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REPUBLIC OF MAURITIUS

22nd
Annual Report
of the
Ombudsman

January — December 1995

No. 9 of 1996

22nd

Annual Report

of the

Ombudsman

January — December 1995

OFFICE OF THE OMBUDSMAN

OMB. 13/04 Vol. XXII

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

5 April 1996

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 22nd Annual Report of the Ombudsman which concerns the discharge of my functions during the period 1 January to 31 December 1995.

The Report is to be laid before the National Assembly.

Yours respectfully,
(Soleman M. HATTEEA)
Ombudsman

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Annual Report of the Ombudsman

January — December 1995

Introduction

This is the 22nd annual report of the Ombudsman. It concerns the discharge of his functions during the period 1 January to 31 December 1995.

During the year under review we registered 225 new complaints i.e. slightly more than the preceding year.

We also received a number of complaints against bodies which fall outside our jurisdiction but we did our best to help the writers by following up the matters with those bodies whenever we felt it necessary to do so. This goes a long way to show that there is a growing acceptance of and faith in the Ombudsman institution as a viable alternative in to-day's society for the resolution of disputes.

Further we received copies of complaints addressed to other bodies or institutions e.g. local authorities. It would appear that knowledge of the fact that a matter has been reported to the Ombudsman has a positive impact on decision-makers of these bodies. Again we try and help the complainants as much as we possibly can.

Altogether we have received 255 such complaints or copies of complaints during the year under review.

Statistics

The following table shows the situation as at 31 December 1995 —

Cases pending as at 31 December 1994	...	106
Case intake in 1995	...	225
Cases dealt with in 1995	...	331
Cases rectified	...	64
Cases partly rectified	...	2
Cases not justified	...	25
Cases explained	...	75
Cases discontinued	...	16
Cases not entertained	...	8
Cases not investigated	...	1
Cases declined for want of jurisdiction	...	5
Cases withdrawn	...	4
Cases pending as at 31 December 1995	...	130
Cases against bodies falling outside jurisdiction		1

Rodrigues

I again proceeded to Rodrigues in July 1995 on a working trip, accompanied by the Secretary of the Office, Mr. H. Hosanee.

It is becoming increasingly clear that Rodriguans by far prefer to voice their grievance *viva voce* instead of writing letters. However, as the law provides that a complaint to the Ombudsman must be in writing, we record down their complaint and request them to sign in our presence. Some of them do agree to write down their complaint themselves but only after having explained their problem verbally.

I must say that our doors are thrown open to Rodriguans on our visits there. No one is refused access to the Ombudsman. We listen to all of them and explain the procedure to be followed by them. It is hardly necessary to add that a few of them have grievances against bodies or persons which fall outside our jurisdiction. In such cases we always guide them to the best of our ability or sometimes intervene on their behalf in a spirit of help.

This time we interviewed 69 persons and at the end of the day opened 25 new files. However the total number of cases for Rodrigues during the year under review amounts to 43.

As usual we also visited Rodrigues Prison (including its kitchen, dormitories, etc.) where we invited detainees to come forward without fear in case they had any complaint to make and we opened new files where necessary.

We also visited past complainants for follow-up action and at the same time discussed pending cases with the Island Secretary with a view to finding on-the-spot solutions where possible.

I should like to thank the Island Secretary for his cooperation during our discussions as well as for accommodation put to our disposal for receiving complainants and for other facilities extended to us.

International Conferences

1. On 17 March 1995 I attended the first ever Europe/Africa meeting of National Ombudsmen held at the headquarters of UNESCO, Paris, at the invitation of the "Médiateur de La République Française" (National Ombudsman of France), Mr. Jacques Pelletier.

That meeting was preceded by the 4th meeting of the European Ombudsmen enlarged to the Eastern and Central European Countries Ombudsmen held on the 15th and 16th March, also in Paris.

Hereunder are extracts from the Final Statement adopted at the end of the meeting —

"The importance of the social commitment of the Ombudsmen

Ombudsmen play a fundamental and increasing role in the social field, more particularly because of the economic crisis. They may add their contribution to a more equitable European social model in enforcing the community social rights and the harmonisation of the national legal texts.

They bring to the citizens who suffer from difficulties and more particularly to the poorest and the society outcasts a precious help in the solving of their difficulties. They must have the financial means of accomplishing their mission in this domain, and attract, at the same time, the attention of public institutions and social organisations.

The Ombudsmen listened with sympathy, encouragement and approbation to M. Sergei KOVALEV, former Human Rights Commissioner for the Russian Federation, recently removed from office by the state Douma, but who goes on with his mission with President Yeltsine. They paid homage to his courage and offered him for their support in his peace mission in favour of the Human Rights more particularly in Chechnya.

.....
On the last day, the 1st meeting of the European Ombudsmen with the African and Indian Ocean Ombudsmen was considered unanimously as a great success.

This meeting was the occasion of a strong appeal to a renewed solidarity North-South.

Considering that the Ombudsman Institutions are well adapted to the African societies and situations, the Ombudsmen asserted their role, a contribution which will enforce new democratic institutions and ensure their longevity.

They decided to pursue, to deepen and reinforce their cooperation, more particularly the institutional one, so that it may prolong the State of Right through all possible means: meetings, exchanges of activity-reports, information, seminars and so on.

They also underlined their solidarity to all their colleagues in difficulty and more particularly to the Madagascan Ombudsman whose institution seems to undergo a difficult phase in his relationship with the executive power.

Many other information can be drawn from such meetings such as:

- The main role of the Ombudsman must be to defend and serve the citizen in his relationship with the State.*
- Each Ombudsman can and must take advantage of the experiences of his foreign colleagues of different cultural origins, different juridical and political traditions.*
- Concerning this the Ombudsmen declared their satisfaction to have been able to exchange their points of view and to have been able to make their institutions and human considerations nearer to each other.*
- All the participants wish periodical meetings between representatives of Ombudsmen and representatives of national institutions of protection and promotion of*

Human Rights within the United Nations System, the International Ombudsman Institute, as well as the Council of Europe, so that they might share their experiences and examine the possibilities to improve their coordination and their complementary action.

— A part of the Ombudsmen role consists in the promotion and help given to democracy; they contribute to the State of Right, to the protection of Human Rights and social cohesion.

— The Ombudsmen experience and work may better the quality and the impartiality of public services, to the benefit of the citizen.

— The Ombudsmen must be an authority whose independence is fully recognised: the personnel as well as the resources necessary to the accomplishment of their mission must be assured; their competence must be clearly and firmly defined. Concerning this, the constitutional recognition of the Ombudsman institutions give strength, when it exists, to their foundations and their place in democratic institutions."

2. I also had the opportunity to attend the First Tricontinental Conference of Institutions for the Defence and Promotion of Human Rights (America-Africa-Europe), held in the Canary Islands from 7 to 9 November 1995.

The main theme of the conference was: Human Rights - Solidarity and Development. This topic was treated through various papers, speeches and debates.

The object of the conference was to reflect on, share ideas about and make proposals for the advancement of solidarity, development and the generalisation and full effectiveness of the system of rights and guarantees established by the international community.

The meeting was a very successful one and most enriching for me. It was a decisive step in the effort to establish the effectiveness of Human Rights.

In the Final Report a vibrant call was made for Integration and for the culture of Encounter for the recognition of the differing identities of peoples and respect for their human rights, however and wherever they are found.

Visit to the United Kingdom

In the course of 1995 I was invited to visit the United Kingdom as a guest of Her Majesty's Government to carry out a programme of visits to the British Ombudsman and other similar bodies in the United Kingdom.

The purpose of the visit was to enable me to gain first hand experience of the functions of my British counterpart and the manner in which maladministration is redressed in the United Kingdom.

My visit took place from 21 to 29 October.

Meetings and discussions were held with the Parliamentary Commissioner for Administration (i.e. the Ombudsman), the Local Government Ombudsman's representative, the Assistant Prison Ombudsman and the Deputy Chairman of the Police Complaints Authority.

The Parliamentary Commissioner for Administration is appointed by the Crown. He is independent of the Executive. He investigates complaints of maladministration brought to his notice by Members of Parliament on behalf of members of the public. (It is interesting to note that in Mauritius the Ombudsman may be seized directly by members of the public by a simple letter). His powers of investigation extend to actions by central government departments and other public bodies in the exercise of their administrative functions, but not to policy decisions. Administrative actions outside his jurisdiction include matters affecting relations with other countries and those relating to commercial transactions.

There are three Local Government Ombudsmen in England and they deal mainly with complaints against authorities such as district, borough, city or county councils, fire authorities etc. and also complaints against certain other bodies concerning housing, town and country planning matters etc.

The Prisons Ombudsman receives complaints from individual prisoners and makes his recommendation to the Director General of the Prison Service or the Home Secretary. His area of activity includes all prisons in England and Wales and he is accountable to the Home Secretary, submitting an annual report to him, together with a shorter report to be laid before Parliament.

The Police Complaints Authority is an independent body established under the Police and Criminal Evidence Act 1984 to oversee the investigation and the outcome of complaints by members of the public against the police. It has powers to supervise investigations into the more serious cases of complaint and has further powers to decide whether a police officer should be charged with a breach of discipline arising from a complaint.

I must pause here to say that in Mauritius the Ombudsman, in addition to complaints of maladministration, has jurisdiction over and does receive complaints against the Prison Administration and the Police. However the Mauritian Ombudsman has no jurisdiction over local authorities, something which I hope will be remedied in a near future.

Furthermore I also visited the Citizens Advice Bureau of Gillingham and Bullingdon Prison at Bicester, Oxfordshire.

I also had the privilege of being invited for lunch at the House of Commons by Mr. Harry Greenway, Conservative Member for Ealing North and Dr. John Marek, Labour Member for Wrexham and after that I had the opportunity to view proceedings of the House of Commons and of the House of Lords.

International Ombudsman Institute

The International Ombudsman Institute which is the body which regroups the international ombudsman community the world over has announced the holding of its next (VIth) Conference for October 1996.

The Conference will be held in Buenos Aires, Argentina and will be hosted by the National Ombudsman of Argentina.

The main theme of the Conference will be: *The Ombudsman and the Strengthening of Citizen Rights. The Challenge of the XXI Century*

It is also apt to recall that this will be the last conference of the I.O.I this century.

Conclusion

To conclude I would like to say that Ombudsmen are men and women who are neutral, non-partisan watch-dogs of government decisions or actions.

The vigilance of the Ombudsman has a healthy effect on the public administration, making it more sensitive to public opinion and to demands of fairness. Officers will find it gratifying to carry out their activities not only in compliance with legal or administrative provisions but also with due regard for the plight of the individual.

Acknowledgements

I am indebted to my staff for their commitment throughout the year and for the special effort put in for the preparation of this report.

My thanks and appreciation also go to the different ministries/departments investigated by me for their fullest cooperation.

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 summaries of 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: 5 April 1996

(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/155/95

Pensioner gets pension well in advance of pay day

The complainant, a government pensioner living in a rural area, lodged a complaint before me on 30 August 1995 because when he went to his bank to cash his pension the day before, he was told that there was no money on his account as the Accountant General had not yet credited his pension.

