectified

No.	Subject of Complaint	Result
Rodrigues — <i>cnd.</i>		
C/196/93	Not paid extra remuneration. Gross earnings diminished after PRB report ...	Explained
C/207/93	Increments granted then stopped ...	Pending
C/209/93	Denied three increments whereas his colleagues have obtained same ...	Pending
C/212/93	Complainant is a foreman. Alleges that he is transferred to different sites of work without justification ...	Not justified
C/215/93	Complainant has not received two increments ...	Pending
C/43/94	Irregular supply of water to locality ...	Rectified
C/70/94	Awaiting for reply to application for plot of land ...	Pending
C/138/94	Complainant and others allege that their land in Rodrigues has been surveyed and sold without their knowledge ...	Pending
Sales Tax		
C/109/93	Request to have sales tax due by complainant annulled or reduced ...	Rectified
Social Security, National Solidarity and Reform Institutions		
C/149/91	Proposed reduction of salary ...	Pending
Social Security and National Solidarity		
C/99/93	Financial assistance of Rs 25,000 approved by National Solidarity Fund in favour of complainant's brother who needed kidney transplant abroad. Brother dies in South Africa. Now approved amount reduced to Rs 4,200. ...	Pending
C/213/93	Carer's allowance for handicapped child of complainant stopped ...	Not justified
C/7/94	Not received income support for rice and flour since same has become payable ...	Rectified
C/74/94	Invalid's basic pension stopped by Ministry ...	Pending
C/146/94	Computation of length of service not complete ...	Explained
C/147/94	Complainant's house damaged by cyclone Hollanda. Lives in a refugee centre. Has not been considered for a house under rehousing scheme ...	Pending
C/153/94	Complainant's house completely destroyed by cyclone Hollanda. Failed to register in time for housing assistance. Seeks my assistance to have his name put on priority list in order to obtain an apartment ...	Rectified
C/169/94	(i) Deduction effected from complainant's pension although he has appealed (ii) Ministry's decision to effect deduction due to overpayment made to complainant challenged. ...	Pending
Trade and Shipping		
C/98/94	Application to import second-hand reconditioned car for a second time rejected ...	Explained
Women's Rights, Child Development and Family Welfare		
C/15/94	Complainant an ex-employee of the S.I.L.W.F. Has obtained no increase in monthly pension in spite of P.R.B. report ...	Not justified
Works		
C/137/93	No reply to representation made concerning encroachment etc. on complainant's property ...	Rectified
C/138/93	Road in extremely bad state ...	Rectified
C/144/93	Road which passes in front of complainant's house in a deplorable state. No action by Ministry ...	Pending
C/149/93	Road in deplorable state ...	Discontinued
C/172/93	Construction of road by Government has rendered part of complainant's land inaccessible, etc. ...	Pending
C/202/93	No action taken by Ministry regarding complainant's allegation that his neighbour had dug pit which represents danger to complainant's building etc. ...	Explained

APPENDIX E—Continued

No.	Subject of Complaint	Result
Works — <i>cntd.</i>		
C/208/93	No action against neighbour putting up building not according to law. ...	Rectified
C/219/93	No action by Ministry in respect of offending building	Pending
C/232/93	Pavement obstructed by construction of private wall	Explained
C/235/93	Application for taxi licence rejected	Not justified
C/236/93	Application for taxi licence rejected	Not justified
C/5/94	Dry Cleaning factory operating without permit causing prejudice to complainants No action taken by authorities	Rectified
C/6/94	Illegal construction by complainant's neighbour.	Pending
C/11/94	Illegal construction by complainant's neighbour.	Pending
C/24/94	No action by Authorities in respect of illegal construction	Pending
C/38/94	Neighbour continues to erect building next to complainant's property without leaving statutory distance in spite of report made to Ministry	Pending
C/44/94	Complainant who is a labourer acting as driver claims his non-promotion as driver is the result of administrative mistake	Not justified
C/46/94	Metal cover of manhole on public road is a source of nuisance and may represent danger to road-users	Pending
C/48/94	Bridge in unsafe state	Pending
C/51/94	Pavement in Port-Louis in dangerous state	Pending
C/78/94	Illegal construction of wall by complainants' neighbour	Pending
C/84/94	Encroachment over complainant's land by his neighbour. Matter reported to Ministry but no action taken	Explained
C/89/94	Complainant's neighbour has applied to Ministry for permit to install and run electric motors. Claims that this will be a source of nuisance	Rectified
C/109/94	No reply to application for morcellement permit made since more than three months	Pending
C/113/94	Complainant's neighbour putting up extension to building without necessary permits and in spite of warning given by Building Inspector. Requires action by Ministry ...	Pending
C/155/94	Permit to operate electric motors granted in spite of complainant's objection ...	Pending
C/170/94	Illegal construction by complainant's neighbour. Ministry fails to react promptly ...	Pending
C/188/94	Operation of motor car workshop without permit. No action taken by any of the authorities addressed	Pending
C/207/94	Fuel tank being constructed next to complainant's place. Wants to object. Sent from one department to another by public officers	Pending
C/211/94	Illegal construction by neighbour of complainant in spite of latter's objection at Ministry	Pending

CASES OUTSIDE JURISDICTION

Private Individual or Bodies	...	...	...	...	...	...	1
------------------------------	-----	-----	-----	-----	-----	-----	---

PRINTED BY
Silvio M. Empeigne
Government Printer
La Tour Koenig — Mauritius — October 1995