



Republic of Mauritius

# **34<sup>th</sup> Annual Report**

**of the**

# **OMBUDSMAN**

January - December 2007

No. 3 of 2008

**34<sup>th</sup>**  
**Annual Report**  
**of the**  
**Ombudsman**

## OFFICE OF THE OMBUDSMAN

OMB 13/04 Vol. XXXIV

7 July 2008

The Right Honourable Sir Anerood Jugnauth, G.C.S.K., K.C.M.G., Q.C.,  
President of the Republic of Mauritius,  
State House,  
Le Réduit

Your Excellency,

The provisions of section 101(3) of the Constitution of Mauritius require the Ombudsman to make an annual report to the President of the Republic of Mauritius concerning the discharge of his functions.

In accordance with such provisions therefore, I have the honour, pleasure and privilege to present to you the 34<sup>th</sup> Annual Report of the Ombudsman. It concerns the discharge of my functions during the year 2007.

This Report is also to be laid before the National Assembly.

Yours respectfully,

(Soleman M. HATTEEA)  
Ombudsman

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# **ANNUAL REPORT OF THE OMBUDSMAN**

**JANUARY – DECEMBER 2007**

## **The Ombudsman institution**

In Mauritius the institution of the Ombudsman is enshrined in the Constitution – Chapter IX.

The Ombudsman is appointed by the President of the Republic 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.

The office of the Ombudsman is a public office and no person holding such office is authorised to perform the functions of any other public office.

The essential task of the Ombudsman is to assist citizens in their dealings with the central and local administration whenever they claim that such dealings have resulted in injustice or some other form of prejudice caused to them as a result of maladministration.

The intervention of the Ombudsman in such complaints, if they are justified, helps to raise the standard and quality of public administration but more importantly brings relief to the citizens.

During my investigation into problems faced by citizens vis-à-vis any administration I always adopt a constructive approach for the simple reason that I find it effective. I try to establish a sort of cooperation with the authority against which complaints are made in order to obtain a positive response which renders the resolution of the problems much easier.

The Ombudsman's intervention can and does prevent unnecessary court litigation. This presents three main advantages: 1° Access to the Ombudsman is free, 2° Proceedings before the Ombudsman are informal, and last but not least 3° It helps to alleviate the heavy workload of our courts.

## **Year under review**

This is the 34<sup>th</sup> Annual Report of the Ombudsman. It concerns the discharge of my functions during the year 2007.

## **Statistics for 2007**

In my report for the year 2006 I stated that I would endeavour to furnish separate statistics for complaints against ministries/government departments, local authorities and the Rodrigues Regional Assembly. I am therefore doing so now, as per hereunder:

### **Case intake in 2007**

Ministries/departments ...	...	...	254
Local authorities ...	...	...	60
Rodrigues Regional Assembly	...	...	41
<b>Total</b> ...	...	...	<b>355</b>

**Ministries/Departments**

Rectified ...	...	...	...	78
Partly Rectified	...	...	...	2
Not Justified	...	...	...	31
Explained ...	...	...	...	96
Discontinued	...	...	...	38
Not investigated	...	...	...	6
Pending ...	...	...	...	128
<b>Total</b>	...	...	...	<b>379</b>

**Local Authorities**

Rectified ...	...	...	...	18
Not Justified	...	...	...	6
Explained ...	...	...	...	18
Discontinued	...	...	...	8
Not Investigated	...	...	...	1
Pending ...	...	...	...	31
<b>Total</b>	...	...	...	<b>82</b>

**Rodrigues Regional Assembly**

Rectified ...	...	...	...	24
Not Justified	...	...	...	15
Explained ...	...	...	...	14
Discontinued	...	...	...	9
Not Investigated	...	...	...	1
Pending ...	...	...	...	24
<b>Total</b>	...	...	...	<b>87</b>

On the whole therefore our statistics for 2007 are as follows –

Cases pending as at 31 December 2006	...	193
Case intake in 2007	...	355
Cases dealt with in 2007	...	548
Cases rectified	...	120
Cases partly rectified	...	2
Cases not justified	...	52
Cases explained	...	128
Cases discontinued	...	55
Cases not investigated	...	8
Cases pending as at 31 December 2007	...	183

The year 2007 has been the -first full year during which I have, as Ombudsman, exercised direct jurisdiction over local authorities and the Rodrigues Regional Assembly, in the wake of an amendment made to the Constitution in the year 2003 but which came into operation on 24 April 2006 by virtue of Proclamation No. 5 of 2006.

As far as local authorities are concerned it is clear to-day that the citizen is becoming more and more aware of his right to lodge a complaint against a local authority or an officer of that authority whenever he claims to have sustained injustice in consequence of maladministration in connection with an action taken by that authority or its officer.

As for the Rodrigues Regional Assembly, it has, as it were, stepped into the shoes of what used to be called the Rodrigues Administration, whose actions have always been subject to our scrutiny.

We also had to address 371 cases which comprised copies of complaints addressed to other bodies (212) and complaints relating to matters which were outside jurisdiction (159). As I have said on a number of occasions before, deserving cases in this category are given all the attention needed in order to help complainants navigate through bureaucracy.

### **Rodrigues**

We proceeded on working trips to Rodrigues twice during the year under review.

Altogether 130 persons called on us: 70 in April 2007 and 60 in October 2007. These persons either appeared for the first time before us or were summoned by us following their written complaints lodged before us or still others who came to inquire about their ongoing cases.

All the Departmental Heads concerned were convened for follow up action or for further explanation in respect of cases referred to their respective Commissions. Sometimes their help was solicited for on-the-spot assistance to complainants without the need for opening a file.

At the end of the year 2007 we had registered 41 new cases for Rodrigues, whilst the number of rectified cases stood at 24.

### **Own motion cases**

Section 97 (1)(c) of the Constitution empowers the Ombudsman to open an investigation in any case of alleged maladministration whenever “he considers it desirable to do so of his own motion” i.e. in the absence of a formal complaint lodged by a citizen.

I am pleased to say that this is a power that we do not allow to remain dormant, as it were, and that whenever our attention is drawn (normally through press articles) to a situation whereby we suspect that injustice is being caused by any authority which falls under the Ombudsman’s jurisdiction, we do not hesitate to open an inquiry.



During the period under review we have opened 45 own-motion files: 12 in respect of Ministries/Departments and 33 in respect of Local Authorities.

Hereunder are a few examples of cases in which our intervention proved to be successful –

**ENVIRONMENT AND NATIONAL DEVELOPMENT UNIT**  
**(NATIONAL DEVELOPMENT UNIT DIVISION)**

*C/95/2006*

Resurfacing works at Canot, which were to be undertaken after drainage works had been completed, were being delayed, much to the inconvenience of inhabitants of the region who were getting impatient about this problem.

I queried the Ministry of Environment and National Development Unit (National Development Unit Division) whose version was that a contract had been awarded to a private company for the construction of drains at Canot. The contract stipulated that the road where the drains had been constructed had to be asphalted afterwards. However, the contractor informed the National Development Unit Division that it would not be able to undertake the asphaltting works and requested that same be removed from the contract which contained a clause that allowed such a course of action.

This request was agreed to and arrangements were made for the asphaltting works to be done by another contractor.

Three months later a contract for the resurfacing/upgrading of the road was awarded to another contractor.

I followed the matter through and through until the works were completed.

**ENVIRONMENT AND NATIONAL DEVELOPMENT UNIT**  
**(ENVIRONMENT DIVISION)**

*C/196/2006*

In September 2006 there appeared an article in a daily newspaper which related the state of abandonment of the river under Napoleon Bridge at L'Avenir.

I first solicited an inquiry by the Environment Division of the Ministry of Environment and National Development Unit. It revealed that the river verges under the bridge had since long been dumped with solid waste (even old refrigerators!) and that the inhabitants of the vicinity were continuing to do so. I was informed by the Ministry that it had requested the Moka-Flacq District Council to remove the debris and clean up the river course.

The Chief Executive of the Council subsequently reported to me in February 2007 that cleaning works had been carried out and that a "No dumping" sign plate had been fixed along the bank.

## PUBLIC UTILITIES

*C/193/2007*

A problem of overflow of waste water at La Rivière Tanier was reported in the Press. It gave rise to a very serious odour nuisance.

The matter was taken up by me with the Ministry of Public Utilities which reported that the matter was looked into by the Wastewater Management Authority (WMA). It was found that the overflow was due to a blockage in the main sewer, caused by all sorts of foreign bodies (plastic bottles, wooden chunks, sanitary pads, etc.). The W.M.A. immediately cleared the sewer of these objects and the flow in the sewer line was back to normal.

It would appear that, strangely enough, nobody had made any complaint to the W.M.A. which keeps a Complaints Register for that purpose. May be nobody knew about it!

## LOCAL AUTHORITIES

*LA/C/32/2006*

At the end of December 2006 an article in one of our dailies entitled “Mahébourg: déguelasse!” supported by a picture disclosed the existence of a plot of land on which all sorts of rubbish were dumped. It was a real eye-sore and it conveyed the impression that the local authority concerned was not at all perturbed by this state of affairs, hence inaction on its part.

At my request the owner of the land was looked for and a meeting was held with him. Within a fortnight he had the land cleared.

*LA/C/3/2007*

A drain cover in the region of Sainte Croix, Port Louis, was so badly damaged that it represented a real danger to all road users. Unless something was done it could at any time be the cause of an accident especially if some motorist were to try and avoid it, or any vehicle might get blocked in the drain itself.

Within three weeks of my taking up the matter with the Municipal Council concerned the damaged grill covering the drain was replaced by slabs.

*LA/C/5/2007*

In mid-January 2007 a press article entitled “Carcasses de voitures abandonnées” together with a photograph of same showed two wrecked vehicles abandoned on a plot of wasteland in Roches Brunes. It appeared that none of the authorities concerned had shown any “concern” about this and what is even worse is that all this took place in a residential area.

I immediately summoned the Chief Executive of the Municipal Council to inquire into the matter and to take action forthwith.

The Police was contacted by the Municipal Inspectors with a view to tracing out the owner(s) of the abandoned vehicles and it turned out that the vehicles belonged to the same person who was immediately contravened under regulations made by the Municipal Council.

A further inspection made one month later revealed that both vehicles had been removed from the bareland, much to the relief of the inhabitants of the neighbourhood.

LA/C/29/2007

My attention was caught by an article appearing in one of our dailies in June 2007 entitled "Le problème d'inondations s'aggrave de jour en jour".

According to the author of the article the inhabitants of Futloo Lane in Phoenix were exasperated by the situation obtaining in their vicinity and it appeared that one of them (Mr. F.) had even taken up the matter with the Municipal Council which had replied as follows: "As you are aware the flooding problem occurred due to the presence of obstructing materials beneath the bridge as well as in the canal at the premises of the National Women Council of Phoenix." That person was also told that certain appropriate measures would be taken by the Council but, according to him, there was a disparity of views between the Chief Executive and the Council Engineer as to how the problem should be tackled.

From there I took up the matter with the Chief Executive of the Council and he informed me as follows:

*"The flooding problem at Futloo Lane, Phoenix was mainly caused by:*

- (i) Obstruction of the covered canal which passes through the premises of the newly built Women Center; the Contractor who was entrusted the construction of the center has, whilst casting slabs over the canal, left metal props, shuttering, other construction materials as well as a drum full of concrete in the canal.*
- (ii) Debris as well as two large Central Water Authority pipes found under the bridge which hinder the free flow of water.*

*In order to alleviate the problem, the Municipal Council has removed the obstruction matters under reference.*

*The Central Water Authority has also been requested vide our letter dated 5<sup>th</sup> April 2007 and 16<sup>th</sup> May 2007 respectively to remove one of the water pipes which is not in use. A response from the Central Water Authority is still awaited.*

*A metal grill has been fixed further upstream to avoid obstruction under the bridge as well as a concrete slab on the bridge has been replaced by a grill to ease removal of debris if any under the bridge. The borders of the canal have also been raised by 300 mm over a stretch of 30 metres to avoid overflowing.*

*The representation that the borders of the canal should be raised along its stretch up to Palmerston Road has been noted and if ever such a need is felt due consideration would be given to same.*

*The water is now flowing freely."*

I also queried the Central Water Authority to know whether any action had been taken by them as requested by the Council. Within two weeks I received a reply to the effect that the unused pipe under the bridge had been removed by the Authority.

Some time later Mr. F. wrote to me to express the relief of the inhabitants of the region to learn that, following my intervention, the Council was taking remedial measures. He however did not seem to agree with certain of the measures the Council proposed to take. The matter was referred to the Chief Executive who informed me later that Mr. F. had been convened to his Office and provided with all the details of the works to be undertaken.

It would now be interesting to know the end result of action taken in this case. I shall report further on the matter in next year's Annual Report.