He further drew my attention to the fact that his July pension also was credited only on 5 August.

As a result of these delays he claimed that he had to have recourse to overdraft in order to incur immediate expenses such as medicine for his diabetic wife to the tune of Rs 1000 a month.

He therefore sought my help to put an end to this practice.

Invited to give his version of facts, the Accountant General explained that the complainant was the only pensioner paid through that bank. His name does not appear on the computerised payroll as the Central Information Systems Division does not print a credit transfer for just one pensioner. He is therefore being paid through manual payroll which is normally intended for payment on the last day of month. Further, in view of the fact that all credit transfers are made to the Head Offices of banks in Port Louis, there was inevitably a delay of one to three days before credits are transmitted to branches all over the island.

In order not to penalise the complainant in future, the Accountant General has instructed the appropriate officer to effect payment to complainant's bank account well in advance of Pay Day, even though he is paid by manual paysheet.

As I did not hear any further from the complainant I can safely assume that he no longer suffers any prejudice.

AGRICULTURE AND NATURAL RESOURCES

C/61/95

Public Officer obtains satisfaction following Ombudsman's intervention

R.P. is working as an ozaprinter at the Survey Office of the above Ministry and has been drawing a basic monthly salary of Rs 5300.

His work comprises the operating of an ozaprinter machine utilising ozalid paper, tracing paper, graph ozalid paper, ammonia solution and mason film.

He averred that in May 1994 he was called at the Ministry to be informed that —

- (i) he had erroneously been paid a monthly salary of Rs 5300 since July 1993 instead of Rs 4500,
- (ii) his salary would be reduced to Rs 4500 monthly and the overpayment of Rs 800 a month would be deducted from his "new" salary during a period of eight months as from May 1994, and
- (iii) his official appellation should be printing machine operator.

He claimed that his work is totally different from that of a machine operator as it consists of making prints on ozalid papers on ozaprinter machines. As such he is an ozaprinter and not a printing machine operator.

Basing himself on the P.R.B. report he thus claimed that his salary of Rs 5300 should be maintained as an ozaprinter. He further drew my attention to the fact that the scheme of service for ozaprinters of certain other Ministries was the same as his.

The matter was inquired into with his Ministry which claimed that R.P. was appointed Printing Machine Operator whose top salary was Rs 4500, which he had already reached, but had been erroneously paid Rs 5300 in the scale of Oza Printer which post did not exist on the establishment of that Ministry.

It was however added that as R.P.'s duties at the Survey Office of the Agricultural Services comprises inter alia the following —

- (i) operation of an ozaprinting machine utilising ozalid paper, tracing paper, mason film and ammonia solution,
- (ii) operation of Xerox printing machine for the printing, cutting and trimming of prints required at the Survey Office, and
- (iii) clarification of all tracings available at the Survey Office,

the Ministry had applied for the creation of a new post of Oza Printer against the abolition of a vacant post of Printing Machine Operator.

As regard the overpayment made to R.P. his Ministry had already sought clearance from the Ministry of Finance for writing off the amount involved.

Finally, pending the creation of the post of Oza Printer, approval has been obtained for the payment to R.P. of an ad-hoc allowance equal to one increment in the scale of the said post with effect from 1 July 1994, inasmuch he had already reached the top point in the salary scale of his present post.

Complainant was called at our Office and explained the results of our intervention. He was satisfied.

Agricultural loan granted to complainant

The complainant informed me that after cyclone Ingrid Government decided to grant an agricultural loan of Rs 10000/- per arpent to every planter whose plantations had been damaged and fulfilled certain other criteria.

The loan was to be granted through the Development Bank of Mauritius which had fixed the 30th April 1995 as the closing date for submission of all necessary documents.

The complainant averred that on 24 April 1995 he went to the Extension Service of the Ministry of Agriculture and Natural Resources to seek a certificate from that Division for submission to the D.B.M. where he was informed that no certificate was being issued after 14 April 1995. In other words he came too late to collect the certificate. He stressed that the date 14 April was never brought to the attention of the public and he considered it to be a "faute" of the Ministry.

On 25 April 1995 he decided to seek my immediate intervention in order that he may not lose the benefit of that scheme.

The matter was taken by me over the phone on the same day with the Permanent Secretary who was requested to look into this case immediately.

As two months had already passed since cyclone Ingrid, the Ministry could not assess the damage caused to the complainant's plantations but all the same her request for loan assistance was forwarded to the D.B.M. on 4 May 1995 i.e. after the closing date.

Some seven weeks later the complainant informed me as follows: "Through your intervention, top priority was given by the Ministry to consider our application and the D.B.M. has already granted us the loan applied for."

C/141/95

Ministry takes ten months to inform complainant that he requires no land conversion permit

H.H. had applied to the Ministry in November 1994 for a land conversion permit in respect of a plot of land which was to be divided among his eight children for residential purposes.

He claims that one of his sons had called at the Ministry personally about a dozen times but was each time told that the application was receiving attention. It would be futile for me to relate all the tales he had been told about this application. However as he sensed "something fishy happening at the Ministry" he requested me, by letter dated 11 August 1995, to intervene on his behalf, which I did.

Fortunately for H.H., the Ministry, a couple of weeks later, informed him that it had no objection to the conversion of his land to be subdivided into eight lots for the reason that no land conversion permit was required in this case as the land in question was not agricultural land as defined in section 5(2)(c) of the Sugar Industry Efficiency Act 1988.

The Ministry, having taken so long to discover this, can hardly be said to have been efficient!

C/163/95

Dispute between complainants and Irrigation Authority brought to an end

A portion of land of 58 perches was donated to six heirs by their father in 1992. The land was divided into 6 small portions of about 9 perches each and each heir was to build his own house on his respective portion. They intimated that it was impossible to grow sugarcane on such small plots of land.

Their complaint was to the effect that an irrigation plan was being imposed on them by the Irrigation Authority. They even averred that an officer of that body threatened them with seizure of their land unless they accepted the plan.

They therefore appealed to me to find a solution in the matter.

I took up the matter with the Ministry of Agriculture and Natural Resources, the parent Ministry. Inquiry revealed that the plot of land fell within an Irrigation Project in that region, covering an area of 380 arpents belonging to planters cultivating sugarcane, vegetables and tobacco. The cost of the project was approximately Rs 44.5m and was due to start shortly.

It would appear that there was a lack of communication between the heirs and the Irrigation Authority as none of the heirs responded to letters issued by the Authority during the pre-implementation consultations on the Project.

As the Authority had already installed irrigation infrastructures on the land, it proposed, as a remedial measure, to remove the irrigation riser pipes and to blank off the outlets along the stretch of the land fronting the complainants' plots.

However, in order not to hamper the smooth running of the Project, a meeting was scheduled with the complainants to explore the possibility of entering into an agreement with the Authority for the grant of a right of way to enable the maintenance of the buried irrigation pipeline to be carried out as and when necessary by the Authority.

A few days later each and every complainant entered into a similar agreement with the Irrigation Authority granting the latter a right of way on the strip of land where the pipe had been laid for maintenance purposes only. It was also stipulated that the owners of the land would be informed in advance and no nuisance would be caused to the owners during maintenance works. The Authority further undertook to compensate the owners for any damages caused during maintenance works.

The matter was therefore settled to the satisfaction of one and all.

EDUCATION AND SCIENCE

C/17/95

Pupils' problem solved

On behalf of the pupils of a State Secondary School in Port Louis the complainant wrote to me on 25 January 1995 to inform me that pupils of that School were being victimised inasmuch as in many classes there was no teacher and certain pupils did not know what they would do at the end-of-the-year examinations.

The matter was immediately taken up with the Ministry and it was admitted that there had been a shortage of staff at that School in Computer Science and Accounts at the beginning of the year.

The problem was looked into and by letter dated 13 February 1995 I was informed that there was no longer any shortage of staff.

Just as well my attention was drawn to that problem.

C/165/95

Teacher with health problems obtains satisfaction

The complainant, a General Purpose Teacher/Senior Teacher, who lives in Forest Side, complained about the frequent transfers he was being subjected to since the year before. At the time of writing he had again just been transferred to Beau Vallon Government School, Mahebourg,

and, according to him, he is following treatment at J. Nehru Hospital for high blood pressure and cannot travel over long distances.

The complainant intimated to me that he believed his transfers were a consequence of a previous complaint he had made to me the year before concerning his vacation leave and in which I had to intervene as a result of which he obtained satisfaction.

In the course of my inquiry the complainant informed me that the Establishment Section of the Ministry had started moving in the right direction by asking him at which school he would like to work.

The official version of the Ministry was that his transfer to Beau Vallon was a temporary measure to replace a lady teacher who had gone on maternity leave. However the Ministry was not aware of his health problems and that he was undergoing treatment at J. Nehru Hospital.

Finally the Ministry agreed to transfer him to his former school in Cluny. The complainant wrote to me to inform me how pleased he was to have returned to his previous school, adding that "All this has been possible only after your kind interference."

I would like to thank the officials of the Ministry who have acted promptly in the matter and who showed understanding of the complainant's situation.

ENERGY, WATER RESOURCES AND POSTAL SERVICES

C/116/94

Complainant obtains privilege of purchasing car with 60% duty remission

The complainant was appointed Biochemist in the Waste Water Division of the Ministry of Energy, Water Resources and Postal Services in January 1993. The scheme of duties of this post, according to him, is the same as that of the same post at the Central Water Authority which itself falls under the same Ministry.

He claims that whereas the Biochemist of the C.W.A. is entitled to the privilege of purchasing a 60% duty-free car since the Chesworth Report in 1988, he was not granted the same privilege. Upon inquiry he was told to wait for the Pay Research Bureau Report.

When the PRB Report was published in May 1993 he still was not granted that privilege.

He therefore brought the matter before the PRB as a case of "omission". Unfortunately he still was not granted the privilege in the "Omissions, Errors and Clarifications" Report of the PRB.

As he could not conceive why officers of the same grade and in the same Ministry were not granted the same privileges, he requested me "to correct this flagrant and continual injustice caused to me."

Upon inquiry it was found that the holder of the post of Biochemist at the above Ministry is required to perform extensive field work in the carrying out of the chemical and bacteriological analysis of water and sewerage samples and for the quality control of the treatment at sewerage works. These duties involve field visits at the various sewerage treatment plants/stations during the course of a day's work.

The Ministry itself supported the claim of the complainant having regard to the nature of his work. I therefore requested the Permanent Secretary to ask the PRB to reconsider the matter, which was done on 16 August 1994.

Finally, after a fresh exercise had been carried out by the PRB, the grade of Biochemist at the Ministry was included in a list of officers eligible for 60% duty remission on purchase of a car.

Complainant therefore obtained what he had been fighting for.

Waste water problem solved

The Secretary of a private club in Port Louis apprised me of a serious problem it was facing due to a seepage of waste water coming onto its premises from a defective sewer line from a neighbouring yard.

According to the writer the matter was referred to the Waste Water Division of the above Ministry and certain preliminary checks had been made, dye tests carried out but the problem never solved. The club was even prepared to make a financial contribution to effect repairs but no quotation had been received from the Sewerage Department.

My assistance and intervention was therefore sought by the club.

Upon my intervention, after negotiations between the Waste Water Division and the parties concerned (including the neighbours of the club) repair works were undertaken by the Waste Water Division on 15 March 1995 and were completed on 11 July 1995.

The cost estimate for the repair works amounted to Rs 39,486.50 and the club, as well as the co-owners of the private sewer line, were requested to deposit that amount at the Waste Water Division. The actual cost however turned out to be Rs 22,212.01 and the difference was therefore refunded to the depositors.

The Secretary finally wrote to me to confirm that the nuisance had been abated and conveyed to me the appreciation and thanks of the managing committee of the club.

C/205/94

Complainant charged sewerage tax twice for the same period by mistake. Amount refunded

T.R.'s contention was that he had been charged and paid sewerage tax twice for the same period 1991/92. He therefore repaired to the Ministry with all his documents, where, after verification, he was told that the necessary amendments would be made and there was no need for him to pay for the period 1993/1994.

He was thus surprised when he received a claim for 1993/94 with a threat of prosecution if the sewerage tax were not paid within fifteen days.

He therefore complained to me and upon inquiry it was found that the complainant was in fact charged twice for 1991/1992 by mistake. Arrangements were therefore made to refund him. He subsequently confirmed having been refunded.

C/212/94

Water supply restored at L'Escalier

A group of inhabitants of L'Escalier intimated to me that they were being deprived completely of tap water for six months every year from October to March/April. During this period they had to wait for the water tanker which called there once every three days at no fixed time. To crown it all they had to pay their water bills every month!

I was therefore requested by them to remedy the situation.

I took up the matter with the Ministry of Energy, Water Resources and Postal Services and the help of the Central Water Authority was enlisted.

Within days the C.W.A. undertook emergency work to convey water to L'Escalier and a house-to-house survey carried out subsequently revealed that the population at large was satisfied with the improvement. They were receiving a 16/18 hour supply of water daily whilst the tanker service was discontinued.

I wish to place on record my appreciation for what has been done to relieve the inhabitants within such a short time of my intervention.

C/20/95

Sewerage problem attended to

On 26 January 1995 there appeared in "Le Mauricien" an article entitled "Une demande de raccordement au tout-à-l'égout ignorée par le ministère des Travaux" and describing the problems of sewerage at Jean Baptiste Lamasse St, Cassis, which, according to the newspaper had existed for more than seven years. Indeed according to the article, the inhabitants of the locality had written to the Ministry of Works since 1988 but to no avail.

So I started to inquire into the matter of my own volition. I first took up the matter with the Ministry of Works but was informed that responsibility for sewerage had been transferred to the Ministry of Energy, Water Resources and Postal Services. That Ministry was therefore approached and, following this, the Director of the Waste Water Division of that Ministry received a delegation of two persons from that locality who made a request for free cesspool emptying.

I was informed that there are no sewers in that area and that the overflow of cesspits were occurring there because the soil was water-logged and, soon after emptying, the cesspits would fill up again.

The Waste Water Division agreed to effect cesspool emptying against payment whenever there was a request, as the area was under private ownership.

Furthermore the design for the sewer extension to that area was being done and construction was expected to take place in the ensuing financial year.

C/157/95

Relief brought to inhabitants of housing estate

On 2 September 1995 there appeared an article in the daily "L'Express" entitled "L'eau des fosses d'aisances inonde plusieurs maisons".

This article spoke about the plight of the inhabitants of a housing estate at Floreal where waste water regularly flooded their houses. It would appear that representations made by them to the authorities concerned were in vain. Each emptying operation would cost around Rs 700/Rs800 which they could not afford.

I therefore requested the Ministry of Energy, Water Resources and Postal Services to look into the matter immediately and to report to me within 15 days.

Although that Ministry's Waste Water Division was not responsible for the maintenance of private on site disposal systems, it did provide cesspool emptying services against payment on request. However since 14 September 1995, day

of my letter to that Ministry, the latter has, for public health reasons, effected free cesspool emptying services at the said housing estate and this to the great relief of the inhabitants.

I am pleased to add that that housing estate is being considered as one of the top priority estates in the Ministry's programme of rehabilitation of sewerage systems in such estates. The project was at its detailed design stage when I last heard about it and was due to be implemented in 1996.

ENVIRONMENT AND QUALITY OF LIFE

C/107/94

Dumping ground transferred

"Familles en détresse - L'enfer depuis l'incendie au dépotoir de Beaux-Songes".

Such was the title of an article which appeared in "Le Mauricien" of 15 July 1994.

It went on to describe the plight of some 700 families living at Beaux-Songes as follows -

"Les habitants de Camp Créole et ceux de Camp Bombaye à Beaux-Songes vivent depuis une quinzaine de jours un véritable calvaire après que le feu a pris accidentellement (?) aux immondices du dépotoir de la région. Les demeures d'environ 700 familles sont envahies par une incommodante fumée noire qui a provoqué des problèmes de santé chez les grands comme chez les enfants. Les autorités ont, jusqu'ici, fait la sourde oreille aux appels des habitants de ces régions bien qu'une pétition leur eût été adressée.

Le problème de ces deux quartiers ne date pas d'hier, en somme, car, racontent au **Mauricien**, des familles de Camp Créole, le dépotoir existe depuis une bonne dizaine d'années, sinon plus, et fait se répandre dans tout le secteur une odeur nauséabonde. "Quand dimoune vine promener cotte ou, ou gagne honté, tellement l'odeur là mauvais", nous racontent les personnes interrogées hier. Depuis tout ce temps, on a multiplié des démarches auprès des autorités pour que l'on cesse de déverser les immondices dans le secteur. Tous ces efforts se sont révélés vains".

I queried the above Ministry to know whether it had been approached in this case and, if so, what action it had taken.

The Ministry replied that it had indeed been petitioned by the inhabitants on 5 July 1994. It informed me that Beaux Songes dumping ground is an authorised one falling under the control of the Ministry of Local Government which had entrusted its management to a local firm. I was told that the site was partly fenced and guarded round the clock. According to the Ministry the dumping ground was properly maintained.

As to the fire it would appear that it broke out accidentally during the first week of July and went on for about a week until it was put out by the Fire Services.

Not satisfied with the situation concerning the odour nuisance I requested the Ministry to look into this aspect as well.

So, as a temporary measure to alleviate the odour problem, the Ministry of Local Government was urgently requested to look into the possibility of regularly applying a layer of soil/clay material over the waste.

Finally Beaux Songes dumping ground itself was closed down and solid waste is now being dumped at St. Martin dumping ground.

C/176/94

Problem caused by stagnating water solved following press article

An environmental problem revealed by an article appearing in the issue of "L'Express" of 6 October 1994 was inquired into by me. It concerned nuisance posed by stagnating water at Pailles. The Central Water Authority was immediately requested to investigate as to whether there was any leakage of water but no defective water pipes in the area was detected.

In fact the problem was due to a complete absence of absorption pits and soakaways in the region.

The matter was raised with the Ministry of Housing, Lands and Town and Country Planning which was responsible for the housing estate at that place and I was informed that the main sewer had already been installed there and that individual connections would soon follow.

By September 1995 it was reported that all the connections had been completed and that site clearing and reinstatement of roads was in progress.

Relief was thus brought to the inhabitants of that housing estate.

C/21/95

Offending pit closed following Ombudsman's intervention

The complainant in this case invited my attention to the existence of a sewerage pit of a neighbour of his which has remained uncovered for the last seven years.

Sanitary Officers had been on the spot but no action was taken.

According to the complainant heavy rains cause the pit to overflow and sewerage water spills over onto his land and brings with it all sorts of problems like unpleasant smell, breeding spot for mosquitoes etc. He averred that the situation was becoming intolerable and constituted health hazards to his family.

The version of the Ministry was that, following a complaint made to them by the complainant, a notice was served on the neighbour but in spite of several delays granted to him he failed to comply. Consequently the matter was taken to court and the neighbour was fined. Still the nuisance was not abated by the neighbour and a second notice was served on him to do so.

I was of the view that no more delay should be given to the offender and requested the Ministry to take action immediately.

A couple of months later I was informed by the Ministry that the pit had been filled with earth and that the toilet of that person was now connected to the main sewer line. This was confirmed by the complainant who added: "Please accept my thanks for your valuable service you have rendered to my family and other neighbours."

C/100/95

Illegal manufacturing activities causing noise nuisance stopped

D.S. and his family were living on the ground floor of a house whereas his son and the latter's family were occupying the first floor.

D.S. averred that some six months prior to writing to me his son started to operate a garment-manufacturing business on the first floor without any permit whatsoever. Industrial machinery had been installed and employees were recruited to that end. As a result, this generated irritating noise which the complainant and his family could bear no longer. He requested his son to stop his activities but the latter refused. He reported the matter to the Municipality which issued two notices upon the son to remove his machinery from that place but that too went unheeded by the son.

Upon my intervention, officials of the Ministry of Health effected a site visit and found that indeed a garment factory was being operated without any permit from the Municipality.

There were four electric sewing machines there and they caused a lot of inconvenience to the occupiers of the ground floor. Those officials requested that an end be put to those activities immediately. Subsequent visits were carried out and it was found that the machines had been removed and all manufacturing activities had stopped.

Complainant himself later confirmed that such activities had stopped.

HOUSING, LANDS AND TOWN AND COUNTRY PLANNING

C/141/94

Sewerage works completed and roads reinstated following press article

An article in "Le Mauricien" of 31 August 1994 referred to certain road works at Cité Saint-Luc, Curepipe, which had been left uncompleted with the result that a lot of inconvenience was being caused to the inhabitants thereof: *"Le ramassage scolaire ne peut se faire devant la porte mais à des dizaines de mètres: les taximen refusent de véhiculer jusqu'au domicile, avec les inconvénients que cela entraîne pour les personnes âgées, surtout en soirée et en cas de maladie."*

It would appear that in spite of efforts made to remedy the situation nothing had been done.

I was informed that the existing state of the roads at that place was the result of sewerage works that were being carried out on behalf of the Ministry of Housing, Lands and Town and Country Planning.

I therefore took up the matter with that Ministry and a few months later the sewerage works were completed. All the roads where excavation had been carried out in connection with the works had been reinstated. Furthermore as certain other roads where no excavation works were carried out still required to be reinstated the matter was referred by the Ministry to the National Development Unit for reinstatement of those roads as a matter of urgency.

C/2/95

Action for payment of compensation taken immediately upon Ombudsman's intervention

At the beginning of the year, K.N. complained about non-payment of compensation by Government which had, some ten years before, acquired compulsorily a plot of land belonging to him.

Within a week of my writing to the Ministry concerned the latter took steps to effect payment to the complainant through a Notary Public.

The Ministry explained that it was only in 1993 that agreement was reached on the amount of compensation and the delay was partly due to the non-obtention of a certificate from the Conservator of Mortgages to the effect that the land was not burdened by any charge. It would appear that the Conservator of Mortgages had ceased to deliver such certificates and it was left to designated Notaries Public to effect their own searches and issue the relevant certificates under their own hand and seal.