### **Association des Ombudsmans et Médiateurs de la Francophonie**

As a member of the Association des Ombudsmans et Médiateurs de la Francophonie I was invited to and attended its 5<sup>èmes</sup> Congrès et Assemblée Générale, held in Bamako, Mali, from 11 to 13 December 2007.

The general theme of the Congrès was "Le Médiateur/Ombudsman, garant de l'équilibre entre droits collectifs et droits individuels".

On that occasion all the participants "ont unanimement réaffirmé leur volonté d'installer la médiation institutionnelle au centre de la bonne gouvernance et de l'Etat de droit" and concluded as follows –

*"Les Ombudsmans et Médiateurs de la francophonie ont également fait le constat que la médiation institutionnelle est une nécessité de notre temps et qu'elle permet de garantir l'équilibre entre droits collectifs et droits individuels. C'est pourquoi ils appellent les chefs d'Etat et de gouvernement, ainsi que les Parlements des pays ayant en partage l'usage du français à susciter, partout où elles n'existent pas encore, la création d'institutions d'ombudsmans et de médiateurs. Là où elles sont en place, ils les engagent à permettre que leur mission puisse se développer en totale indépendance et à soutenir leur action matériellement et moralement. Ils insistent enfin pour que leur rôle et leur statut soient pleinement reconnus par la loi."*

### **Acknowledgements**

First and foremost I must say that I am deeply touched by the trust placed in me by those persons who have chosen to have recourse to our services. Although not all complaints are found to be justified yet the fact that there is so much confidence in the Ombudsman institution is very revealing of the state of mind of our citizens as are the numerous letters of thanks we receive at the office from satisfied complainants for our intervention.

Next, my thanks go to those authorities and officers whose actions have come under my scrutiny but who have cooperated all along to find solutions to citizens' problems. They seem to have understood that the Ombudsman, whom they may reasonably imagine as the representative of the citizen, would not hesitate to also protect them against unfair or unfounded allegations whenever such is the case.

Lastly, I would like to express my gratitude to all members of my staff for their assistance throughout and for the high standard of professionalism they display.

### Appendices

Appendix A reproduces Chapter IX of the Constitution which relates to the establishment, appointment, jurisdiction and powers of the Ombudsman. It now includes the new 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 ministries/government departments, local authorities and the Rodrigues Regional Assembly.

Appendix D is a statistical summary of the complaints received according to the ministry/department or local authority concerned as well as the Rodrigues Regional Assembly.

Appendix E gives a quick idea of the nature of the complaint, the authority concerned and the result of the case.

Attention is drawn to the fact that sometimes a particular ministry falls under different appellations e.g. Ministry of Agriculture, Food Technology and Natural Resources now called Ministry of Agro-Industry and Fisheries. This is due to the fact that, in its wisdom, the government of the day decides to make changes in the attribution of responsibilities falling under certain ministries. For the purposes of this report, however, the appellation of ministries at the time of opening of files has been maintained.

7 July 2008

(S.M. HATTEEA)  
Ombudsman

## **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) the Rodrigues Regional Assembly or any officer of the said Assembly;
  - (f) any local authority or any officer of such local authority;
  - (g) 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 Disciplined Forces 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 the 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 the 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 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.

**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 Investigations Officer shall take an oath before a Judge that they will faithfully and impartially perform the duties of their offices and that they will not, except in accordance with Chapter IX of the Constitution and this Act, divulge any information received by them in the exercise of their duties.

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

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

**3. Procedure.**

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

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

**4. Action by department not affected by investigation.**

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

**5. Privilege of communication.**

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

## **6. Offences.**

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

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

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

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

## **7. Expenses and allowances.**

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

## **8. Administrative expenses.**

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

## **9. Regulations.**

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

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

**SELECTED COMPLAINTS**

**EDUCATION AND HUMAN RESOURCES**

*C/41/2007*

**Teacher granted maximum vacation leave**

Mrs. R., a General Purpose Teacher with a long-standing career had applied on 19 January 2007 for 169 days vacation leave to which she was entitled as per PRB Report 2003 once in her career. She stated that she needed such a long leave in order to take care of her 86-year-old mother who was very sick and further to visit her son abroad.

According to her she was informed by the Inspectorate Division that she would be granted only 45 days leave. She felt this as an injustice and requested my intervention in her favour as this was the very first and only time she applied for such long leave.

I took up her case with the Ministry and after having offered some explanation as to why initially she could not be granted such long leave the Ministry finally acceded to her request.

Mrs. R. wrote again to say "I would like to inform you that I am entirely satisfied for having been granted maximum vacation leave".

All is well that ends well.

*C/96/2007*

**Deputy Rector obtains her transfer upon Ombudsman's intervention**

Mrs. K.D.D., a Deputy Rector who lives in Quatre Bornes has to travel about 75 kilometres every day, return trip included, to attend the State college where she works.

She made several requests for a transfer on grounds of illness to a nearer place of work but same have never been favourably considered.

In her complaint dated 3 April 2007 she put forward the following points, inter alia, –

- (i) she suffers from the sequel of a fractured tibia and pelvis since more than 15 years; as she drives to work she suffers from severe cramps which can prove to be dangerous; she has to stop frequently on her way thus resulting in lateness at school;
- (ii) her children who are very young also suffer because she has to leave home early and reaches home late;
- (iii) her travel grant does not cover her petrol expenses;

- (iv) the population of the school where she works does not justify the posting of a Deputy Rector there.

I took up her case with the Ministry of Education and Human Resources and after careful consideration her request was acceded to and she was transferred to a school nearer her residence as from 6 June 2007.

Mrs. K.D.D. gratified us with a greetings card saying "It is to thank you and all your staff from the bottom of my heart for having helped me in getting my transfer to Dr. Maurice Curé S.S.S."

*C/113/2007*

### **Complainant's medical report finalised following Ombudsman's intervention**

Following his appointment as Temporary Caretaker in a government school, R.J. had to undergo a medical examination soon after assuming duty there. He therefore presented himself at a government dispensary in Port Louis on 20 September 2005 and again attended the same dispensary on 25 October 2005.

Nearly two years later J.R. complained that his medical report had not yet reached the Establishment Section of his Ministry, so that he was still performing his duties as a Temporary Caretaker and was thus deprived of certain allowances which would have been payable had he been appointed in a substantive capacity.

I sought the version of the Ministry which informed me that R.J. had cardiac problems and was still following treatment. Therefore his medical report could not be finalised.

At my request R.J.'s case was raised by his ministry with the Ministry of Health and Quality of Life and I was assured that as soon as R.J.'s report would be received appropriate action would be taken in respect of his substantive appointment.

Subsequently R.J. was convened for another medical examination on 23 August 2007. Nearly one month later his ministry received his medical report which confirmed that he was medically fit.

A few days later R.J. was appointed in a substantive capacity, which is what he wanted.

*C/155/2007*

### **Leave without pay to join the private sector granted**

Mrs. T.C.W., an Office Supervisor at the Ministry of Education and Human Resources, complained in her letter dated 30 July 2007 about the rejection of her application for leave without pay to take up employment in the private sector.

The official version was that there was no identified Office Supervisor who could replace her at the time she wanted to proceed on leave i.e. as from 16 July 2007 and therefore she was requested to apply again as soon as the staffing situation improved.

However the Ministry was doing its best to find a replacement and it proposed to release Mrs. T.C.W. as from 1 November 2007 as there was a lady Officer who was due to resume duty after the expiry of her leave.

Some time later Mrs. T.C.W. informed me that she had finally been granted leave as from 16 October 2007 i.e. a fortnight ahead of the proposed date.

She concluded as follows: "The Ombudsman's Office is a respected institution and we are lucky in this country such institution exists and we can have recourse to whenever we are unfairly treated". Such remarks are very encouraging for all of us at the Office.

### **ENVIRONMENT AND NATIONAL DEVELOPMENT UNIT**

*C/77/2005*

#### **Amount of Rs 142,445.25 paid to contractor for works done**

Mr. B., whose company had constructed handrails at a Government School for the account of the National Development Unit, informed me that the contract amount of Rs 202,687.50 was still due to him in spite of repeated requests for payment.

The National Development Unit was queried by me and informed me that a joint measurement exercise had still to be carried out prior to settlement of the claim. A Programme was therefore worked out in order to ascertain whether the works done were according to specifications.

Indeed some four months after the complaint before me was lodged, a joint measurement exercise was carried out in presence of the National Development Unit, the Consultant and the Contractor (Complainant). However I had to keep pressing the National Development Unit to effect payment as more than a year after such an exercise had been carried out no payment had yet been effected. I was then told that the dimensions of part of the materials used were found not to conform with the requirements of the contract and that the National Development Unit was working on the amount to be paid to the Contractor. Finally an amount of Rs 142,445.25 was paid to the Contractor.

It is safe to assume that Mr. B. was satisfied as he did not come back to me again.

### **FINANCE AND ECONOMIC DEVELOPMENT**

*C/219/2006*

#### **Objection to departure against taxpayer with heart problem lifted on humanitarian grounds**

One O.G., a 70-year old man who had a heart problem and carrying a pacemaker, requested my intervention to have an objection to his departure lifted in order to be able to proceed to the United Kingdom for further treatment of his condition.



The objection to departure was obtained by the Income Tax Department of the Mauritius Revenue Authority (M.R.A.) on account of large sums of money owed by him as income tax. O.G. was contesting the amount claimed and averred that the Department remained adamant about the amount owed.

According to the M.R.A., O.G. was indebted in the sum of Rs 662,051/- in respect of four assessment years and as O.G. failed to settle his tax liability in spite of several letters, enforcement action had to be taken to prevent him from leaving Mauritius.

However, two days after I had written to the M.R.A., O.G. was requested to effect a reasonable downpayment forthwith and to produce a medical certificate attesting the need for medical treatment abroad.

O.G. then informed me that the M.R.A. was claiming a downpayment of Rs 100000/- whereas he could only afford Rs 50000/-. Otherwise the M.R.A. had agreed to review its claim after O.G.'s return from treatment abroad. O.G. once again sought my intervention as the M.R.A. remained adamant on the amount of downpayment. I went back to the M.R.A. with a request that the matter be considered on humanitarian grounds.

Finally, the M.R.A. informed me that O.G. made a downpayment of Rs 75000/- and undertook to settle the balance upon his return. The objection to departure was therefore lifted.

## **HEALTH AND QUALITY OF LIFE**

*C/21/2007*

### **Doctor who qualified in Russia registered by the Medical Council**

Miss R. was awarded a degree of "Doctor of Medicine" by the St. Petersburg Pavlov State Medical University, Russia, since June 2006. She submitted all her documents to the Medical Council in July 2006 for registration. She drew my attention to the fact that that University was formerly known under the name of First Leningrade Medical Institute which has been recognised by the Medical Council in Mauritius ever since 1993.

On 23 October 2006 the Medical Council referred her case to the Ministry of Health and Quality of Life for necessary action to be taken and on 15 November 2006 the Medical Council received confirmation from the St. Petersburg P.S.M. University that Miss R. was indeed the holder of an M.D. degree and that she was authorised to practice in hospitals.

In her complaint dated 31 January 2007 Miss R. informed me that it was only on 24 January 2007 i.e. 6 months after her application that the Medical Council sought information that those two names referred to the same University, and according to her a reply had already been received on 29 January 2007 but yet nothing had been done for her registration.

On 15 February 2007 the Senior Chief Executive, Ministry of Health and Quality of Life, informed me that the matter was still under consideration. Finally, on 23 April 2007, the Ministry informed me that action had already been initiated by it for

the recognition of the St. Petersburg P.S.M. University as a registered medical institution under the Medical Council Act. Miss R. was requested by the Ministry itself to liaise with the Medical Council.

Subsequently Miss R. informed me that she got her Pre-Registration at the Medical Council and had already started her internship at the SSR National Hospital.

*C/45/2007*

**Landlord's request for increase of rent acceded to by  
Ministry after two years**

N.R., a Mauritian citizen residing in the United Kingdom, has since 2001 leased his property at St. Pierre to the Ministry which uses it as a Health Sub-Office.

On 16 May 2005 he wrote a letter to the Permanent Secretary requesting an increase of rent but received no reply whatsoever. Reminders followed but without any success. He therefore enlisted my help.

Fortunately, when I took up the matter with the Ministry it did not take long to react. Indeed the Ministry immediately informed me that the views of the Government Valuer had been sought and the latter had already made his recommendations, whereupon it was making arrangements for payment as recommended by the Government Valuer.

A few days later N.R. emailed us to say that he had already been informed by his contact in Mauritius of the payment of increased rent with arrears by the Ministry.

No wonder that N.R. was so relieved after having waited two years for a reply when he concluded his email with the following words: "I wish to sincerely thank you for your kind intervention without which this case would have dragged on for an unknown length of time. Keep up the good work."