I did ask the complainant to inform me after obtaining his compensation but he never replied.

C/34/95

**Complainant finally obtains a plot of land
for his residence**

The Ministry had agreed to allocate a plot of land to one S.G. for residential purposes. On two occasions no agreement

could be reached by the two parties as to the site identified by S.G.

On 20 September 1994 S.G. proposed a new site. Since that day he has been to the Ministry several times and he was always told that the matter was still under consideration.

As he received no reply until the end of February 1995 he sought my intervention for a quick settlement of his case.

I took up the matter with the Ministry and was informed that this third site also was not agreeable to the Ministry as it formed part of a larger plot purchased compulsorily by Government and it was required for a Very-Low-Cost Housing Project.

Finally a yet another site was identified for the complainant in a different region of the island and this time the complainant accepted it and thanked us for our intervention.

INTERNAL AND EXTERNAL COMMUNICATIONS

C/38/95

Retired officer obtains gratuity and reduced pension

The complainant had retired from the Civil Aviation Department since 20 October 1994 after eighteen years of service as driver. On 27 February 1995 he wrote to me to complain that he is not being paid any pension and is finding it difficult to make both ends meet.

My inquiry revealed that a few months before his retirement the complainant had been arrested by the Police for driving his Department's vehicle under the influence of alcohol. The police case had not yet been finalised.

All the documents relating to the retiring benefits of the complainant were forwarded to the Accountant General and advice was sought by the latter from the Ministry of Finance as to whether the pension and/or gratuity should be reduced or altogether withheld.

Finally it was agreed to pay the complainant a gratuity of Rs 74,387.50 and a reduced pension of Rs 17,853.00 a year, with effect from his date of retirement.

I informed the complainant accordingly but heard no more from him.

JUDICIAL

C/13/95

**Money produced as exhibit in court. Not forfeited
but not returned to owner. Latter gets his money back
following Ombudsman's inquiry**

M.A.R. was convicted by the Intermediate Court on 3 August 1994 for possession of heroin and he was sentenced to undergo two years imprisonment.

The sum of Rs 2250/- which was found in his possession at the time of his arrest had been seized and was produced in court upon his trial. He was informed by the court that the money would be returned to him, thus meaning that it had not been forfeited by the court.

M.A.R.'s complaint to me was precisely that his money had not yet been returned to him five months later. The Police had told him to see the Head Clerk of the Intermediate Court who in turn had told him that he would have to wait 21 days after judgment following which a court order would issue to fetch him from prison and to hand over his money to him. As at the time he wrote to me nothing had been done yet.

I had to know from the Police whether the trial court had made any order in respect of the money. They took up the issue with the Head Clerk and some time later the money was returned to the complainant. In fact the latter confirmed having received his money on the same day it was returned to him.

C/160/95

Detainee's money returned to him

A convicted detainee was, on 9 November 1994, sentenced to undergo three years imprisonment. He was however informed by the trial court that money secured from him and produced in court would be returned to him.

Four letters written to the trial court claiming the return of his money remained without effect. So he decided to seek my intervention on 6 September 1995.

I enlisted the help of the Police in the matter and within a month the complainant's money was returned to him as attested by a certificate dated 19 October 1995 from the Clerk, Intermediate Court.

The case was therefore resolved in favour of the complainant as soon as practically possible.

LOCAL GOVERNMENT

C/28/95

Stream cleared after 20 months

An article with supporting picture in the 'Le Mauricien' of 14 February 1995 entitled "Ruisseau la paix soulève la colère" attracted my attention.

Indeed that "ruisseau" (stream) was in a horrible state ever since the passage of cyclone Hollanda one year earlier. People threw their garbage in the stream and as Hollanda had dug a big hole in the bed of that stream the garbage collected in the hole thus giving rise to a serious odour nuisance.

According to the article, the responsible authority i.e. the Municipality of Port Louis had done nothing to repair the stream in spite of complaints from inhabitants of the locality.

I took up the matter with the Ministry of Local Government and some eight months later the cleansing works had been completed: 32 lorry loads of earth, refuse, etc. had been removed from that stream!

It is to be wondered how long this situation would have lasted had I not intervened for the sake of the inhabitants.

POLICE

C/168/94

Ombudsman unable to intervene further to give satisfaction to complainant

The Chairman of a company whose factory is located at Roche Bois averred that since 1986 the company had been authorised by the Ministry of Works to allow its customers to park their vehicles along the left side of the road in front of the factory for the loading of goods. However the police had recently informed the company that no vehicle was allowed to park at that place and this decision was now causing a lot of hardship to its customers and hence to its business. He requested my assistance in the matter.

I requested a report from the police together with the submission of a plan of the locus and took up the matter further with the Ministry of Works.

That Ministry admitted having allowed the parking of vehicles in front of the factory in 1986 but averred that at that time the density of traffic was not high and no hardship was caused to road users. However, in view of the high flow of traffic nowadays it was compelled to ban parking on both sides of the road.

The Ministry therefore recommended that the wall facing the factory be shifted back two metres for the creation of parking spaces. The complainant refused to do so and still wanted a solution to its problem.

Unfortunately, having regard to the small width of the road and the fact that the factory is located near a curve approaching the Roche Bois round-about, there was no other possible alternative solution.

I informed the Chairman accordingly and requested him to consider the proposition of shifting his wall back and to let me know his decision. I did not hear from him again.

I did my best to help that company but unfortunately, in view of the circumstances, specially the safety of users of that road, I could not give it satisfaction.

C/213/94

Complainant not made aware of outcome of accident case in which he was involved nine years ago

At the time the complainant wrote to me (December 1994) he was 73 years of age.

He was involved in an accident in October 1986 in Curepipe as a result of which he was amputated of his right foot. He had to stay in hospital for about nineteen months.

His grievance was that although nine years had elapsed since his accident he had not been informed of the result of the case nor had been summoned by any court. He was therefore completely in the dark.

My inquiry revealed that the case had already been heard and determined before the Intermediate Court where the rider of a motorcycle involved in the accident appeared as the accused party. Judgment was handed down in October 1988 convicting and sentencing the accused.

Therefore the complainant was not called as a witness as the prosecution must have felt that his testimony was not necessary.

Unfortunately the complainant was never made aware of the result of the case and this explains his complaint to me.

I am of the view that, having regard to the circumstances, the complainant, who may have a civil claim for damages, should have been made aware of the outcome of the case by the Police.

I hope that in future the Police will take necessary steps in such cases.

C/11/95

Complainant released on parole after 4 years without trial

Nearly 4 years after having been arrested and remanded to jail in connection with a homicide case, the complainant had still not been prosecuted. So he requested my intervention to have the case disposed of.

My inquiry with the Police revealed that the complainant was charged with having poured kerosene on his concubine and set fire to her, following which she died.

I was informed that the brief had been sent to the office of the Director of Public Prosecutions since more than two and a half years and had not yet been returned to the Police.

As the D.P.P. falls outside my jurisdiction I had to keep pressing the Police in order that they might take up the matter with his Office.

Some two months later advice came from the D.P.P.'s Office to prosecute the complainant for "wounds and blows causing death without intention to kill" and in the meantime he was released on parole following an undertaking that he would report to the Police twice weekly pending determination of the case.

As yet I have not been advised of the outcome of the case.

C/43/95

Complainant put on trial more than three years after being detained

The complainant claimed in March 1995 that he was being detained on remand since 6 January 1992 in

connection with a case of manslaughter and has still not been put on trial.

I had to shake up the Police to find out what was happening in this case and finally the complainant was prosecuted for wounds and blows causing death without intention to kill, and he was, on 19 June 1995, sentenced to undergo penal servitude for three years.

I must say that the purpose of his writing to me was to have his case heard and determined without any further delay.

I am pleased that this purpose has been achieved.

PRISONS

C/42/94

Prison Officer's seniority established

A, B and C were employed to give assistance at what is now the Rehabilitation Youth Centre on a temporary month-to-month basis for a period of 6 months with effect from 11 September 1978.

The 6-month training period was extended in the case of B and C by four and two days respectively as they were on leave without pay during these periods.

After successful completion of their training they were appointed as Industrial School Officer (now Officer, Rehabilitation Youth Centre) in a substantive capacity as follows —

1. A — on 11 March 1979

2. B — on 13 March 1979

3. C — on 15 March 1979

They were confirmed in their appointment as from the same dates as above.

On 28 March 1994 A complained to me that his seniority vis-à-vis B and C had been disturbed stating that "when the Personal File number was introduced, I was listed after both officers".

I decided to inquire into this case although I knew that eventually it would be for the Public Service Commission, which is outside my jurisdiction, to decide that issue. Indeed the Commissioner of Prisons referred the matter to that Commission after I had queried him about this anomaly.

About one and half years later, after having considered A's case, the Public Service Commission established the seniority placing with A on top of the list.

Consequently A was promoted Senior Officer Rehabilitation Youth Centre with effect from 17 January 1994.

A obliged by saying "So, my thanks goes deeply to you Sir, for having taken such immediate action regarding my problem".

All is well that ends well.

C/198/94

Female muslim detainees allowed to wear proper clothes for Friday prayers

A female detainee who chose to remain anonymous informed me that female muslim detainees were not allowed to wear their appropriate dress and trousers so that they can properly perform their Friday prayers.

She averred that the ladies accepted punishment for wrongdoing but found it was unjust that they be denied the opportunity to pray God and ask for forgiveness. In order to do so they had to be properly dressed.

I inquired from the Commissioner of Prisons about this practice and was informed that this was indeed so for practical reasons. I therefore requested him to reconsider his position and suggested keeping them under watch if need be. After taking time to consider the Commissioner agreed to allow them to wear special clothes issued by the Prisons Administration.

C/39/95

Detainee gets proper medical treatment and is transferred to different block on account of threats against him

Detainee S. wrote to me to inform me that —

(i) he was not enjoying good health and was not receiving proper medical attention, and

(ii) he felt insecure on account of the fact that a certain "caid de la drogue" (head of a drug ring), whom he had denounced to the police, was causing certain people to threaten him in order to prevent him from deposing in court against him.

I alerted the Commissioner of Prisons immediately and requested him to enlist the help of the police if need be.

First of all, within a few weeks, the complainant had already been examined twice by the Prisons Medical Officer and further he started to follow treatment at the Brown Sequared Hospital.

As regard his protection, he was transferred to another block where he felt secure and required no police assistance.

As the complainant did not come back to me I assume he was satisfied.

C/119/95
Detainee's problems solved

Upon a visit at the Rodrigues Prison in July 1995 a complaint was recorded from this detainee who had, inter-alia, the following problems—

1° his mattress was almost completely worn off and he requested that it be changed;

2° he was suffering from vertigo and Prison Officers believed that he was malingering until he fell down; and

3° he requested a change of diet as he could not eat octopus and pork meat but nothing had been done.

The matter was referred to the Commissioner of Prisons and the following measures have been taken -

- (i) arrangements have been made to change his mattress;
- (ii) he has been referred to the Medical Officer for treatment;
- (iii) an alternative temporary diet has been prescribed and he seems to be satisfied with it.