**HOUSING AND LANDS**

*C/19/2007*

**Complainant finally authorised to construct a bridge over  
a river in order to access his residence**

Nearly four years after complainant had applied to the Ministry for permission to construct a bridge across Rivière Profonde at St. Pierre in order to access his premises by car, nothing had been done. In his complaint to me he stated "Thereafter for nearly a hundred times I have knocked the doors of the said Office for a reply. Up to this day all my efforts have remained in vain." He further added that he had been informed by the Conservator of Forests and the Central Water Authority that they would have no objection to his request provided he obtained the green light from the Ministry. He therefore requested my urgent intervention in the matter.

The Ministry's version was that consultations were still ongoing with various technical bodies regarding the implications of such a request and that the complainant would be informed thereafter.

I requested the Ministry to make its position known to the complainant right away as he had been waiting for nearly four years. This was immediately done by the Ministry.

Another three months later the complainant's request was acceded to on condition that clearances were obtained, inter alia, from the Ministry of Agro-Industry and Fisheries and that the said bridge be used by the public.

The complainant confirmed having been finally authorised to construct what I may call his "dream bridge" and expressed his thanks and gratitude in the following words: "Without your invaluable help and support, the said case, which was under the hands of the Ministry of Housing and Lands since 2002, could not be finalised so soon, I am therefore fully satisfied."

*C/37/2007*

### **Survey done fifteen days after complaint to the Ombudsman**

Mrs. M.D.A. paid a sum of Rs 600/- to the Ministry on 17 January 2006 for the purpose of a survey to be carried out by the Ministry in respect of a plot of State land purchased by her in 2001.

More than a year later no survey had been carried out although the lady called at the Ministry on two occasions to press for the survey to be done.

The Ministry's explanation was however plausible as it had to carry out surveys island wide and this on a first come first served basis. It would appear that on 8 September 2006 it was proposed to carry out the survey in question on the assumption that another survey in the same locality as Mrs. A.'s site, would be completed on that day. Unfortunately that survey could not be completed on that day and the survey of Mrs. A.'s plot was postponed.

Finally upon my intervention the said survey was done on 9 March 2007 and a survey report mailed to Mrs. A. a few days later.

Asked to confirm having received the report, Mrs. A. did not reply. Her complaint is however considered as having been rectified 15 days only after receipt of her letter on 23 February 2007.

*C/47/2007*

### **Duty-free certificate for purchase of car issued to retired public officer**

A high-ranking lady officer who was due to retire on 14 March 2007 had applied to her Permanent Secretary on 29 November 2006 for a duty-free certificate for the eventual purchase of a new car, as per her conditions of service.

As at 13 March 2007, i.e. on the eve of her retirement, she had not received any reply and therefore on the same day sought my intervention. Again on the same day I queried the Permanent Secretary as a matter of urgency and on that very day a reply was made to her, which she received on 14 March 2007. An application form for duty remission was at the same time forwarded to her which she filled and returned to the Ministry on 16 March 2007 i.e. two days after her retirement.

A problem arose at the Customs Department of the Mauritius Revenue Authority because according to the relevant Ministry of Finance and Economic Development Circular No. 10 of 2003 she was not entitled to duty remission as she had already retired from the service two days before.

When I queried the Director, Mauritius Revenue Authority, about this case he informed me that as the officer's application was made and approved on 16 March 2007 i.e. two days after her retirement, her application had been rejected.

Upon further inquiry into the matter I was informed by the Permanent Secretary of the Ministry that in view of the particular circumstances under which the officer was asked to submit her letter of retirement it would not have been possible for the Ministry to issue the duty-free certificate before her pre-retirement leave. However, the matter was referred to the High-Powered Committee which decided that in view of the exceptional circumstances the officer should be granted the duty-free certificate and it requested the Ministry to take up the matter with the Ministry of Finance and Economic Development, which was done.

As the matter was dragging too much I contacted the Financial Secretary, Ministry of Finance and Economic Development directly on 6 June 2007 and received a reply dated 8 June 2007 to the effect that it had informed the Mauritius Revenue Authority that the officer should be allowed to purchase her duty-free car as decided by the High-Powered Committee.

Once the certificate was issued on 14 June 2007 another problem cropped up because its validity period of 6 months was made to run as from the date of retirement, which meant that effectively it was valid for another three months only i.e. up to 14 September 2007. Upon the officer's protest I had to step in again with the Mauritius Revenue Authority and I was finally informed that the certificate would be made valid up to 14 December 2007 i.e. 6 months after the issue of the certificate instead of 6 months after retirement.

The lady confirmed having received the certificate and expressed her full satisfaction with our intervention.

*C/48/2007*

### **Application for rezoning of land finally approved after four years**

Widow P.R., aged 64, is the owner of a plot of land of an extract of 2A 34 (10,679 square metres according to the Ministry) situate at Highlands. That land is her only property and she wanted to develop it but it was outside the limits of permitted development, being in a predominantly agricultural zone. She applied for a rezoning of her land at the Town and Country Planning Board on 6 March 2003.

She had had so many problems in life, financial and otherwise, that her life was completely shattered. She was therefore looking forward very much to receiving a positive reply to her application but as at March 2007 she had not received any reply.

She therefore requested my intervention in the matter "for the welfare and peace of our poor family".

Her reasoning was that if her application for rezoning was approved she would be able to obtain a Development and Building Permit from the Municipal Council. She would then be able to sell part of the land in order to pay huge debts on her head and distribute the remaining part among her three sons who were also facing great difficulties.

I immediately contacted the Ministry to know how matters stood and I was informed that several applications of the same nature had been considered during a modification exercise which started since August 2003. Then in May 2005, a Notice of Deposit of the proposed modification to the Outline Scheme was published, inviting the public to make representations if any to the Town and Country Planning Board. Widow P.R. was among those who made a representation to the Board in July 2005. The case of Widow P.R. was considered in the light of favourable reports from the Water Resources Unit and the Wastewater Management Authority and her application was approved.

At the beginning of April 2007 I was informed by the Ministry that procedures were under way for the modification of the Outline Scheme and approval by the President of the Republic. I was assured that as soon as the new scheme will be in force, Widow P.R. as well as the local authority would be informed.

Three months later, after Presidential approval and necessary publication in the Government Gazette, Widow P.R. was informed verbally at the Town and Country Planning Board that a copy of the modified scheme had been transmitted to the local authority and on 9 July 2007 she was informed in writing that her application had been approved.

That was the end of the widow's "calvaire".

*C/86/2007*

### **Compensation paid to complainant soon after Ombudsman's intervention**

In June 2005 the Ministry excised a portion of 140 square metres of land from a plot of 5 acres belonging to S.N. along Old Flacq Road, Pamplémousses, for the purpose of constructing a footpath and a bus lay-by.

Nearly two years later, as S.N. had still not been paid compensation, he appealed to me to see to it that he gets paid at the earliest possible.

After I had taken up the matter with the Ministry an offer of Rs 45000/- was made to S.N. in full and final satisfaction. He was informed that in the event he was agreeable arrangements would be made for a Notary Public to draw up the deed of acquittance and to effect payment to him.

Fourteen days later S.N. informed the Ministry that he accepted the offer and at the same time informed me accordingly.

He further added the following: "I wish to express my gratitude to you for a prompt resolution of this matter which has been ongoing for the past two years."

## LOCAL AUTHORITIES

LA/C/25/2006

### **Trade licence issued within a week after having been delayed for more than a year**

Mrs. Y. had applied to the District Council of her locality since 2005 for a trading licence in respect of a poultry pen she wanted to set up. As at the time she wrote to me (20 November 2006) she had not yet been issued her licence. She stated in her letter that she was given all sorts of reasons for the delay, whereas other friends of hers who had applied for a trading licence for the same purpose had already been issued with same. She therefore sought my help.

I took up Mrs. Y.'s case with the Chief Executive of the Council who informed me that Mrs. Y. paid the licence fee on 28 November 2006 and was issued a Trade Licence on the same day i.e. one week after Mrs. Y. had written to me.

## LOCAL GOVERNMENT AND RODRIGUES

C/94/2002

### **Sugar Camp at Labourdonnais phased out**

This case concerns the poor living conditions of sixteen families residing at "Camp Poulailier" which is situated at a few metres from Ecole du Nord in the village of Labourdonnais. I started investigating into this case on my own motion following an article which appeared in the press in April 2002, entitled "Camp Poulailier – shocking ....."! The first paragraph of the article reads as follows: "A une cinquantaine de mètres de l'Ecole du Nord, à Labourdonnais, seize familles vivent encore dans ce qu'il faut bien appeler un ghetto. Ces habitants du Camp Poulailier – certains y vivent depuis plus de trente ans – ne savent pas à quel saint se vouer. Leurs démarches auprès des autorités sont restées vaines jusqu'ici."

I first involved the Ministry of Local Government and Rodrigues as it was then known and several other ministries as well as the Mauritius Sugar Authority (MSA) in the course of my investigation with a view to finding ways and means of helping out those families. A ray of hope appeared less than a year later when I was informed by the Permanent Secretary of the then Ministry of Agriculture, Food Technology and Natural Resources, that the employer of these families, the Compagnie Agricole de Labourdonnais (C.A.L.), had agreed to allocate to each of the families a plot of land at a very low price at Cottage where they would all be relocated.

After necessary applications made by the C.A.L. to the Land Conversion Division of the Ministry of Agriculture, Food Technology and Natural Resources and to the Morcellement Board had been processed and approved, the Central Water Authority completed water works in December 2004 and handed the site to the MSA. The second and third phases were road and drainage network and electric supply. I must here say that the MSA had to raise a government-guaranteed loan to undertake the project in an accelerated manner as it had at a certain moment run out of funds.

On 23 November 2005 I effected a site visit at Cottage at the invitation of the MSA to view the development reached and works still in progress. I was there and then informed that not only the sixteen families would be relocated there but twenty-eight other families in the vicinity chosen after a drawing of lots. Each family would obtain six perches of land whereas the whole site would be fenced. A space was also reserved as prayer points for the benefit of all the families.

The preparation and registration of the forty-four title deeds took us to around mid 2007 and finally a ceremony was held on the site on 25 September 2007 for the handing over of the title deeds to the forty-four beneficiaries. I was also invited to the ceremony.

There I was informed that the beneficiaries had indeed paid a very preferential price for their plots and the Honourable Minister of Agriculture, Food Technology and Natural Resources, who was also present at the ceremony, announced that they would receive financial support from government for the construction of their houses.

The whole process took me five years but as it was for a good cause I never gave up hope and I am now pleased to know that the inhabitants of the sugar camp would be living in more humane conditions.

*C/405/2003*

#### **Balance of money due to complainant paid after more than four years**

The representative of a construction company complained about non-payment of an outstanding amount of Rs 477,831.30 for works done for the account of the then Ministry of Local Government and Rodrigues (N.D.U.). He averred that the works consisted of the construction of four volley-ball pitches which had been completed and handed over within the delay. He further averred that in spite of his repeated requests the company had not been paid. The company therefore solicited my intervention.

The version of the Ministry was that payments in respect of the four projects were still outstanding on account of the fact that the final handing over had not yet been effected, as it was reported by the Engineering Section of the N.D.U. that certain works were not according to specifications and therefore remedial works had to be carried out by the contractor.

The Ministry also invoked shortage of staff for verification works and informed me that long-outstanding claims in respect of 265 projects over a period of 5 years to the tune of Rs 101.4 million had still to be cleared. They however informed me that in view of my intervention in the matter they would give priority of consideration to this claim.

After nearly two years of verification and processing of claims, payment amounting to Rs 209,191.30 in respect of two projects was effected to the company, whilst payment in respect of the two other projects was being withheld on account of certain remedial works which were still outstanding and which the contractor had been requested to complete.

Further verification and discussions with the contractor took another two years, following which adjustments had to be made to the total remaining amount. Indeed a deduction of Rs 75,250/- was proposed to the contractor in view of the fact that certain works did not comply with contractual provisions. This was agreed to by the contractor and finally the balance was paid to the company.

Although the company claimed interest on the balance due it did not insist on that issue.

## **PASSPORT AND IMMIGRATION OFFICE**

*C/53/2007*

### **Passport delivered within a matter of days**

One F.M. sent a fax dated 21 March 2007 from Johannesburg, South Africa, to inform me that he was a Mauritian citizen and had applied for a new passport at our High Commission in Pretoria in January 2007 but nobody there could say when he would be issued with a new passport. As he was to participate in an international conference in Singapore in a few days' time he appeared desperate. He therefore sought my intervention and informed me that he would, if need be, request his brother-in-law in Mauritius to collect the passport from the Passport Office and send it to Johannesburg urgently.

When I contacted the Chief Passport and Immigration Officer about this case he requested us to fax F.M.'s letter to his office immediately. This was done on the same day.

Two days later I was informed that F.M.'s application had been received since 8 February 2007 and had already been processed and the passport was ready to be forwarded to our mission in South Africa by diplomatic bag. However the passport could not be delivered earlier to F.M.'s relatives in Mauritius as his old passport had still to be cancelled by our mission in Pretoria.

Another three days later I was informed that F.M.'s passport had been delivered to his relative after his old passport had been duly cancelled.

F.M. reported that he had received his passport and thanked us for our assistance which enabled him to attend his conference.

## **POLICE**

*C/227/2006*

### **Personal property returned to complainant**

S.G.R. complained that notwithstanding letters he had written to the authorities concerned for the return of property belonging to him and secured by the Police in the course of an inquiry, to wit: a motor-cycle, a black helmet and a mobile phone, only certain documents relating to the motor-cycle had been remitted to his wife.



A few weeks after I took up the matter with the Commissioner of Police, the motor-cycle and the helmet were returned to the complainant. As regard his mobile phone I was informed that the complainant had been requested to come and identify and collect same but he had not done so. However a few days later the mobile phone was returned to the complainant who gave a written statement to that effect and averred that he was satisfied.

*C/250/2006*

**Complainant requested to collect his passport which  
had been secured by the Police**

On 14 December 2006 M.N.R. lodged a complaint before me to the effect that notwithstanding the fact that charges for minor criminal offences against him had been heard and determined and complied with by him, his passport which he had to surrender some two years back had not been returned to him, and this despite a written request he had made to the Police to that effect. He therefore sought my intervention in the matter.

My investigation showed that the offences for which he was charged were not so “minor” as he would have me believe: two cases of larceny and one case of larceny by scaling. According to the Police the various objections to M.N.R.’s departure were waived as and when the cases were completed, the last one being on 25 November 2006.

All the same, on 21 December 2006 the writer was informed by the Police that he could now come and collect his passport but as at 5 January 2007 had not done so yet.

M.N.R. was requested on two occasions to inform us once he got his passport back but he chose not to reply.

This case however stands as rectified.

*C/56/2007*

**Mother recuperates her children’s passports**

In her letter dated 22 March 2007 one Mrs. S.B.M. related that on 7 January 2007 she went to the airport in company of her three children in order to meet her husband as they were all travelling to South Africa where the husband had secured a job. Surprisingly, he refused to be accompanied by his spouse and children and left them behind. When she drew his attention to the fact that her and her children’s passports were in his possession and that he should at least hand them back he refused. She therefore reported the matter to the Police next day and provided them with her husband’s address in Pretoria, South Africa.

More than two and a half months had elapsed and she had not heard from the Police at all. She feared that the Police had not taken any step to recuperate the passports and she therefore resorted to our services.

The Commissioner of Police reported that when being questioned on board the plane on that day, the husband replied that all the passports were at his place and gave the Police Officer who was inquiring into the case a telephone number.

Unfortunately, when the Police phoned that number there was no reply and the call was diverted to a mail box.

However, according to information obtained from the Passport and Immigration Office, the husband had returned to Mauritius on 20 January 2007 and left again on 14 February 2007. He again returned to Mauritius on 26 April 2007 and on the next day he reported the loss of his wife's passport. He however stated that he had remitted the children's passports to his lawyer.

Finally, Mrs. S.B.M. retained the services of her own lawyer who reported to me that the children's passports had been recuperated by her but, as regard her own passport, the husband maintained that it was lost and agreed to pay all expenses to be incurred for the issue of a new passport to his wife, which she accepted.

*C/169/2007*

### **Document remitted to Attorney at Law upon Ombudsman's intervention**

Attorney at Law H.A. whose services had been retained by a party involved in a road accident had written to the Commissioner of Police ever since November 2006 in order to obtain a copy of a certain document with a view to entering a civil suit before the competent court. As he received no reply he again wrote on 20 June 2007. Still no reply. Therefore he solicited my intervention in the matter by letter dated 23 August 2007.

On 28 August 2007 I queried the Commissioner of Police as to the reason why H.A.'s request had not been acceded to after such a long time. Three days later a reply was made to H.A. requesting him to call at Rose Hill Police Headquarters for collection of the document upon payment of a fee.

Ten days later H.A. confirmed that indeed his request had been acceded to.

*C/220/2007*

### **Complainant promptly issued with certificate of morality**

On 20 November 2007, D.K.P., a Chartered Certified Accountant, informed me that he had secured a new job abroad and he was supposed to assume duty on 17 December 2007.

His complaint was the delay in the issue of a certificate of morality for which he had applied since 16 October 2007 and which he was asked to come and collect on 13 November 2007.

Indeed when he went to collect his certificate he was told that he had to give his fingerprints to the Police at Police Headquarters in Line Barracks. He found it strange that he was not asked to do so before inasmuch as he had given his mobile phone number at the office of the issuing authority (the Office of the Director of Public Prosecutions). All the same he proceeded to Line Barracks where he learned that another person bearing the same name had a criminal record and therefore a check was necessary. So he gave his fingerprints to the Police. Still the certificate was not forthcoming. So he enlisted my help as he feared he might run the risk of losing the job.

On the next day therefore I requested the Police department concerned to process the matter as promptly as possible, and one day later the report was forwarded to the issuing authority.

D.K.P. phoned a few days later to inform us that he had received his certificate and was satisfied with and thankful for our quick intervention.

### **PRIME MINSITER'S OFFICE**

*C/66/2007*

#### **Study leave without pay finally granted**

Mr. J.M., a Forensic Technician of the Chemistry/Toxicology Section at the Forensic Science Laboratory (F.S.L.), wrote to the Senior Chief Executive of the Prime Minister's Office to complain about the rejection by the Officer in Charge of the F.S.L. of his application for leave without pay to complete his final studies at the London School of Law during period starting from 28 March 2007 to 29 September 2008. He was informed by the Officer in Charge that the ground for refusal was the exigencies of the service at that a replacement had to be sought before granting his application. In his letter J.M. argued that certain officers working at the F.S.L. had left well before but no attempt had been made to replace them. So he felt he was not being treated fairly.

J.M. forwarded a copy of his above letter to me and sought my intervention.

The version of the Prime Minister's Office was that on account of the then prevailing staffing position at the Chemistry/Toxicology Section, J.M. could not be released as that would have meant leaving the Section to operate with only one officer. He was informed that his application might be considered at a later stage. In the meantime a vacancy existing at the Section had been reported to the Public Service Commission.

I continued to follow up the case with the Prime Minister's Office and one month later I was informed that J.M. had been granted study leave without pay as from 4 June 2007.

I did not hear from J.M. again after that and I presume he is still studying in London.

### **PRISONS**

*C/228/2007*

#### **Detainee allowed to make phone calls and issued with basic necessities following Ombudsman's intervention**

J.C.A., a Rodriguan, had been on remand at Beau Bassin Prison since eighteen months. He wrote to complain that (i) he was not allowed to make any phone call to his family in Rodrigues, (ii) he has been issued with only one set of clothes since his admission, (iii) he was not given any soap or toothbrush. According to him he had complained to the Commissioner of Prisons since eight months but no action was taken.

I formally requested the Commissioner of Prisons to attend to his complaints immediately. Within a week J.C.A. was seen by the Assistant Commissioner of Prisons in presence of the Welfare Officer. He was provided with a phone card and he was thus able to phone his relatives now and then. He was also issued with toothpaste, toothbrush, soap and a new pair of clothings.

I do hope and indeed appeal to the Commissioner of Prisons to see to it that such basic necessities are not denied to any detainee, convicted or unconvicted, in future.

## **PUBLIC INFRASTRUCTURE AND LAND TRANSPORT**

*C/188/2004*

### **Road aligned for the safety of road users**

An article which appeared in a daily entitled "Collision à Olivia – un virage qui ne pardonne pas" caught my attention. It was about an accident between two buses, one of which was conveying schoolchildren, that happened the day before and as a result of which 36 persons were injured, two of them seriously. Although it was alleged in the article that the main causes of the accident were excess speed and/or negligence it also appeared to me that it might have also something to do with the narrowness of the road at that particular stretch.

Indeed, when I took up the matter with the Ministry of Public Infrastructure and Land Transport, as it was then, I was comforted in my feeling inasmuch as the Ministry was also of the view that the stretch of the road in question was considered as hazardous for the same reason I thought and was of opinion that it was desirable to realign the road. The Road Development Authority (R.D.A) was therefore requested to examine the proposal.

Some four months later I was informed by the Ministry that the R.D.A. would be taking appropriate action to widen the carriageway in order to improve visibility and safe-turning manoeuvres. Works were however to be carried out under the South Eastern Highway Project progress of which unfortunately had been affected by some external factors which we need not go into.

Furthermore the African Development Bank which was financing the major part of the Project had to be consulted as regard the scope of the loan.

Finally, after quite some time, I was informed that works at Olivia village had been completed, including road marking.

*C/130/2007*

### **Handrails repaired**

My attention was caught by a press article to the effect that there were big holes in the handrails on both sides of a bridge in the village of Kewal Nagar. This represented a serious danger especially for children, as the bridge stood some thirty feet above ground level.

The matter was taken up with the Ministry of Public Infrastructure and Land Transport which referred it to the Chief Executive of the Moka/Flacq District Council.

I followed up the matter with the latter and in a little more than a month the handrails were repaired to the great relief of the inhabitants nearby as well as tourists who use that bridge regularly to visit the said village.

## **PUBLIC UTILITIES**

*C/101/2006*

### **Housing estate (Cité) supplied with electricity**

According to a press article entitled “Un sentiment d’abandon” and dated 4 May 2006 a whole housing estate (Cité Tôle) in Mahebourg where several families were living has been without electricity for years. This not only gave rise to a feeling of abandonment but also posed security and other problems like children being unable to study at night time.

I immediately requested the Ministry of Public Utilities to look into the matter with a view to having remedial action taken. The Ministry informed me that it was fully aware that the matter deserved special attention and would deal with the situation as promptly as possible. It also informed me that, in consultation with the Central Electricity Board (C.E.B.), it was looking into ways and means of identifying funding for the works.

Some six weeks later the Ministry paid an amount of Rs 735,400 to the C.E.B. to start electricity-supply works and a similar amount was to be paid to the C.E.B. upon completion of works, which was expected by the end of February 2007.

Indeed all electrical infrastructural works were completed more or less at the expected time and, soon after, fourteen households who had their internal wiring done in the meantime were supplied with electricity, whereas another fifteen households had still to complete their internal electrical wiring at their premises.

At my request the Customer Service Department of the C.E.B. would visit the housing estate with a view to encouraging, motivating and persuading those fifteen households to carry out the necessary works so that they too would be able to have access to electricity supply.

*C/138/2006*

### **Action taken to remedy inappropriate supply of water**

It was reported in the press in June 2006 that the inhabitants of the village of Congomah complained about an inadequate and irregular supply of water, notwithstanding the fact that the matter had been reported to the Central Water Authority (C.W.A.).

I requested the Ministry of Public Utilities to take up the matter with the C.W.A.

The latter explained that it had recourse to some rezoning works to inject water in the system in order to improve the situation but because of deficient rainfall and decrease in actual yield in one of their boreholes which fed the region it had decided to commission another borehole in the vicinity of the village. Works were expected to be completed in November 2006. In the meantime the affected consumers would be provided with water tanker service.

Finally in January 2007 I was informed that works were completed on 21 December 2006.

Hopefully there will be no further complaint on this matter again.

*C/172/2007*

### **Danger warded off**

Under the heading “Who cares” – “Dangers permanents” one of our dailies published in its issue of 30 August 2007 a photograph of an electric pole which was leaning dangerously and posed an electrocution menace, especially to a family which was living nearby in the village of Marie-Jeanne.

On the same day the problem was referred to the Ministry of Public Utilities for action to be taken by the Central Electricity Board (C.E.B.).

Eighteen days later the pole had been straightened by the C.E.B. and no longer posed a threat.

### **REGISTRAR OF ASSOCIATIONS**

*C/117/2007*

#### **Reply made to complainant upon Ombudsman’s intervention**

V.K.B., a representative of a religious association, had written to the Registrar of Associations on 27 April 2007 to make a complaint regarding the association which held an Annual General Meeting on 22 April 2007 to which he was not convened on what he considered to be a flimsy ground. As he received no reply from the Registrar he sent a reminder on 17 May 2007 under “avis de reception” but again without success.

Being of the opinion that his rights “have been baffled”, he requested my intervention to see to it that the Registrar makes a written reply to him.

When asked whether there was any impediment in causing a reply to be made to V.K.B., the Registrar informed me that there was no such impediment except that (i) his office deals with 8000 registered organisations – associations, trade unions and superannuation funds, (ii) there were several complaints against the religious association in question, and (iii) his office needs time to consider every request/complaint and has to go by the principle of “first in first out”. In that very reply dated 8 June 2007 the Registrar informed me that he had replied to V.K.B. and annexed a copy of that reply to his letter.