RODRIGUES

C/106/95
Complainant's retiring benefits revised

This complaint was recorded in July 1995 on a working trip to Rodrigues.

It concerns a retired officer now 70 years old. He claimed that he joined the service in Rodrigues in 1957 and retired in 1986. He received a lump sum of Rs 15000 and a pension of Rs 306, calculated on the basis of 15 years service whereas he reckoned 29 years service. He added that he has tried to have his length of service revised but has been unsuccessful.

When I inquired into the matter I became aware that there were hundreds of cases where the issue of payment of gratuity and pension had been raised with the Ministry for Rodrigues.

Indeed in a statement made by the then Honourable Minister for Rodrigues at the National Assembly, the House was informed as follows —

"(i) in the past, searches were made at the Voucher room in Port Louis, but since November last, 2,078 volumes of payment vouchers covering the period from 1947 to 1990 in respect of employees of the Rodrigues Administration have been transferred to Rodrigues;

(ii) searches have to be made in the payment vouchers to establish the length of service of employees, because prior to 1971, no personal file was kept in Rodrigues;

(iii) the Rodrigues Administration is presently investigating into some 425 cases to establish the length of service of these employees;

(iv) this is a time consuming exercise, but every effort is being made to effect payment of benefits as early as possible;

(v) out of the 429 cases mentioned, 127 refers to employees who have already retired from the service. These employees have been paid their retiring benefits on the basis of information available on records, but they have asked for a revision of their length of service;

(vi) the other 302 cases are in respect of employees who would be retiring in the future and who have also asked for a revision of the length of service;

(vii) in cases where any discrepancy has been established the necessary adjustments are brought to the benefits payable."

Fortunately by December 1995 this present case was settled inasmuch as searches had established that the complainant in fact reckoned service from 21 July 1956 i.e. even earlier than he claimed. This is understandable on account of his age.

I may say at this stage that I have been able to intervene successfully in all similar cases in which a complaint has been addressed to me. Indeed I continue to receive such complaints. However, total justice must be done and the cases of all others, who, for one reason or another have not complained to me, must also be looked into.

I am therefore seizing this opportunity to make an appeal to the authorities concerned to expedite matters in all pending cases especially those concerning retired officers who must now have reached a certain age and who may be given the chance to have a taste of the fruit of their labour before it is too late!

SOCIAL SECURITY AND NATIONAL SOLIDARITY

C/99/93
Complainant obtains full financial assistance from the National Solidarity Fund on behalf of his deceased brother

This is a case which took about two and half years to be resolved in complainant's favour.

The story is as follows: Complainant's brother necessitated a kidney transplant to be performed in a South African hospital. He applied to the National Solidarity Fund for financial assistance on behalf of his brother but as his brother's health was deteriorating he had to be rushed to South Africa before the application had been approved.

Whilst the brother was undergoing treatment there, the Board approved of a sum of Rs 25000/ to be paid to complainant's brother. Unfortunately some time later the brother passed away (on 5 March 1991) due to kidney failure and he was buried in Cape Town.

Following this, the Board decided to reconsider the matter and took the decision of reducing the amount from Rs 25000/ to Rs 4200/ on the basis of document submitted by the complainant.

According to the complainant, expenses incurred on behalf of his brother amounted to Rs 18,944. He further informed me that he was still receiving claims for settlement of doctors' fees etc. and that he had even been barred from entering South Africa until and unless all the claims were settled.

On 2 May 1993 he sought my intervention so that he be paid the amount still owed by him.

I took up the matter with the Permanent Secretary of the Ministry of Social Security and National Solidarity. He informed me that it was the practice of the Board to make no payment when death occurs.

I considered this to be totally illogical and requested that the Board reconsiders its decision on the basis of medical expenses actually incurred (up to a maximum of the approved amount of Rs 25000/) subject to submission of documentary evidence thereof by the complainant. I even suggested that the Board considers the possibility of directly settling the bills of the persons and/or institutions concerned.

To cut a long story short, after a lot of correspondence exchanged between the Board and the creditors and other authorities in South Africa and submission by the complainant of relevant documents, the Board finally, after some two and a half years, agreed to and did pay the sum of Rs 25000/ to the complainant which the latter confirmed having received.

I must say that this case involved numerous meetings between officials of the Ministry and myself and the Secretary of my Office who had also to call at the Ministry to gather information and receive the complainant on my behalf on a number of occasions.

I am grateful to one and all for their cooperation in this case.

C/147/94

Cyclone victim obtains apartment

Mrs. M.T.R.'s house was partly damaged during cyclone **Hollanda** in February 1994. She reported the matter to the police but failed to register herself with the above Ministry within the prescribed time limit (18 February 1994) in order to benefit from the Housing Assistance Programme set up by Government. However she put up a tardy application two days later.

After requesting for a social status report on that lady I recommended that she be included in a list after those who had registered in time. The case was therefore referred to the Ministry of Housing, Lands and Town and Country Planning for consideration.

Subsequently Mrs. M.T.R. was offered the possibility of being allocated an NHDC apartment at La Tour Koenig, which was the nearest public housing project from her place of residence. She declined the offer, stating that she would rather await the conclusion of a project in the northern region of the island. Indeed there were two such projects in the pipeline, one at Montagne Longue and one at Mapou. The Ministry agreed to give her a housing unit at either of those two places.

However, less than a month later, Mrs. M.T.R. opted for and was allocated an NHDC apartment at, yet another place, Camp Levieux, and by the beginning of September 1995 she had already taken possession of her apartment.

C/94/95

Social aid in favour of convicted detainee's children living with their aunt restored

On 3 July 1995 Mrs. S.R.G. complained about the stoppage of social aid in favour of her sister's children who were living with her. The sister had been sentenced to four years imprisonment and was serving her sentence. As the complainant had to look after her own children with a pension she was drawing from the Ministry of Social Security and National Solidarity she faced a real problem as regard her sister's children.

The Ministry of Social Security and National Solidarity was immediately contacted and within a month the social aid was restored at the rate of Rs 1060 a month plus Rs 180 monthly as food aid allowance.

As I did not hear from the complainant again I assume she has obtained satisfaction.

C/147/95

Public officer obtains satisfaction

Mr. A., a Senior Social Security Officer, who had worked for twenty-eight years in his ministry complained that out of those twenty-eight years he had worked for only eight years in rural areas, whereas during the remaining twenty years he has been working in what he called "hot" regions of the island. And for the last nine years he has been working continuously in Port Louis, which he included in the list of "hot" regions.

Moreover he averred that an Employees Welfare Fund allowance and an Industrial and Vocational Training Board allowance are "taken into consideration while effecting changes in posting so as to avoid frustration among Senior Social Security Officers," adding that he failed to understand "why I am being still penalised compared to my other fellow officers and colleagues of the same grade," meaning that he is not enjoying any of those allowances whereas his other colleagues of the same grade are posted in such a manner as to benefit from same.

According to him verbal complaints made to his superiors have been disregarded.

His letter of complaint dated 1 August 1995 spoke of a circular of his Ministry dated 28 July 1995 which has failed to do justice to him once more by his being posted in a section of Port Louis where again he will not benefit from the above-mentioned allowances, whereas colleagues of his who have been enjoying those allowances since 1991 will continue to do so.

I inquired about his case and it was revealed that there are 17 Higher Social Security Officers and 35 Senior Social Security Officers on the establishment of the Ministry of Social Security and National Solidarity who have to service 39 Social Security Offices throughout the country. I was told that to effect postings in such circumstances was not an easy matter and was bound to and did give rise to such representations.

In spite of his 28 years of service, A. had never been posted in certain branches like benefits, contribution, industrial injury, etc, in Port Louis or Rose Hill.

However a general transfer was made and became effective on 2 November 1995 and A. was posted to Grand Baie/Grand Gaube Social Security Office where he would deal with contributions to the Employees Welfare Fund and the Industrial and Vocational Training Board, as a result of which he would be drawing extra duty allowance.

A. immediately wrote to me to inform me that "thanks to your prompt intervention, I am more or less satisfied with my new posting."

WORKS

C/53/95

Blocked drain repaired after more than four years

I fell on the following article in the issue of "Le Mauricien" of 16 March 1995 —

"Situation insalubre à Cité Atlee

A la rue Gustave Collin à la hauteur de Cité Atlee, à Forest Side, un drain qui traverse la route a été obstrué et rendu plus étroit par les travaux de la télécom et de C.W.A. A la moindre pluie tous les égouts de Cité Atlee (un autre scandale) sont débordés et l'eau sale se déverse dans ce drain. Avec les averses cette eau polluée qui ne peut être canalisée par le drain traverse la rue Gustave Colin et noie toutes les cours qui se trouvent au bas de la route. Après le passage de l'eau un dépôt malsain est laissé dans les cours. Cela a déjà causé pas mal de maladies aux enfants qui habitent la région affectée. L'année dernière le ministère des Travaux avait fait pomper cette eau fécale pour le passage des pèlerins de Grand-Bassin. Cette année ils ont eu à traverser dedans. Depuis la fête de Maha Shivratri, à ce jour, 10 véhicules sont tombés dans ce canal, ne pouvant distinguer la route sous l'eau sale. Même des bicyclettes, des enfants et des dames sont tombés dans ce piège. Sans gravité heureusement, mais pour combien de temps encore. Un bus de la CNT et un autre de pèlerins faillirent se renverser avec des conséquences graves. Les jeunes de la cité ont aidé tous ces véhicules à sortir de là au péril de leur vie quelquefois. Voilà 4 ans que les habitants font régulièrement des représentations et des pétitions et se plaignent aux autorités concernées sans succès. Elles attendent un accident grave, ou une mise en demeure par les habitants pour agir peut être, comme c'est l'habitude chez nous. La municipalité et les ministères concernés se passent la boule pour la responsabilité des travaux, à être effectués. Le nombre de fois que les ministres, les maires, les inspecteurs et autres employés sont venus voir la situation en aurait pu remédier à la situation une dizaine de fois, avec les frais encourus pour leur déplacement. Le plus simple des habitants, vous dira que la seule solution c'est d'élargir le canal comme c'était auparavant.

Nous ne savons plus à quel saint nous vouer."

I was shocked to learn that during the last four years representations had been made to the authorities concerned and yet nothing had been done. It was such an intolerable situation that I decided to inquire into the matter.

I had first to find out precisely whose responsibility it was to repair that drain. So I wrote to the Ministry of Works. After one reminder I received a reply from that Ministry informing me that the drain got blocked with mud, stones and debris coming from the municipal drain in Cité Atlee during heavy rainfall and cyclones.

The Ministry agreed to enlarge the drain to avoid overflow and further to build part of the municipal drain adjacent to the road in concrete in order to prevent soil erosion which was the main cause of the blockage of the drain.

However the Ministry informed me that the improvement works would be effected early in the following financial year.

I followed up the matter for a few months until the improvement works were completed.

What a relief it must be for the inhabitants of that locality and other users of the road!