I did not hear from V.K.B. again and therefore assume that he was satisfied with the reply.

## **RODRIGUES REGIONAL ASSEMBLY**

*C/100/2001*

### **Sum of Rs 65,507.55 paid to heirs of deceased public officer**

A.I. claimed that he joined the Agricultural Service in Rodrigues since the year 1956 until he retired in 1988 as Labourer. He averred in his complaint that he was not satisfied with the lump sum received nor was he paid his passage benefits.

Initially I was told that A.I. had joined the service as Development Worker on 1 July 1971 and retired on 20 August 1988. He was then paid Rs 17,314.63 as gratuity, Rs 11,662.32 as revised benefits and Rs 565.73 as allowance in lieu of travel.

Very intensive searches had to be made, involving also the Accountant-General's Department, but in the meantime A.I. passed away. The Accountant General therefore required from the Island Chief Executive an affidavit together with relevant civil status documents in order to establish the heirs of late A.I. and to dispose of the balance of retiring benefits found to have been due to late A.I.

It was only years later that one of the daughters of late A.I. called at the Office of the Island Chief Executive and following that visit and the submission of appropriate affidavit etc. a sum of Rs 65,507.55 was paid to and equally distributed among the four heirs of late A.I.

*C/110/2001*

### **Sum of Rs 18,334.52 paid to heirs of deceased public officer**

The widow of J.G. claimed the dues of her late husband who had joined the public service in 1958 and who had died after retirement. She was unable to provide more specific dates.

According to available records J.G. had joined the service on 1 April 1971 and was employed as Casual Labourer on 1 July 1976. He was appointed to the Permanent and Pensionable Establishment on 1 July 1978 and retired on 8 June 1982 on ground of age limit.

Further searches were therefore effected and it was found that in fact J.G. had joined the service on 21 June 1958, as averred by his widow, the claimant.

After submission of necessary affidavit an amount of Rs 18,334.52 was paid to the heirs of J.G.

*C/329/2001*

### **Retiring benefits of retired public officer revised**

An unsigned letter was received at our Office and purported to emanate from one A.P. It contained an averment of short paid lump sum after several years of service as Labourer in the Agricultural Department.

The matter was referred to the Island Chief Executive with a request to convene that person and to inquire into the matter. A.P. indeed did call on the Island Chief Executive and confirmed being the author of the letter.

Inquiry revealed that A.P. joined the service on 9 June 1969 as Labourer and was promoted Watchman on 4 May 1992. He retired on 6 February 2001 on ground of age limit and was paid an amount of Rs 147,110/- representing gratuity and Rs 9,846.59 representing 100% allowance in lieu of passage.

Searches effected into A.P.'s length of service led to the revision of his retiring benefits to the tune of Rs 25,157.06, which I was informed had been paid to him by the Central Administration.

Unfortunately or rather fortunately, when we followed up the case in Rodrigues, the complainant informed us that he had not yet received any payment. We thereupon immediately contacted the Central Administration and asked them to verify the information given to us. Indeed no payment had yet been effected but immediately after our intervention the amount was credited to the bank account of A.P. who later confirmed having received same.

*C/127/2005*

#### **Additional benefits paid to complainant**

B.A., an ex-Hospital Servant, claimed that her length of service at the Agricultural Department had not been taken into account in the computation of her length of service.

Inquiry disclosed that the first name of complainant bore a different spelling whereby there had been some confusion as regards her length of service. However the complainant filed an affidavit of identity to the effect that the different names referred to one and the same person.

Her retiring benefits were thus revised and she was paid an additional sum of Rs 7,600.44.

*C/165/2005*

#### **Revised gratuity and pension paid to retired public officer**

According to retired public officer R.P. he had joined the service in April 1965 but upon retirement his length of service had not been properly computed.

The official version was to the effect that R.P. had joined the service on 21 January 1973 and retired on 6 May 2003 when he was paid retiring benefits amounting to Rs 151,813.75.

Further searches were effected upon my intervention and at the end of the day he was paid the sum of Rs 13,304.35 which represented revised gratuity and pension for a longer term of service.



**Recommendations of High-Powered Committee made applicable to  
Nursing Officers in Rodrigues**

In mid-July 2006 sixty-five Nursing Officers posted in Rodrigues complained about the non-implementation of certain recommendations made by the High-Powered Committee in July 2005. Their complaint concerned mainly two issues, namely retention allowance and the monthly payment of night bonus plus new tariff of night allowance.

Discussions with the various ministries concerned as well as with the Island Chief Executive revealed that it was just a question of obtaining approval of the Ministry of Civil Service and Administrative Reforms to make these recommendations applicable to the Nursing Officers on the Rodrigues Establishment.

Finally, in April 2007 such approval was obtained and communicated to the Commission for Health etc. in Rodrigues for the payment of the allowance to the Rodriguan Officers.

What a relief it was for the Nursing Officers as their efforts through their various associations were fruitless.

**Additional benefits to the tune of one hundred thousand rupees paid to  
retired civil servant at the age of 72**

T.C. claimed in his letter dated 25 July 2006 that he had retired from the public service in 1994 as labourer but ever since that date he had not been paid the totality of his lump sum and sick leave. He therefore sought my intervention for the payment of all his dues as he wanted to enjoy “my last few remaining years.” He was 72 at the time of writing.

Available records first revealed that T.C. had joined the service on 1 July 1971 and had been transferred to the Permanent and Pensionable Establishment as Labourer on 1 July 1978. He reckoned continuous service until he retired on 10 August 1994.

Upon his retirement he was paid an amount of Rs 62,927.52 as retiring benefits.

As T.C. claimed that he had joined the service in 1958 further searches had to be made. In April 2007 I was informed that indeed T.C. had joined the service as Labourer on 21 June 1958. He was therefore entitled to a revision of his retiring benefits.

During our visit in Rodrigues some days later T.C. was convened to our office and informed of the situation. Upon our next visit in Rodrigues six months later T.C. called in to inform us that he had indeed received an additional sum of Rs 100,849.71.

Had T.C. not lodged a complaint before us he would have probably foregone such an important sum.

### **Retired public officer recoups eleven years of service**

H.L. was not quite satisfied with the lump sum he received at the time of his retirement and sought our intervention to find whether any more money was due to him.

The version of the Island Chief Executive was to the effect that H.L. had joined the service on 14 September 1972 and had retired on 5 July 2003 on ground of age limit. However, at my behest, further searches were carried out with a view to finding out whether he did not reckon any service prior to 14 September 1972.

Finally, it was found that H.L. had joined the service on 27 December 1961. His benefits were therefore computed anew and he was finally paid an additional sum of Rs 28,705.80.

Almost eleven years of service would have been "lost" by H.L. had it not been for our intervention.

ROD/C/8/2007

### **Complainant receives additional sum of Rs 30,138.61 as refund of contributions made to the National Pensions Fund**

J.D.P.'s complaint was to the effect that upon retirement he had only been refunded the sum of Rs 5400 as contributions he made to the National Pensions Fund when he was still working in the public service.

I took up the matter with the Departmental Head of the Commission for Social Security, etc. and less than three months later, without further ado, J.D.P. was paid an additional sum of Rs 30,138.61.

Three months later J.D.P. appeared before us in Rodrigues and confirmed having received the above sum and stated that he was satisfied with our intervention.

ROD/C/22/2007

### **Responsibility allowance paid to Officer**

Responsibility allowance for period July 2006 to June 2007 had not been paid to H.P. who had been assigned the duties of Nightsoilman in the Medical Health Services in Rodrigues and this notwithstanding the assurance contained in a letter to him that he would be paid such allowance in accordance with Paragraph 15.9.6 of the PRB Report.

Upon our intervention, the sum of Rs 9975 representing allowance due to H.P. was paid to him together with his August 2007 salary.

Two months later, during our visit in Rodrigues, H.P. made it a point to come and inform us of payment received and to thank us for our intervention.

**SOCIAL SECURITY, NATIONAL SOLIDARITY & SENIOR CITIZEN  
WELFARE AND REFORM INSTITUTIONS**

*C/133/2006*

**Pensions restored**

The complainant, Mr. N., wrote to me in May 2006 to complain about the fact that his basic and contributory retirement pensions had been cancelled since October 2005 following his departure from Mauritius in September 2005. His various attempts to know the official reason for such cancellation had remained fruitless.

Enquiry into the matter revealed that before leaving Mauritius he had written a letter dated 13 September 2005 to the Ministry informing them that he was proceeding to Australia on 23 September 2005 to undergo an operation and that he would be back in January 2006. However, it so happened that shortly before he was due to leave Australia for Mauritius, it was discovered that he had a severe medical condition that was life-threatening and therefore further surgery was being considered. He was advised not to effect any air travel for some time.

The official version of the Ministry was that N. had been paid basic and contributory retirement pensions for October 2005 but as he failed to return in January 2006 the National Pensions Officer did not take the risk of re-awarding his pensions. However, upon receipt of my letter transmitting a copy of N.'s letter of complaint, which had the effect of a life certificate, the National Pensions Officer decided to award his contributory pension up to May 2006 and his basic pension up to March 2006. Therefore a total amount of Rs 15635, representing arrears of pensions, was credited to N's bank account in August 2006. I was also told that any further payment of his basic pension would depend on his return to Mauritius whereas his contributory pension would be paid upon production of a life certificate every six months.

N. confirmed having been paid the said amount and expressed his satisfaction with action taken by our Office.

*C/214/2006*

**Hearing aid apparatuses issued to complainant**

A 76-year old person complained that he had applied for hearing aids at the Rose Hill Social Security Office since more than nine months without success. He was even made to fill another application form as the one he submitted initially three months earlier was untraceable at the said office. After that he called there several times but each time he was simply told to wait as no apparatus was available. As he was having more and more difficulty in hearing he requested my assistance.

Two months after I took up the case with the Ministry of Social Security, National Solidarity and Senior Citizen Welfare and Reform Institutions the claimant was issued with hearing aid apparatuses, the explanation being that they were out of stock.

All is well that ends well.

### **Dispute regarding the supply of chairs resolved**

J. Industries Ltd. (the company) had been awarded a tender for the supply of 200 plastic chairs to the Ministry of Social Security, National Solidarity & Senior Citizen Welfare and Reform Institutions for use at the Pointe aux Sables Recreation Centre for the elderly and disabled. The purchase order was issued to the company on 7 March 2006 and delivery was due in eight weeks.

Two batches of 100 and 82 chairs were delivered on 9 and 16 June 2006 respectively.

However, on 22 June 2006 the Manager of the Centre reported that some chairs were broken due to poor quality and recommended the cancellation of the order.

On 10 July 2006 therefore the company was informed of the cancellation of the order and requested to make arrangements to collect the chairs back. On that same day the company agreed to replace the chairs on receipt of further consignments from its overseas supplier. On 14 December 2006 the company informed the Ministry that it would take delivery of the chairs in batches of 50 units so as to replace them but on 11 January 2007 the Ministry informed the company that it was maintaining its decision to cancel the purchase order.

The gist of the company's complaint (dated 20 February 2007) to me was that, by not allowing it the opportunity to replace the defective chairs, the Ministry was in breach of one of the general conditions of the tender which read as follows –

*“Rejections of articles and/or materials as unsuitable shall be notified by the Head of Ministry/Department or any authorised officer to the Contractor who shall be bound to replace them forthwith by others in all respects satisfactory.”*

The Ministry further informed me that provision for the purchase was made in its 2005-2006 budget which lapsed at the end of financial year 2006 and moreover, in view of budgetary constraints, funds were not made available for the purchase in financial year 2006-2007. All the same the Ministry was seeking advice from the State Law Office as to the appropriate course of action in view of the circumstances.

As we were about to enter into a new financial year I urged the Ministry to liaise with the State Law Office for a prompt reply.

Finally the Ministry informed me that in the light of advice tendered it had reconsidered its stand and was making new arrangements with the company for the supply of 182 chairs.

The company confirmed on 13 July 2007 that it had received a purchase order for 182 chairs and added the following: “We put on record that this matter has been resolved following your intervention”.

C/98/2007

### **Social aid paid to unconvicted detainee's children**

An unconvicted detainee wrote to me to inform me that his two children who were attending the same school, although they were living at different places under the care of different persons, were not receiving any aid from the Ministry. He therefore requested my help in the matter.

The Ministry's report was to the effect that it had received no request for social aid on behalf of those children until I queried about their situation. It however confirmed that the detainee was separated from his wife (she later got married to another person) and one of the children, aged 17 years, was living with his mother in Poudre d'Or, whereas the other, aged 15, was living with her grand mother in Rivière du Rempart.

Immediately upon receipt of my letter social aid was made available to the two children.

C/102/2007

### **Immediate aid provided to complainant**

At the time she wrote to me in May 2007 S.J. was seventeen and a half years old and mother of a two-month old baby girl. She claimed to have been abandoned by her own father whilst she was still a child and by the father of her child whilst she was still pregnant.

S.J.'s application for social aid had been rejected and she informed me that she did not have the means to purchase milk for her baby.

I seized the Ministry of Social Security, National Solidarity & Senior Citizen Welfare and Reform Institutions at once about this case and, after a preliminary investigation, an immediate part payment of Rs 691 was effected to S.J. whose case was thereafter regularised with the result that, as from July 2007, she would draw a monthly amount of Rs 1125 as social aid and another monthly amount of Rs 170 as food aid.

By our intervention therefore some relief was brought to S.J. who was living in dire conditions.

C/156/2007

### **Benches in waiting area repaired**

The Social Security Office at Astor Court Building in Port Louis was provided with benches in its waiting area but unfortunately these were damaged and had no back rest. Elderly and disabled people found it very awkward to have to sit on such benches, sometimes for long hours.

The Ministry was requested to take necessary action and within a few weeks the benches were repaired.

A minimum of comfort for our citizens was thus restored.

## STATISTICAL SUMMARY OF COMPLAINTS

<i>Authority concerned</i>	<i>Rectified</i>	<i>Partly Rectified</i>	<i>Not Justified</i>	<i>Explained</i>	<i>Discontinued</i>	<i>Not Investigated</i>	<i>Pending</i>	<i>Total No. of Complaints</i>
Accountant General	–	–	–	1	–	–	–	1
Agriculture, Food Technology and Natural Resources	–	–	–	–	1	–	–	1
Agro-Industry and Fisheries	1	–	–	–	1	–	4	6
Arts and Culture	–	–	–	–	–	–	1	1
Civil Service and Administrative Reforms	–	–	–	–	–	–	2	2
Comptroller of Customs	–	–	–	–	1	–	–	1
Education and Human Resources	9	–	7	12	5	2	15	50
Education and Scientific Research	–	–	–	–	1	–	1	2
Environment and National Development Unit	6	–	–	1	3	–	4	14
Finance and Economic Development	3	–	1	4	–	–	9	17
Health and Quality of Life	6	–	4	6	2	–	15	33
Housing, Lands and Fisheries	–	–	–	1	–	–	–	1
Housing and Lands	5	–	1	4	2	–	5	17
Industry, Small & Medium Enterprises, Commerce and Cooperatives	1	–	–	1	–	–	–	2
Carried forward	31	–	13	30	16	2	56	148

# STATISTICAL SUMMARY OF COMPLAINTS — continued

<i>Authority concerned</i>	<i>Rectified</i>	<i>Partly Rectified</i>	<i>Not Justified</i>	<i>Explained</i>	<i>Discontinued</i>	<i>Not Investigated</i>	<i>Pending</i>	<i>Total No. of Complaints</i>
<b>Brought Forward</b>	31	—	13	30	16	2	56	148
Information Technology and Telecommunications	1	—	—	1	—	—	—	2
Judicial	1	—	—	1	—	1	—	3
Labour and Industrial Relations	1	—	—	—	—	—	—	1
Labour, Industrial Relations and Employment	1	—	1	1	2	—	—	5
Local Authorities	18	—	6	18	8	1	31	82
Local Government and Rodrigues	2	—	—	—	—	—	1	3
Local Government and Solid Waste Management	—	—	—	—	1	—	—	1
Passport and Immigration	1	—	—	—	—	—	—	1
Police	14	1	3	35	7	—	33	93
Prime Minister's Office	1	—	—	1	—	—	—	2
Prime Minister's Office (Civil Status Division)	—	—	—	—	—	—	1	1
Prisons	6	1	10	21	6	2	24	70
Public Infrastructure, Land Transport and Shipping	2	—	1	3	2	—	5	13
Public Utilities	5	—	—	1	1	—	2	9
Registrar of Associations	1	—	—	1	—	—	—	2
Registrar General	—	—	1	—	—	—	—	1
<b>Carried forward</b>	85	2	35	113	43	6	153	437

STATISTICAL SUMMARY OF COMPLAINTS — continued

<i>Authority concerned</i>	<i>Rectified</i>	<i>Partly Rectified</i>	<i>Not Justified</i>	<i>Explained</i>	<i>Discontinued</i>	<i>Not Investigated</i>	<i>Pending</i>	<i>Total No. of Complaints</i>
Brought forward	85	2	35	113	43	6	153	437
Rodrigues Regional Assembly	24	—	15	14	9	1	24	87
Social Security, National Solidarity and Senior Citizen Welfare and Reform Institutions	11	—	2	—	2	1	5	21
Tourism and Leisure	—	—	—	—	1	—	1	2
Youth and Sports	—	—	—	1	—	—	—	1
<b>TOTAL</b>	<b>120</b>	<b>2</b>	<b>52</b>	<b>128</b>	<b>55</b>	<b>8</b>	<b>183</b>	<b>548</b>





<b>No.</b>	<b>Subject of Complaint</b>	<b>Result</b>
<b>Accountant General</b>		
C/191/2006	No reply to detainee's letter attempting to recover money deposited as surety.	Explained
<b>Agriculture, Food Technology and Natural Resources</b>		
C/249/2002	Unreasonably long delay in dealing with complainant's application for a land conversion permit.	Discontinued
<b>Agro-Industry and Fisheries</b>		
C/233/2006	No reply to application for conversion of land from agricultural to residential.	Discontinued
C/255/2006	No reply to retired officer's letter contesting his pension index	Pending
C/257/2006	Complainant avers discrimination in payment of responsibility allowance.	Rectified
C/16/2007	Financial assistance not yet paid to surviving spouse of professional fisherman who drowned at sea some fifteen months ago.	Pending
C/35/2007	Illegal construction put up on irrigation land. No appropriate action taken by the authorities.	Pending
C/146/2007	Illegal erection of fencing on river reserves thus preventing public access to same.	Pending
<b>Arts and Culture</b>		
C/47/2006	Complainant recruited on temporary basis. Not yet appointed in substantive capacity after 15 months.	Pending
<b>Civil Service and Administrative Reforms</b>		
C/236/2007	No reply to correspondence from complainant.	Pending
C/249/2007	Anomalies in salaries.	Pending
<b>Comptroller of Customs</b>		
C/112/2006	Complainant made to pay much higher customs duty on imported articles. Claims refund	Discontinued

No.	Subject of Complaint	Result
<b>Education and Human Resources</b>		
C/68/2006	Denied salary increments	Not justified
C/78/2006	Complainant's conditions of service changed. Loses rights and privileges.	Rectified
C/96/2006	Education Officer dismissed without justification	Discontinued
C/115/2006	Non-payment of incremental credit for experience acquired.	Rectified
C/188/2006	No reply to complainant's request for details concerning arrears of salary paid to him.	Rectified
C/216/2006	Request for change in posting by school caretaker on medical grounds not considered favourably.	Rectified
C/220/2006	Complainants aver they are victims of discrimination regarding their salaries	Explained
C/235/2006	Allowance discontinued.	Discontinued
C/240/2006	Complainant (teacher) contests his transfer to another school – transfer criteria not respected.	Discontinued
C/242/2006	Length of service not properly calculated.	Pending
C/252/2006	Complainant denied incremental credit for additional qualifications.	Explained
C/256/2006	Complainant's son not admitted to school of his choice.	Not investigated
C/8/2007	Complainant contests class allocation to her	Not justified
C/9/2007	Complainant not satisfied with class allocated to her.	Not justified
C/10/2007	Protest against class allocation.	Explained
C/12/2007	Complainant avers "traffic d'influence" and corrupt practices in the exercise of allocation of classes which has affected his position.	Explained
C/17/2007	Complainant, a teacher, not allocated class she expected.	Explained
C/18/2007	Alleged favouritism in allocation of classes.	Not justified

No.	Subject of Complaint	Result
<b>Education and Human Resources — <i>continued</i></b>		
C/24/2007	Complainant posted to a penal institution where she finds it difficult to work due to lack of training. Request for transfer not entertained.	Explained
C/25/2007	Complainant contests his transfer from one school to another.	Not justified
C/26/2007	Complainant not satisfied with the one-off allowance etc. granted to her.	Pending
C/29/2007	Complainant, an Education Officer, contests decision to declare his post vacant.	Not justified
C/33/2007	Complainant not paid full pension upon retirement.	Pending
C/39/2007	Objection to Ministry's attempt to "recoup" Headship Allowance already paid to complainant.	Discontinued
C/41/2007	Application for long vacation leave (169 days) not approved.	Rectified
C/46/2007	Complainant avers that her responsibilities are not being matched by an appropriate salary.	Pending
C/51/2007	Beneficiary of State of Mauritius Postgraduate Scholarship Scheme made to pay research costs. Application for refund not entertained.	Not investigated
C/55/2007	Payment of arrears and adjustment of conditions of service refused by Private Secondary Schools Authority.	Explained
C/89/2007	Complainant, a Head Teacher, feels victimized by his transfer from one school to another.	Explained
C/92/2007	Request for conversion of sick leave into casual leave.	Not justified
C/96/2007	Request for transfer by Temporary Deputy Deputy Rector from one school to another on medical grounds not acceded to.	Rectified
C/101/2007	Complainant, a Primary School Head Teacher, not agreeable to his transfer from one school to another, as criteria and procedures were not respected.	Explained

No.	Subject of Complaint	Result
<b>Education and Human Resources — <i>continued</i></b>		
C/103/2007	Complainant who is a Head Teacher claims that her new transfer from one school to another is most unfair. Has health problems.	Rectified
C/113/2007	Temporary Caretaker awaiting medical report since more than two years for appointment in a substantive capacity.	Rectified
C/119/2007	Complainant, a Deputy Head Teacher, considers her transfer to be unfair.	Explained
C/120/2007	No consideration given to complainant's request for transfer from one school to another, nearer her residence.	Discontinued
C/124/2007	Anomaly in salary.	Pending
C/132/2007	Teacher in Rodrigues not getting the same benefits and privileges as Mauritian counterpart.	Pending
C/137/2007	Period during which complainant was employed to give extra teaching assistance not remunerated.	Pending
C/147/2007	Complainant denied Canadian Scholarship.	Explained
C/155/2007	Application for leave without pay not entertained.	Rectified
C/182/2007	Incremental credit for additional qualification not paid.	Explained
C/195/2007	Headship allowance not paid to complainant for two years.	Pending
C/202/2007	Complainant feels victimized on account of frequent changes in posting during last nine years - nearly once every year.	Pending
C/207/2007	Retiring benefits of headteacher wrongly computed.	Pending
C/230/2007	Allowance stopped since five months.	Pending
C/232/2007	Allowance not paid for courses delivered.	Pending
C/234/2007	Complainant, a teacher, avers that his transfer is arbitrary and punitive.	Pending

No.	Subject of Complaint	Result
<b>Education and Human Resources — <i>continued</i></b>		
C/237/2007	Complainant, a Primary School Teacher, avers that his transfer from one school to another is causing him great prejudice.	Pending
C/253/2007	Complainant, a Deputy Head Teacher, not satisfied with class allocation	Pending
<b>Education and Scientific Research</b>		
C/69/2000	Benefits due to retired officer not yet paid.	Discontinued
C/120/2005	Twenty-three Supply Teachers employed on temporary basis for last 8/9 years not yet appointed.	Pending
<b>Environment and National Development Unit</b>		
C/106/2004	Delay in issuing Environment Impact Assessment Certificate.	Discontinued
C/77/2005	Non-payment for works done.	Rectified
C/203/2005	Lack of drains causes flooding of inhabitants' premises. No action taken by authorities concerned.	Pending
C/30/2006	Flooding of road by stagnant water.	Discontinued
C/35/2006	Odour nuisance caused by landfill.	Rectified
C/95/2006	Drainage and resurfacing works delayed to the great inconvenience of inhabitants of Canot.	Rectified
C/137/2006	Odour nuisance caused by overflow of wastewater.	Explained
C/159/2006	Polluted river.	Rectified
C/160/2006	Complainant's house flooded whenever it rains. No action by authority concerned.	Discontinued
C/169/2006	Numerous problems encountered by inhabitants of Congomah due to flooding of bridge when it rains.	Pending
C/196/2006	Pollution under bridge at L'Avenir.	Rectified
C/116/2007	Falling debris caused by erosion. Danger to road users.	Rectified