C/138/95

Bus terminus obstructing entrance transferred

My attention was invited to the plight of certain families living near the Terre Rouge round-about: buses were being parked in front of the drive to their houses with the result that access to their place by cars, motorcycles etc. was restricted. This caused a great deal of nervousness in those families.

The Police had been on the spot following complaints made to them but nothing had been done to solve the problem.

I took up the matter with the Ministry of Works and a piece of State land situated behind the Terre Rouge Police Station was found to accommodate buses parked near the round-about and bus operators have been asked to operate from there.

APPENDIX D

STATISTICAL SUMMARY OF COMPLAINTS

Ministries/Departments	Rectified	Partly Rectified	Not Justified	Explained	Discontinued	Not Entertained	Not Investigated	Declined for want of Jurisdiction	Withdrawn	Pending	Total No. of Complaints
Accountant General ...	1	—	—	—	—	—	—	—	—	—	1
Agriculture and Natural Resources	3	1	—	2	2	1	—	1	—	3	13
Central Tender Board	—	—	—	—	—	—	—	—	—	1	1
Civil Service Affairs and Employment...	—	—	1	—	—	—	—	—	—	2	3
Comptroller of Customs	—	—	—	—	—	—	—	—	—	1	1
Co-operative and Handicraft ...	—	—	1	—	—	—	—	—	—	—	1
Education and Science	5	—	1	12	—	—	—	—	—	4	22
Energy, Water Resources and Postal Services	6	1	1	1	1	—	—	—	—	6	16
Environment and Quality of life	2	—	—	1	1	—	—	—	—	12	16
External Affairs	—	—	—	—	—	—	—	—	—	1	1
Finance ...	1	—	—	1	—	—	—	—	1	—	3
Financial Secretary ...	—	—	—	—	—	—	—	—	—	1	1
Headteacher, Government School	—	—	1	—	—	—	—	—	—	—	1
Health ...	3	—	—	4	1	1	—	1	—	14	24
Housing, Lands and Town and Country Planning	3	—	—	4	1	1	—	—	—	11	20
Internal and External Communications	1	—	—	—	—	—	—	—	—	—	1
Judicial ...	2	—	—	1	—	—	—	—	—	—	3
Labour and Industrial Relations	—	—	—	—	—	—	—	—	1	—	1
Local Government ...	1	—	—	—	—	—	—	1	1	3	6
Police ...	5	—	7	22	3	2	1	2	—	24	66
Prime Minister's Office (N.D.U)	—	—	—	—	—	—	—	—	—	1	1
Prisons ...	8	—	1	6	—	2	—	—	—	7	24
Registrar of Associations	1	—	—	1	1	—	—	—	—	1	4
Registrar of Co-operative Societies	—	—	—	1	—	1	—	—	—	—	2
Rodrigues ...	7	—	8	10	—	—	—	—	—	24	49
Social Security, National Solidarity and Reform Institutions ...	—	—	—	—	1	—	—	—	—	—	1
Social Security and National Solidarity	6	—	—	—	—	—	—	—	—	1	7
Tourism ...	—	—	—	—	—	—	—	—	—	1	1
Trade and Shipping ...	—	—	—	1	—	—	—	—	—	1	2
Works ...	9	—	4	7	5	—	—	—	1	11	37
Total ...	64	2	25	75	16	8	1	5	4	130	330

APPENDIX E

No.	Subject of Complaint	Result
Accountant General		
C/155/95	Complainant's pension not yet credited to his bank account two days before end of the month....	Rectified
Agriculture and Natural Resources		
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/31/95	Went on leave without pay. Applied for extension. Not granted. Post declared vacant.	Not entertained
C/49/95	Application for mandarin, orange and grenadine carri plants made since two years. No reply received.	Explained
C/61/95	Salary erroneously reduced....	Partly rectified
C/62/95	Denied relevant certificate by the Extension Service of the Ministry to support her application for loan to Development Bank of Mauritius.	Rectified
C/110/95	Requests that his appointment as Agricultural Superintendent be backdated or compensation paid to him.	Explained
C/130/95	Unjustly deprived of promotion and allowances.	Declined for want of jurisdiction
C/136/95	No reply to complainant's father's application for land conversion permit.	Discontinued
C/141/95	No reply to application for land conversion permit since 8 months.	Rectified
C/153/95	Application for land conversion permit rejected on flimsy grounds.	Pending
C/163/95	Irrigation plan imposed on heirs to a plot of land by Irrigation Authority.	Rectified
C/166/95	Pipes illegally placed by Irrigation Authority on complainants' land.	Discontinued
C/172/95	Discrepancy in complainants' salaries.	Pending
Central Tender Board		
C/200/95	Complainant company avers that it has been unjustly penalized in the award of contract for paint for Ministry of Works.	Pending
Civil Service Affairs and Employment		
C/67/95	Complainant alleges that he has been dismissed from the Public Service and denies having signed any resignation letter.	Not justified
C/74/95	Registered for a job since 1976. Up to now hasn't obtained one. Enduring great financial difficulties to earn a living.	Pending
C/183/95	Not paid end-of-the-year bonus on pro-rata basis....	Pending
Comptroller of Customs		
C/221/95	Complainant claims being persecuted by certain customs officers.	Pending
Co-operatives and Handicraft		
C/199/94	Complainant alleges that a co-operative society is indebted to him. Alleges that Ministry is protecting the society.	Not justified
Education and Science		
C/127/93	Complainant who is an Education Officer (Grade B) claims he should have been promoted to Grade A.	Explained
C/45/94	Student frequenting secondary school and university at the same time. Won Secondary School State scholarship	Explained
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.	Rectified
C/90/94	Punitive transfer of complainant who is an Education Officer.	Pending
C/135/94	No reply to application for 90 days vacation leave.	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.	Explained
C/209/94	Does not agree with the salary he is getting.	Explained
C/3/95	Complainant, an Education Officer, avers that his transfer from one school to another is unjustified.	Explained
C/7/95	No reply to application for vacation leave made nearly 1½ years before.	Explained
C/12/95	Complainant's son was attending University of Mauritius. Registration as student terminated. Request for reassessment turned down by Senate of University.	Explained
	Request for detailed examination marks.	Explained

APPENDIX E—continued

No.	Subject of Complaint	Result
Education and Science — continued		
C/17/95	No teacher in certain classes of State Secondary School.	Rectified
C/25/95	Complainant avers that certain pupils at school where her son is attending have been without coaching for a long time and that this situation may occur anew.	Explained
C/48/95	Complainant denied scholarship for benefit of another candidate although she has obtained better results.	Explained
C/55/95	Bonus and balance of sick leave not paid.	Rectified
C/60/95	Primary school teacher transferred before completing 6-year cycle.	Explained
C/90/95	Unjust transfer of Deputy Head Teacher from school where he has been working since January 1994 to another school.	Explained
C/98/95	Complainant's qualifications not recognised by National Equivalence Council.	Rectified
C/165/95	Complainant, a general purpose teacher/senior teacher, avers being unjustly penalised by frequent transfers.	Rectified
C/198/95	Special allowance and Headship allowance still unpaid to complainant for a number of years.	Pending
C/202/95	Complainant's son refused admission to primary school on ground of age.	Not justified
C/207/95	Not obtaining promotion etc.	Pending
Energy, Water Resources and Postal Services		
C/88/93	Environmental nuisance caused by overflow of sewage.	Pending
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.	Rectified
C/122/94	Not promoted as Postal Controllers etc.	Discontinued
C/145/94	Serious problem of water-supply faced by inhabitants of certain locality. No action taken by the Authorities.	Pending
C/186/94	Repairs 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. ...	Rectified
C/205/94	Claims refund of double payment of sewerage tax.	Rectified
C/212/94	Whole village deprived of running water for about six months every year.	Rectified
C/19/95	Water leakage which poses potential health hazard.	Pending
C/20/95	Sewerage problem at Cassis.	Rectified
C/33/95	Complainant a retired Reservoir Keeper with the C.W.A. Has doubts about the salary he has been earning since PRB report.	Explained
C/36/95	Nuisance caused by waste water.	Pending
C/42/95	Scarcity of water affecting inhabitants of "morcellement"	Pending
C/56/95	Complainant alleges harassment by colleague foreman.	Not justified
C/65/95	No reply to application for sewerage connection.	Rectified
C/157/95	Waste water problem at housing estate.	Partly rectified
C/171/95	Complainant is an ex-employee of the Central Water Authority. Claims that his retiring benefits have been wrongly calculated.	Pending
Environment and Quality of Life		
C/49/93	Nuisances caused by factory adjoining complainant's house - noise and dust.	Discontinued
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/93/94	Noise and dust problem caused by factory operating without permit.	Pending
C/107/94	Nuisance posed by dumping ground.	Rectified
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.	Rectified
C/206/94	Nuisances posed by factory.	Pending
C/27/95	Nuisance caused by stagnant water. No action taken by Ministry despite Minister's visit and promise.	Pending
C/29/95	Nuisances caused by stone-crushing plant. Several petitions made to the authorities. Nothing has changed so far.	Pending

APPENDIX E—continued

No.	Subject of Complaint	Result
Environment and Quality of Life—continued		
C/69/95	Noise nuisance caused by factory adjoining complainant's house.	Pending
C/88/95	Odour nuisance emanating from river. No action by authorities.	Pending
C/95/95	Problems posed by sand removal activities.	Explained
C/129/95	Problems caused by flooding of river.	Pending
C/193/95	Noise nuisance etc. caused by factory which is operating without permit....	Pending
External Affairs		
C/214/95	Long delay in the renewal of passports etc.	Pending
Finance		
C/52/94	No reply to application for licence to operate as auctioneer.	Withdrawn
C/57/95	Request to correct mistake in Staff List rejected.	Rectified
C/181/95	Complainant, who is the widow of a public officer who died in 1993, avers that she has not yet been paid passage benefits due to her late husband.	Explained
Financial Secretary		
C/224/95	Complainant considers his transfer to be arbitrary and without justification.	Pending
Headteacher, Government School		
C/52/95	Deprived of right to vote in connection with subject-teaching by Headteacher.	Not justified
Health		
C/54/93	Noise caused by bakery. No action taken by the Ministry to which the matter has been reported.	Pending
C/203/93	Health nuisance caused by drain.	Pending
C/91/94	Feels victimized in the choice of candidate to follow training course abroad in Cardiac rehabilitation.	Explained
C/117/94	Arrears of uniform allowance not paid.	Discontinued
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.	Explained
C/166/94	Complainant alleges that his mother has been waiting for more than two years to undergo surgery.	Rectified
C/208/94	Smell nuisance caused by large scale poultry breeding by complainants' neighbour.	Explained
C/21/95	Smell nuisance caused by complainant's neighbour. No action by sanitary inspectors who have visited the spot.	Rectified
C/63/95	Noise nuisance caused by factory. Matter reported to relevant authorities. No action taken.	Pending
C/70/95	Denied promotion. Request to obtain scholarship to complete studies in statistics.	Pending
C/71/95	Complainant alleges forced transfer and forced early retirement.	Explained
C/79/95	Noise and air pollution caused by complainant's neighbour, a textile factory.	Pending
C/100/95	Factory operating illegally and causing inconvenience to complainant and his family.	Rectified
C/133/95	Noise, dust and smell nuisances caused by sawmill.	Pending
C/144/95	Complainants are employed as labourers on a temporary basis since six years. Situation at Ministry not yet regularised.	Pending
C/146/95	Complainant avers that he should be appointed Principal Health Inspector.	Not entertained
C/151/95	Complainant avers that he is not paid travelling at the proper rate although he uses his personal car to attend port and airport duties as and when required.	Pending
C/174/95	Complainant, a labourer, has on several occasions performed the duties of acting gangman. Has not been appointed gangman when vacancies were filled.	Pending
C/177/95	Rights transgressed and dealt with unfairly.	Declined for want of jurisdiction
C/184/95	Noise nuisance caused by factory. No action taken by authorities.	Pending
C/195/95	Delay in making appointments to certain vacant posts.	Pending
C/201/95	Overtime performed not paid since about six months.	Pending
C/215/95	Noise nuisance caused by factory in residential area. Nothing done by authorities concerned.	Pending
Housing, Lands and Town and Country Planning		
C/303/91	No reply to application for lease of additional Crown land.	Pending
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/33/94	Application for State land not considered since more than three years.	Pending