No.	Subject of Complaint	Result
<b>Environment and National Development Unit — <i>continued</i></b>		
C/168/2007	Risk of landslide represents danger to inhabitants.	Pending
C/242/2007	Harm caused to environment by factory.	Pending
<b>Finance and Economic Development</b>		
C/189/2006	Anomalies in salary, back pay, etc.	Pending
C/203/2006	Certificate of registration as Professional Accountant not issued to complainant.	Explained
C/206/2006	Actingship allowance for period January to June 2006 not paid.	Pending
C/219/2006	Complainant, a heart patient with a pace-maker, seeks our intervention to have an objection to departure lifted – he is heavily indebted to the Mauritius Revenue Authority.	Rectified
C/231/2006	No reply to petition for refund of registration duty made since nearly two years.	Explained
C/234/2006	Officers not satisfied with their posting at newly-created authority.	Pending
C/236/2006	Entitlement to travel grant not taken into account in conversion of complainant's salary.	Pending
C/241/2006	Request for duty remission for purchase of car rejected.	Not justified
C/13/2007	End of year bonus (2006) etc. of retired public officer not paid.	Rectified
C/22/2007	Certificate as Professional Member of Association not delivered.	Pending
C/62/2007	Deduction for handicapped person not allowed for four years.	Explained
C/87/2007	Passage benefits not paid to complainant.	Rectified
C/88/2007	Claim for VAT refund rejected.	Explained
C/165/2007	Allegation of double standards at Registrar General's Department.	Pending
C/201/2007	Complainant contests liability to income tax. No reply to letter of protest.	Pending

No.	Subject of Complaint	Result
<b>Finance and Economic Development — continued</b>		
C/211/2007	Arbitrary assessment of income tax payable.	Pending
C/238/2007	Request for payment of responsibility allowance wrongly turned down.	Pending
<b>Health and Quality of Life</b>		
C/323/2003	Noise and odour nuisances etc. caused by workshop next to complainant's house. No action by authorities concerned.	Not justified
C/399/2003	Complainants recruited as Community Health Development Motivators but have not received their confirmation letter.	Pending
C/49/2005	Complainant contests forfeiture of performance bond for supply of vegetables and bananas to government hospitals.	Discontinued
C/274/2005	Negligence by nursing officers leading to the death of complainant's father.	Explained
C/295/2005	No action taken by authorities concerned to abate nuisances caused by cabinet-maker located in residential area.	Pending
C/103/2006	No refund of mileage allowance claims.	Explained
C/114/2006	Foul smell caused by poultry breeding on a large scale in residential area.	Pending
C/167/2006	Odour nuisance caused by poultry shed.	Pending
C/202/2006	Noise nuisance caused by factory. No action taken by authorities concerned.	Discontinued
C/238/2006	Complainant not afforded the opportunity to earn overtime.	Explained
C/249/2006	Request by Attorney-at-Law for copy of medical file of his client not acceded to.	Pending
C/5/2007	Application by Attorney-at-Law for a copy of the medical file of his client not acceded to after almost a month.	Rectified
C/14/2007	Cattle rearing by complainant's neighbour causes inconvenience to complainant. No action taken by Veterinary Services.	Rectified



No.	Subject of Complaint	Result
<b>Health and Quality of Life — <i>continued</i></b>		
C/21/2007	Complainant, a medical doctor, awaiting since seven months to be registered as medical practitioner. No action taken yet.	Rectified
C/23/2007	Complainant, a pharmacy dispenser, contests his transfer from one hospital to another.	Not justified
C/45/2007	Request for increase of rent made by complainant. No reply at all.	Rectified
C/57/2007	Doctor still not reinstated to his post of Specialist in Internal Medicine notwithstanding court order.	Explained
C/64/2007	Inappropriate medical treatment given to complainant's brother.	Explained
C/93/2007	Claim for refund of expenses incurred for treatment of a very serious illness not available in Rodrigues but available in Mauritius.	Pending
C/110/2007	Insufficient amount of medicine issued to complainant.	Explained
C/114/2007	No action taken in respect of complaint of nuisance caused by cow-rearing.	Pending
C/162/2007	Complainant compelled to use official travelling to carry out field duties after having been authorised to purchase car on which duty was remitted etc.	Not justified
C/163/2007	Request for change in posting on account of sexual harassment at work not acceded to.	Rectified
C/166/2007	Medical report pertaining to complainant's injuries sustained in road accident refused to him.	Pending
C/171/2007	Noise nuisance emanating from workshop near complainant's house.	Rectified
C/175/2007	Complainant compelled to use official travelling to carry out field duties after having been authorised to purchase car on which duty was remitted etc.	Not justified
C/190/2007	Complainant not registered as Specialist.	Pending

No.	Subject of Complaint	Result
<b>Health and Quality of Life — <i>continued</i></b>		
C/194/2007	Allowance not paid to Project Coordinator for works done.	Pending
C/197/2007	Complainant feels victimized on account of his frequent transfers – five in sixteen months.	Pending
C/209/2007	No action taken in case of nuisance caused by stagnant water.	Pending
C/248/2007	Request for information in respect of death of complainants' relative not entertained.	Pending
C/250/2007	Non-payment of dues for official work.	Pending
C/254/2007	Salary for two months, end-of-year bonus etc. not received by complainant.	Pending
<b>Housing, Lands and Fisheries</b>		
C/126/2005	No follow up by Ministry regarding complainant's request for a plot of State land.	Explained
<b>Housing and Lands</b>		
C/284/2001	Non-renewal of leases by Ministry.	Explained
C/73/2006	Wrong interpretation of the law causing prejudice to complainant.	Not justified
C/105/2006	Request for regularisation of occupation of plots of State land on which complainant has been living since last 34 years not yet acceded to.	Pending
C/149/2006	Application for plot of State land for residential purposes made since nearly seven years. No reply yet.	Pending
C/224/2006	Application for sub-division of land made more than 5 years ago not attended to.	Discontinued
C/232/2006	Lease agreement concerning State land not yet finalised.	Pending
C/2/2007	No reply to application for small plot of State land since 6 months	Explained

No.	Subject of Complaint	Result
<b>Housing and Lands — continued</b>		
C/19/2007	No consideration given to complainant's application to construct a small bridge at his own cost in order to enable him to access his house by car.	Rectified
C/37/2007	No survey of complainant's land carried out notwithstanding payment already effected since a year.	Rectified
C/47/2007	No reply to three letters addressed to Ministry more than 3 months ago by retiring public Officer in connection with retiring benefits due to her.	Rectified
C/48/2007	No action taken in respect of four-year old application for rezoning of complainant's land.	Rectified
C/86/2007	No compensation paid to complainant for compulsory acquisition of his land since nearly two years.	Rectified
C/123/2007	Delay by Town and Country Planning Board to hear appeal against decision of District Council.	Explained
C/131/2007	Request for reduction of rent in respect of State Land leased to complainant not considered.	Discontinued
C/148/2007	Encroachment/squatting on State land leased to complainant who now claims compensation from Ministry.	Pending
C/235/2007	A dozen of families, ex-squatters, left without water and electricity.	Explained
C/239/2007	Application since a year for transfer of lease of land from widow's deceased husband's name to her own name not yet considered.	Pending

#### **Industry, Small & Medium Enterprises, Commerce and Cooperatives**

C/36/2007	Benefits payable to complainant upon termination of his contract not paid.	Explained
C/58/2007	No reply to request for having an Annual General Meeting of Cooperative Society held.	Rectified

No.	Subject of Complaint	Result
<b>Information Technology and Telecommunications</b>		
C/128/2007	Request for leave without pay not entertained.	Rectified
C/176/2007	Complainant's application for leave without pay not approved.	Explained
<b>Judicial</b>		
C/243/2006	No action taken in respect of complainant's request for lifting of freezing order against his property.	Explained
C/44/2007	Complainant contests concurrent sentences inflicted upon him by court.	Not entertained
C/154/2007	Detainee denied copy of judgment in spite of letters to Intermediate Court.	Rectified
<b>Labour and Industrial Relations</b>		
C/309/2003	No action taken by Ministry regarding complainant's claim against his employer for gratuity on account of premature retirement.	Rectified
<b>Labour, Industrial Relations &amp; Employment</b>		
C/136/2006	Complainant unable to meet any officer at the Ministry where he had gone to make a report.	Discontinued
C/1/2007	No action taken regarding industrial complaint lodged at Ministry.	Discontinued
C/74/2007	Denied equal opportunity for promotion.	Rectified
C/152/2007	Complainant avers his case was not handled properly by Labour Office.	Not justified
C/153/2007	Complainant not selected for a job although he has been registering himself at the Employment Information Centre of his locality since last 20 years.	Explained
<b>Local Authorities</b>		
LA/C/3/2006	Complainant's trade licences revoked and not restored.	Discontinued
LA/C/7/2006	Absence of drains causing flooding of road. Inconvenience to users.	Explained

No.	Subject of Complaint	Result
<b>Local Authorities — <i>continued</i></b>		
LA/C/8/2006	Illegal building put up by complainant's neighbour.	Discontinued
LA/C/10/2006	No action taken following reports of illegal construction by complainant's neighbour.	Explained
LA/C/11/2006	Request by inhabitants of Triolet to have road tarred ignored.	Explained
LA/C/12/2006	Objection to application for Retailer of liquor licence (off) by neighbours of applicant.	Discontinued
LA/C/15/2006	Abandoned building is the source of various problems and nuisances.	Pending
LA/C/17/2006	Bad state of road causing great inconvenience to users thereof.	Discontinued
LA/C/18/2006	Several requests by inhabitants to render the street where they live safer not considered.	Explained
LA/C/19/2006	Bad state of road coupled with absence of light renders use of that road hazardous.	Rectified
LA/C/21/2006	Building permit refused to complainant.	Not justified
LA/C/22/2006	Complainant avers that the Council has reduced the width of his access road when tarring it.	Discontinued
LA/C/23/2006	Complainant avers that no action has been taken against her neighbour who, according to her, has put up an illegal building.	Explained
LA/C/24/2006	Road in deplorable state affecting some fifty families mainly.	Rectified
LA/C/25/2006	Trade licence to operate poultry pen not yet issued to complainant on flimsy grounds.	Rectified
LA/C/26/2006	Complainant avers he is victim of injustice and lack of good governance.	Explained
LA/C/27/2006	Complainant's neighbour putting up illegal construction. No action taken by District Council despite representation made by him.	Pending
LA/C/28/2006	Great inconvenience caused by street vendors along street where complainants live.	Explained

No.	Subject of Complaint	Result
<b>Local Authorities — continued</b>		
LA/C/29/2006	Application to “distribute a piece of land” ignored.	Discontinued
LA/C/30/2006	Request by inhabitants to have lane tarred made since six years. No response.	Explained
LA/C/31/2006	Complainant’s house gets flooded when there is heavy rainfall. No action taken by authorities concerned.	Pending
LA/C/32/2006	Dumping on bare land is an eyesore.	Rectified
LA/C/1/2007	Huge dump-body (benne à ordures) on the road represents danger to road-users.	Not justified
LA/C/2/2007	Wall between complainant’s property and that of neighbour causes considerable inconvenience to the former. No reply by authorities concerned to complainant’s letters.	Explained
LA/C/3/2007	Damaged grill on road represents a danger to road-users.	Rectified
LA/C/4/2007	Works done in front of complainant’s house have created access problem to his house.	Not investigated
LA/C/5/2007	Abandoned vehicle in residential area causes inconvenience to inhabitants. No action taken by authorities concerned.	Rectified
LA/C/6/2007	Absence of drains causes water to stagnate near public garden, etc.	Pending
LA/C/7/2007	Complainant contests the municipal tax (General Rate) he has been made to pay since several years.	Explained
LA/C/8/2007	Bareland used as dumping ground.	Rectified
LA/C/9/2007	Opening of garage poses serious problems of noise and air pollution to the neighbourhood.	Pending
LA/C/10/2007	Chateau in abandoned state. Source of various nuisances.	Pending
LA/C/11/2007	Huge hole next to school represents danger for pupils and is also a health hazard during rainy season.	Rectified

No.	Subject of Complaint	Result
<b>Local Authorities — <i>continued</i></b>		
LA/C/12/2007	No regular collection of refuse - health problems to inhabitants etc.	Rectified
LA/C/13/2007	Blind man complains about absence of drains which causes flooding of the road where he lives.	Pending
LA/C/14/2007	Absence of lay-by for buses along road exposes passengers (especially school-children) waiting for buses to danger.	Pending
LA/C/15/2007	Illegal construction put up by complainant's neighbour. No improvement despite visits effected by District Council officials.	Rectified
LA/C/16/2007	Delay too short to lodge objection to proposed development.	Explained
LA/C/17/2007	No reply to application for an access road from main road to complainant's house.	Discontinued
LA/C/18/2007	Nuisance caused by all types of objects dumped on plot of land.	Rectified
LA/C/19/2007	Complainant contests change of name of owner of building on Valuation List.	Pending
LA/C/20/2007	Big hole represents a danger to road users. One child already fell inside. No action taken by authorities.	Rectified
LA/C/21/2007	No action taken by District Council in respect of problem along road where complainant lives and which according to him has been declared a public road.	Explained
LA/C/22/2007	Garbage thrown on unoccupied plot of land opposite complainant's house is a source of nuisance. No action taken by the authorities.	Rectified
LA/C/23/2007	Request for exemption from payment of General Rate on medical ground not attended to.	Not justified
LA/C/24/2007	Illegal construction put up by complainant's neighbours on his land. No action taken.	Explained
LA/C/25/2007	Well-frequented road in a very bad state. Represents a danger to users.	Pending