APPENDIX E—continued

No.	Subject of Complaint	Result
Housing, Lands and Town and Country Planning — continued		
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/123/94	Complainant victim of cyclone Hollanda. House completely destroyed. Now living in refugee centre. Wrongly excluded from re-housing scheme. ...	Pending
C/128/94	Complainant, a cyclone victim whose house has been seriously damaged, claims he has been wrongly excluded from re-housing scheme. ...	Discontinued
C/141/94	Sewerage works carried out on behalf of Ministry. Roads left in very bad state due to non-completion of works. ...	Rectified
C/157/94	Wrongly advised by Officer about transfer of lease of State land from name of complainant's sister to her name. ...	Not entertained
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. ...	Explained
C/171/94	Two offers of leases of State land made to complainant but afterwards cancelled. No reply to claim for refund. ...	Explained
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. ...	Explained
C/2/95	Compensation not yet paid to complainant for land compulsorily acquired by Government since 10 years. ...	Rectified
C/34/95	No reply to application for plot of land in residential zone since a year. ...	Rectified
C/76/95	No reply to application for building site lease since 2 years. ...	Pending
C/80/95	Transfer of lease of State land effected by Ministry without safeguarding rights of minor grandchild of complainant. ...	Explained
C/186/95	No reply to application for State land. ...	Pending
Internal and External Communications		
C/38/95	Retired public officer receives no pension. ...	Rectified
Judicial		
C/13/95	Complainant's money not returned to him after his trial and conviction for possession of dangerous drug. ...	Rectified
C/78/95	Delay in delivering copy of judgment to complainant. ...	Explained
C/160/95	Money secured from complainant by police and produced in court not yet returned to him as informed by the Magistrates. ...	Rectified
Labour and Industrial Relations		
C/188/95	No action taken by Ministry upon report made by complainant. ...	Withdrawn
Local Government		
C/89/93	Pollution caused by blocked drain. ...	Pending
C/148/94	Blocked canal causing flood etc. in the yard of adjoining residents. Works started but stopped. No action taken by authorities. ...	Pending
C/8/95	Application for development permit made to District Council since one year. Informed verbally on three occasions that his application has been rejected. ...	Withdrawn
C/28/95	Stream in deplorable state. ...	Rectified
C/54/95	Traffic problems caused by encroachment on common road committed by complainant's neighbour. Authorities written to but no action taken. ...	Pending
C/180/95	Complainant avers that his rights and prospects for promotion are being adversely affected. ...	Declined for want of jurisdiction
Police		
C/73/93	Request to Police to send an officer to record a statement from him not acceded to. ...	Discontinued
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. ...	Rectified
C/95/94	No action following declaration made to Police. ...	Explained

APPENDIX E—continued

No.	Subject of Complaint	Result
Police — continued		
C/105/94	Complainant's passport seized and not returned to him.	Pending
C/119/94	No reply from Commissioner of Police to complainant's letter drawing attention to obstruction on road.	Pending
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.	Explained
C/154/94	Complainant claims he was the victim of an assault but he was locked up whilst his alleged assailant went free.	Explained
C/168/94	Road signs causing hardship to complainant's business.	Explained
C/172/94	No action taken by police in road accident case in which complainant alleges he was the victim.	Explained
C/183/94	No action taken by Police against alleged trespasser.	Explained
C/185/94	Garage operating unlawfully. No action by authorities concerned.	Pending
C/197/94	No action by Police in respect of declarations made.	Explained
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.	Rectified
C/214/94	Complainant avers he is being pestered by the Police at his motorcycle workshop. ...	Pending
C/1/95	Complains of police search effected at his place.	Not justified
C/6/95	Negligence averred by parents of deceased person who died in police cell.	Pending
C/9/95	Does not agree with computation of pension benefits.	Explained
C/10/95	Complainant convicted in drug case. States that he is innocent. Contests the way in which the Police went about in this case. Requests re-trial.	Not entertained
C/11/95	Detained since 4 years in connection with homicide case. Not yet put on trial.	Rectified
C/14/95	Clothings of complainant seized by police not yet returned to him.	Explained
C/15/95	Complainant's jacket seized during inquiry into case of rape against him. Case over. Jacket not yet returned to him.	Explained
C/16/95	Complainant avers harrassment by neighbours. No action taken by police in spite of complaints made and letter to Commissioner of Police.	Explained
C/22/95	Road accident in which complainant lost an eye. No police action so far.	Not justified
C/24/95	Detained in connection with larceny case. States he is innocent and wants another magistrate to hear his case.	Explained
C/40/95	Complainant avers that his provisional driving licence has not been returned to him by the police after his period of disqualification.	Not justified
C/43/95	Complainant detained since 3 years on manslaughter charge. Has not stood trial yet. ...	Rectified
C/46/95	Complainant arrested on a charge of illegal importation of drugs. Sentenced to 20 years penal servitude. Claims the return of his private belongings.	Pending
C/47/95	Police Officers refuse to register complainant's complaint.	Pending
C/59/95	Complainant arrested by Police. Claims that he was in prison on the day of the alleged offence and therefore could not have committed the offence.	Not justified
C/68/95	Damage caused to house and belongings of complainant when latter's house was raided by Police.	Explained
C/73/95	Complainant wants third party to be prosecuted for false and malicious denunciation.	Declined for want of jurisdiction
C/75/95	Panel Beater workshop operating without licence. No action by Police in spite of declaration made.	Pending
C/77/95	Request for road marking, bus stop sign etc. to be placed.	Pending
C/84/95	Complainant is being prosecuted for cases of larceny. Has written to D.P.P. to explain his innocence and for an early trial.	Declined for want of jurisdiction
C/86/95	Money seized by police during complainant's arrest in connection with drug offence. Complainant convicted and sentenced. Claims his money back.	Not justified
C/87/95	Arrested by police in larceny case. States that he is innocent etc.	Explained
C/91/95	Gun barrel seized at airport since 1½ years. Not yet returned to him.	Pending
C/92/95	No action by Police following declaration by complainant.	Explained

APPENDIX E—continued

No.	Subject of Complaint	Result
Police — continued		
C/99/95	Complainant avers he has not heard anything about his declaration of bribe against a Police Officer some two months before. ...	Pending
C/102/95	Complainant alleges being victim of rape. Avers that Police does not want to arrest accused party. ...	Pending
C/128/95	Following road accident case in which complainant was injured, latter avers that the Police refused to record the names of 2 witnesses he had mentioned. ...	Pending
C/134/95	Abuse of procedure by Police. ...	Not investigated
C/139/95	Larceny case reported by complainant to the Police. No further action taken. ...	Explained
C/140/95	Detainee requests early trial of cases against him. ...	Explained
C/149/95	No action taken by Police following declaration against alleged swindler. ...	Explained
C/150/95	Noise nuisance caused by complainant's neighbours who are operating workshops. No action taken by the authorities. ...	Discontinued
C/154/95	Noise at club causes inconvenience to complainants. ...	Pending
C/156/95	No action by police following declaration made re illegal operation of workshop. ...	Pending
C/158/95	Complainant reported a case of forgery to Police. Latter has informed him that there is no evidence to prosecute. Is not satisfied with that decision. ...	Not justified
C/159/95	Not allowed to give a "good declaration" to the Police. ...	Rectified
C/162/95	Money seized on complainant's premises during police raid. Complainant convicted for possession of drugs. Request that his money be returned to him. ...	Not justified
C/164/95	Failure by Police to reply to queries from Ministry of Finance in order to calculate retiring benefits of complainant. ...	Discontinued
C/167/95	Not satisfied about the nature of the offence for which his assailant is being prosecuted. ...	Explained
C/170/95	No reply to application made to Police Crime Record Office for a document concerning complainant. ...	Pending
C/175/95	No action by Police in respect of "bar" causing inconvenience to neighbourhood. ...	Explained
C/178/95	No action taken by Police following declaration made by complainant. ...	Explained
C/182/95	Accident case involving complainant dragging for too long. He cannot even travel as his passport is being detained by Police. ...	Pending
C/187/95	Allegation of illegal operation of laundry business. Matter reported to Police. No action taken. ...	Pending
C/192/95	Case of citizen insulted by Police Officers whilst trying to help wandering child. ...	Explained
C/194/95	Complainant avers abuse of authority by police officer who booked him for an offence for which complainant accepted to pay a fine. Now argues that he is innocent. ...	Not entertained
C/212/95	Complainant avers he is being persecuted by the Police. ...	Pending
C/217/95	No action taken by Police following declaration made by complainant. ...	Pending
C/220/95	No follow up action by Police in respect of declaration of arson made by complainant. ...	Pending
Prime Minister's Office (N.D.U.)		
C/211/95	Complainant's post declared vacant. Not paid sick leave and travel grant. ...	Pending
Prisons		
C/42/94	Complainant is a Rehabilitation Youth Centre Officer. Claims that his seniority in the service has been disturbed. ...	Rectified
C/143/94	Letter addressed by complainant to outside body suppressed. ...	Pending
C/189/94	Not getting proper medical treatment. ...	Rectified
C/190/94	Steps taken by complainant to obtain NHDC house not taken seriously by the Prison Administration etc. ...	Explained
C/198/94	Muslim lady detainees not allowed to dress properly in order to perform Friday prayers etc. ...	Rectified
C/210/94	Request to write to His Excellency the President turned down. ...	Rectified
C/4/95	Complainant who was undergoing sentence at Petit Verger Prison was transferred to Beau Bassin Prison. Requests to be transferred back to Petit Verger Prison. ...	Explained
C/18/95	Request to have milk instead of tea rejected, etc. ...	Rectified
C/39/95	1° Not receiving proper medical treatment. 2° Requests to be protected against threats made by certain prisoners because he has denounced a drug pedlar. ...	Rectified

APPENDIX E—continued

No.	Subject of Complaint	Result
Prisons — continued		
C/44/95	No reply to application for legal aid.	Rectified
C/45/95	Denied extra-remission work.	Explained
C/51/95	Complainant is serving a 25-year sentence. Has already spent 9 years in jail. Is fed up with the food he is served everyday.	Explained
C/119/95	(i) Mattress needs to be changed. (ii) Cannot bear smell whilst clearing toilets. (iii) Suffers from vertigo. (iv) Cannot eat octopus and pork meat.	Rectified
C/126/95	Complainant undergoing imprisonment since last 6 years. Requests to be considered for parole.	Pending
C/143/95	Detainee burned by hot tea falling on him. Transport vehicle to take him to hospital delayed too much. Request to pass before Injury Board still pending.	Pending
C/152/95	Prosecuted twice for the same offence.	Not justified
C/176/95	Complainant avers that he has been "identified" by his alleged victim in a wrongful manner, without the proper procedure being followed.	Explained
C/191/95	Negligence by Prison dentist causing complainant physical and moral suffering.	Pending
C/203/95	Detainee complains about Prison Officer's refusal to apply ointment on his back.	Explained
C/206/95	Complainant (a Prison Officer) claims that his rights to be promoted have been breached and that there has been a violation of principles of elementary fairness.	Not entertained
C/209/95	Detainee apprehends injustice may be done to him.	Not entertained
C/219/95	Detainee complains about conditions of detention and further that he has been subject of threats as he is witness in a drugs case	Pending
C/222/95	Complainant avers that there is no TV, radio or newspapers in prison.	Pending
C/225/95	Detainee avers that he has been assaulted by Prison Officer.	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/201/94	No action taken by Registrar following complaint made by life member of an association.	Rectified
C/37/95	No action by Registrar following request made to him by Secretary of an association.	Discontinued
C/204/95	Not provided with copy of annual return in respect of a particular association of which complainant is a life member.	Explained
Registrar of Co-operative Societies		
C/50/95	Irregularities at election of new executive of Credit Union etc.	Explained
C/161/95	Action requested by Registrar of Cooperatives. Complaint made on the same day for follow-up action.	Not entertained
Registrar General		
C/32/95	Certificate from Registrar General's Department for attribution of price not yet submitted to Supreme Court	Explained
Rodrigues		
C/322/92	Plot of land "given" to complainant taken back.	Pending
C/207/93	Increments granted then stopped.	Rectified
C/209/93	Denied three increments whereas his colleagues have obtained same.	Rectified
C/215/93	Complainant has not received two increments.	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.	Explained
C/26/95	Complainants' application for plot of State land turned down whilst others granted.	Pending
C/30/95	Non-receipt of passage benefits following retirement from the Service.	Pending
C/58/95	Retired public officer shortpaid lump sum.	Not justified
C/72/95	Increments not received by complainant who is a carpenter.	Not justified
C/82/95	Complainant alleges non-payment of increments.	Not justified
C/83/95	Complainant is a plumber and pipe-fitter. States that masons and carpenters appointed on the same date are drawing higher salary than him.	Not justified
C/93/95	Salary not appropriate.	Not justified
C/97/95	Salary not appropriate.	Not justified

APPENDIX E—continued

No.	Subject of Complaint	Result
Rodrigues — continued		
C/103/95	Complainant is a carpenter in the Works Division. Has followed a course on maintenance and repair of fibreglass boats. Claims that he should be appointed as Carpenter (Marine)	Explained
C/104/95	Complainant, mother of deceased public officer, avers that accumulated sick leave and passage benefits not paid to the heirs.	Not justified
C/105/95	Retired Officer avers that his lump sum and pension have been wrongly calculated. ...	Rectified
C/106/95	Complainant contests the lump sum paid to him upon retirement. Avers that all his years' services have not been reckoned but only part.	Rectified
C/107/95	Complainant alleges that his lump sum and retirement pension are not adequate. ...	Rectified
C/108/95	Application for lease of State land since five years. No reply yet.	Pending
C/109/95	Midwives claim they perform higher duties and are not paid for same.	Pending
C/111/95	Complainant avers that he has been waiting five years for a reply to his application for a transfer of lease on State land.	Pending
C/112/95	Recruited as Trainee Observer (Meteorological Services) and completed training course. Not yet appointed as Observer.	Explained
C/113/95	Application for transfer of State land not considered by the administration. ...	Pending
C/114/95	Application by complainant to regularise her occupation of State land made since four years. No reply.	Pending
C/115/95	Application for residential lease of State land not formalised since 15 years. ...	Pending
C/116/95	No reply to application for lease of State land.	Pending
C/117/95	Complainant contests his ranking on seniority list of Technical Officers.	Explained
C/118/95	Not appointed as Midwife whereas others have been so appointed.	Explained
C/120/95	Application for transfer of lease of State land made by complainant. No reply since more than 6 years.	Pending
C/121/95	Complainant and 2 others work as watchmen on Ile aux Cocos, Rodrigues. No boat at their disposal to move to and from the islet, etc.	Pending
C/122/95	Complainant is a flood victim. Claims he has received nothing from the funds collected for flood victim.	Pending
C/123/95	No reply to application for State land.	Pending
C/124/95	Complainant who is a lessee of State land is seeking a modification of one condition of the lease. No reply yet.	Pending
C/125/95	No reply since approximately three years to application for State land for residential purposes.	Pending
C/127/95	Claim for responsibility allowance turned down.	Pending
C/131/95	Computation of complainant's number of years service not correct.	Rectified
C/132/95	Anomaly in their remuneration.	Not justified
C/135/95	Length of service not properly computed.	Pending
C/137/95	Complainant avers that certain officers who joined the Public Service on the same date as he and who, contrary to him, do not satisfy certain conditions laid down in their appointment letter, appear before him in seniority list.	Explained
C/142/95	Complainant avers that certain officers who joined the Public Service on the same date as he and who, contrary to him, do not satisfy certain conditions laid down in their appointment letter, appear before him in seniority list.	Explained
C/148/95	Complainant avers that certain officers who joined the Public Service on the same date as he and who, contrary to him, do not satisfy certain conditions laid down in their appointment letter, appear before him in seniority list.	Explained
C/168/95	Has been registering at the Rodrigues Employment Exchange since 9 years. Has not secured a job yet.	Explained
C/169/95	Complainant receives no allowance for extra duties.... ..	Pending
C/185/95	Complainant's colleagues have been called to be trade tested as blacksmith whereas he has been left out.	Explained
C/208/95	Retiring benefits wrongly calculated according to complainant.	Pending
C/213/95	Retired Officer contends that his retiring benefits have been wrongly computed.	Pending
C/218/95	Detainee complains about conditions of detention, lack of radio & TV, etc.	Pending
C/223/95	No reply to claim for allowance for performing higher duties.	Pending
Social Security, National Solidarity and Reform Institutions		
C/149/91	Proposed reduction of salary.... ..	Discontinued

APPENDIX E—continued

No.	Subject of Complaint	Result
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.	Rectified
C/74/94	Invalid's basic pension stopped by Ministry.	Rectified
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.	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.	Rectified
C/94/95	Social aid in favour of children of complainant's sister who is now in prison stopped. ...	Rectified
C/147/95	Complainant who is a Senior Social Security Officer complains about being posted in "hot" regions and in such way as not to benefit from allowances.	Rectified
C/210/95	Application for carer's allowance disallowed Through ignorance of the law he did not appeal against that decision....	Pending
Tourism		
C/179/95	Complainant prevented from selling guide-books to tourists both inside and outside SSR Botanic Garden	Pending
Trade and Shipping		
C/85/95	Application for import of table salt rejected.	Explained
C/145/95	Application to import second-hand car for a second time rejected.... ..	Pending
Works		
C/144/93	Road which passes in front of complainant's house in a deplorable state. No action by Ministry.	Discontinued
C/172/93	Construction of road by Government has rendered part of complainant's land inaccessible, etc.	Pending
C/219/93	No action by Ministry in respect of offending building.	Discontinued
C/6/94	Illegal construction by complainant's neighbour.	Discontinued
C/11/94	Illegal construction by complainant's neighbour.	Explained
C/24/94	No action by Authorities in respect of illegal construction.	Rectified
C/38/94	Neighbour continues to erect building next to complainant's property without leaving statutory distance in spite of report made to Ministry.	Withdrawn
C/46/94	Metal cover of manhole on public road is a source of nuisance and may represent danger to road-users.... ..	Rectified
C/48/94	Bridge in unsafe state.... ..	Rectified
C/51/94	Pavement in Port-Louis in dangerous state.	Rectified
C/78/94	Illegal construction of wall by complainants' neighbour.	Explained
C/109/94	No reply to application for morcellement permit made since more than three months. ...	Explained
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.	Rectified
C/170/94	Illegal construction by complainant's neighbour. Ministry fails to react promptly. ...	Rectified
C/188/94	Operation of motor car workshop without permit. No action taken by any of the authorities addressed.... ..	Explained
C/207/94	Fuel tank being constructed next to complainant's place. Wants to object. Sent from one department to another by public officers.	Not justified
C/211/94	Illegal construction by neighbour of complainant in spite of latter's objection at Ministry.	Pending
C/5/95	No action by Ministry regarding illegal construction reported by complainant.	Not justified
C/35/95	Complainant avers that he was appointed as Gangman in 1966 and that he was reverted to Labourer in 1980, with consequential reduction of salary.	..Not justified
C/41/95	Pavement opposite complainant's restaurant raised. Very little parking space left. Prejudice caused to his business.	Explained
C/53/95	Blocked drain causing overflow of polluted water.	Rectified
C/64/95	Illegal construction by complainant's neighbour.	Discontinued
C/66/95	Illegal construction by complainant's neighbour.	Discontinued
C/81/95	Road closed by sugar estate.	Pending

APPENDIX E—continued

No.	Subject of Complaint	Result
Works—continued		
C/89/95	Building under construction next to complainant's house not according to plan.	Pending
C/96/95	Application to operate taxi car rejected.	Explained
C/101/95	No action taken by Ministry regarding complaint to the effect that complainant's neighbour is erecting a building that encroaches on complainant's land	Pending
C/138/95	Problems posed by parking of buses at entrance of residence of certain families.	Rectified
C/173/95	Averment that officer of National Transport Authority was improperly dressed and behaved in uncivilised manner when booking bus driver for a contravention.	Explained
C/189/95	No action taken by Ministry following declaration by complainant against neighbour for allegedly constructing without leaving statutory distance.	Pending
C/190/95	Complainant not paid for extra duties performed at the beginning of the year.	Rectified
C/196/95	Indication panel affixed by complainant wrongly removed by Ministry.	Not justified
C/197/95	Application for transfer of base of operation of taxi car rejected.	Pending
C/199/95	Part of complainant's land acquired by Ministry. No compensation paid yet.	Pending
C/205/95	Complainant's neighbour constructing house without leaving statutory distance. No action by Ministry concerned.	Pending
C/216/95	Complainant placed on sick leave but avers that he has not been paid any salary since seven months.... ..	Pending

CASES OUTSIDE JURISDICTION

Local Authority	...	...	...	...	...	...	1
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