No.	Subject of Complaint	Result
<b>Local Authorities — continued</b>		
LA/C/26/2007	Request for refund of part of occasional trade fee on account of bad weather rejected by Council.	Not justified
LA/C/27/2007	Building put up by complainant's neighbour does not comply with the law. No action taken by Council.	Explained
LA/C/28/2007	Absence of lighting on the road and numerous other problems in small locality in the south of the island.	Pending
LA/C/29/2007	Flooding problem at Phoenix.	Rectified
LA/C/30/2007	Deplorable state of road.	Rectified
LA/C/31/2007	Roads in very poor condition.	Rectified
LA/C/32/2007	Complainant denied the appropriate number of increments to his salary.	Pending
LA/C/33/2007	Road not resurfaced after execution of pipe-laying works over a distance of about two kilometres. State of road is a source of nuisance to road users.	Pending
LA/C/34/2007	Complainant's neighbour putting up illegal building. No action by authorities concerned.	Not justified
LA/C/35/2007	Nuisance generated by private club.	Explained
LA/C/36/2007	No action taken in respect of noise nuisance caused by complainant's neighbour.	Pending
LA/C/37/2007	Pavement needs upgrading for the safety of hundreds of users every day.	Pending
LA/C/38/2007	Village hall in a state of disrepair.	Pending
LA/C/39/2007	Illegal construction put up by complainant's neighbour. No action by authority concerned.	Pending
LA/C/40/2007	Request for help by Council to attend to a dispute between complainant and his neighbour not considered.	Not justified
LA/C/41/2007	Stacking of old vehicles and metal-nuisance to nearby inhabitants.	Pending
LA/C/42/2007	Road constantly flooded – levelling works needed.	Pending



No.	Subject of Complaint	Result
<b>Local Authorities — continued</b>		
LA/C/43/2007	Poor state of well frequented road.	Rectified
LA/C/44/2007	Huge holes on the road. Danger for motorists	Pending
LA/C/45/2007	Noise nuisance by complainant's neighbour. Requests further action by the Council.	Explained
LA/C/46/2007	Pollution caused by bakery/pastry-making factory.	Rectified
LA/C/47/2007	Abusive language used by Planning Inspector towards complainant.	Discontinued
LA/C/48/2007	Destruction of green space by municipal authorities.	Pending
LA/C/49/2007	Noise nuisance caused to complainant by factory operating illegally near complainant's house.	Pending
LA/C/50/2007	Noise nuisance caused by illegal metal workshop.	Pending
LA/C/51/2007	Only access road to the houses of some 25 families occupying land leased to them by Government in a bad state.	Pending
LA/C/52/2007	Excavation by complainant's neighbour near complainant's house – no action taken by the Council.	Pending
LA/C/53/2007	Land used as dumping ground gives rise to smell nuisance.	Pending
LA/C/54/2007	Natural course of rain water blocked by wall put up by new inhabitant in locality.	Pending
LA/C/55/2007	Waste at football ground an eyesore.	Explained
LA/C/56/2007	Total absence of lighting in rural area - residents fear for their security	Pending
LA/C/57/2007	Waste land is a source of nuisance to nearby inhabitants.	Pending
LA/C/58/2007	Claim for refund of alleged overpayment not acceded to.	Pending
LA/C/59/2007	Illegal construction by complainant's neighbour.	Pending

No.	Subject of Complaint	Result
<b>Local Authorities — continued</b>		
LA/C/60/2007	Noise caused by electrical machine in residential area injurious to health of inhabitants.	Explained
<b>Local Government and Rodrigues</b>		
C/94/2002	Poor living conditions of sixteen families in village.	Rectified
C/322/2003	Flooding of roads, absence of street lighting, etc.	Pending
C/405/2003	Money due to complainant for works done.	Rectified
<b>Local Government and Solid Waste Management</b>		
C/208/2004	Road in a very bad state since 24 years.	Discontinued
<b>Passport and Immigration</b>		
C/53/2007	No reply to application for new passport made some two months back at our High Commission in Pretoria.	Rectified
<b>Police</b>		
C/187/2004	Complainant suspects foul play in case of his son's disappearance at sea. Hasn't heard from the Police yet.	Explained
C/123/2005	Complainant not satisfied with police enquiry into the case of her son who has been murdered.	Pending
C/249/2005	Complainant holds police officers responsible for the death of his sister by failing to take necessary action to protect her.	Explained
C/308/2005	Complainant who has been arrested some eight months ago avers that the police is constantly delaying its inquiry.	Explained
C/26/2006	Complainant's little sister threatened by neighbours. Police Officer failed to record faithfully their statement.	Explained
C/64/2006	No action by Police in respect of declaration of threat to complainant.	Explained

No.	Subject of Complaint	Result
<b>Police — continued</b>		
C/88/2006	Complainant still awaiting reply from police in a case of an alleged false allegation against him.	Explained
C/176/2006	Complainant not made aware of any action taken following declarations of fraud etc. made by him more than two years ago.	Explained
C/182/2006	Retired police officer not duly compensated upon his transfers whilst in the service.	Not justified
C/187/2006	Transfer of Police Officer (complainant) from Rodrigues to Mauritius causes him prejudice as he has to live separated from his wife.	Explained
C/190/2006	Complainant victim of serious cases of assault – no action taken by the Police nor has he been informed about the outcome of the inquiry.	Rectified
C/204/2006	No action taken by Police following declaration made by complainant.	Explained
C/205/2006	Complainant contests the manner in which a criminal case in which he was the victim was handled in court - avers there has been cover-up.	Explained
C/215/2006	No action taken in reported case of larceny of mobile phone belonging to complainant.	Explained
C/218/2006	No action by Police following declaration of swindling.	Discontinued
C/221/2006	Complainant avers he has been denied certain benefits following his retirement on medical grounds.	Pending
C/223/2006	No reply since one year to application to operate a security service company.	Discontinued
C/226/2006	No action taken against complainant's step son against whom she has made several declarations.	Pending
C/227/2006	No action taken for the return of complainant's private property.	Rectified
C/228/2006	Police refuses to record complainant's declaration	Discontinued

No.	Subject of Complaint	Result
<b>Police — continued</b>		
C/229/2006	Barrister-at-Law's request for plan drawn up in connection with fatal road accident by his client's husband not acceded to.	Explained
C/230/2006	Request by barrister-at-law for information in connection with road accident case not attended to.	Rectified
C/250/2006	Request by complainant for the restitution of his passport not yet acceded to although there is no case pending against him any more.	Rectified
C/251/2006	No action taken by Police following several declarations of harrassment, including death threat, damage to property, etc.	Rectified
C/254/2006	Noise and other nuisances caused by restaurant.	Discontinued
C/3/2007	Complainant not informed about the result of his complaint made to the Land Fraud Squad since more than three years.	Not justified
C/4/2007	Anomaly in driving licence issued.	Explained
C/6/2007	Police Officer complains about the shift he is required to perform, which leaves him without public transport to go back home during the night.	Pending
C/7/2007	Police officers failed to carry out their duties at the request of complainant.	Explained
C/15/2007	No action taken by Police following declarations made by complainant.	Explained
C/20/2007	No action taken by Police following several complaints made by complainant.	Explained
C/28/2007	Police delaying prosecution against complainant.	Explained
C/32/2007	Complainant contests decision of examiner who failed him in his test to drive motor-cycles.	Not justified
C/40/2007	No action taken by Police in respect of declaration made by complainant for assault upon his person.	Explained

No.	Subject of Complaint	Result
<b>Police — continued</b>		
C/50/2007	Criminal case against complainant dragging since nearly four years.	Explained
C/56/2007	No action taken by Police following declaration made by complainant regarding her passport and those of her children.	Rectified
C/60/2007	Nuisance caused by complainant's neighbour's dogs. No action taken by authorities concerned.	Pending
C/63/2007	Noise nuisance caused by neighbour's dogs, etc. No action taken by authorities concerned.	Pending
C/67/2007	No reply from Police in respect of declaration made by complainant.	Explained
C/73/2007	Complainant's declaration to the Police incomplete.	Discontinued
C/80/2007	Police assistance refused in connection with a dispute about ownership of car.	Pending
C/81/2007	Length of service not adequately calculated.	Pending
C/82/2007	No action taken in respect of declaration made by complainant against 10 year old boy who throws stones at him and his house.	Explained
C/84/2007	Noise nuisance reported to Police de l'Environnement. No action taken.	Explained
C/91/2007	Delay by Police in causing inquiry to be made in respect of amendment of civil status document.	Rectified
C/97/2007	No action taken by Police in respect of dubious activities of certain hooligans reported to high-ranking Police Officers during meeting.	Explained
C/100/2007	No action taken by the Police following several declarations made by complainant.	Explained
C/107/2007	Complainant, victim of road accident involving bus in which she was travelling and sustained injuries, not made aware of outcome of criminal case against driver of other vehicle.	Explained

No.	Subject of Complaint	Result
<b>Police — continued</b>		
C/109/2007	No action taken by Police in a case of attempt at swindling reported by complainant.	Explained
C/111/2007	Harrassment by Police.	Pending
C/112/2007	Criminal prosecution lodged against complainant ten years ago. Case never proceeded with.	Pending
C/115/2007	Suspected swindling in case of dispute of ownership of car. Request for police inquiry.	Pending
C/118/2007	Pollution caused by used oil	Discontinued
C/121/2007	Complainant not satisfied with decision of Police in respect of road accident case in which his wife sustained injuries.	Pending
C/122/2007	Noise nuisance caused by call to prayer.	Rectified
C/129/2007	No action taken by the Police following declaration made by complainant against his wife.	Explained
C/149/2007	Detainee's request to have a Police Officer record a statement from him not considered.	Pending
C/150/2007	No action taken following complaint about environmental nuisances.	Explained
C/157/2007	Request by detainee for time spent on remand to be deducted from the length of her sentence.	Explained
C/158/2007	No action taken by the Police following three declarations made by complainant.	Explained
C/160/2007	Request by Senior Counsel for copy of post-mortem report not attended to.	Rectified
C/161/2007	No action taken by Police following complaint against shop selling liquor etc. and being a source of nuisance to worshippers.	Rectified
C/169/2007	Application by Attorney at Law for police report in connection with road accident not entertained.	Rectified
C/173/2007	Complainant witness in a criminal case, subject of threat by accused and latter's spouse. Request for police protection.	Pending

No.	Subject of Complaint	Result
<b>Police — continued</b>		
C/177/2007	Delay by Police in dealing with declaration of assault against complainant jeopardises his chance of promotion.	Pending
C/178/2007	Complainant on remand for more than three years without trial.	Explained
C/180/2007	No action taken in respect of road accident in which complainant was victim.	Explained
C/188/2007	Complainant, a foreign national, arrested since nearly a year in drug-related case but not yet prosecuted.	Explained
C/191/2007	No action taken by Police following several declarations made.	Pending
C/199/2007	Request by Senior Counsel for certain documents relating to road accident not acceded to.	Rectified
C/200/2007	Complainant detained since ten months in a larceny case without trial.	Explained
C/203/2007	Night duty allowance not paid to Police Officer.	Pending
C/204/2007	Detainee imprisoned for more than a year without trial.	Pending
C/205/2007	Request by Senior Counsel for information respect of road accident not yet entertained.	Pending
C/206/2007	Complainant's belongings secured upon his arrest not returned to him after trial.	Pending
C/208/2007	Passport etc. not returned to complainant after dismissal of case against him before Supreme Court.	Partly rectified
C/210/2007	Application by Senior Counsel for certain documents relating to road accident not considered since more than a month.	Pending
C/213/2007	Request by Senior Counsel for documents and other information not acceded to.	Pending
C/214/2007	Application by Senior Counsel for certain documents relating to road accident not entertained after nearly a month.	Rectified

No.	Subject of Complaint	Result
<b>Police — continued</b>		
C/216/2007	Detainee avers that he is being persecuted and harrassed.	Pending
C/219/2007	Length of service not properly computed.	Pending
C/220/2007	Delay in processing finger prints in respect of application for certificate of morality.	Rectified
C/222/2007	No reply to Senior Counsel's request for information and documents in respect of road accident.	Pending
C/223/2007	Complainant on remand since five months – requests early trial.	Discontinued
C/224/2007	Remanded to jail since 18 months. No trial yet.	Explained
C/226/2007	Allegation of wilful delay in lodging cases against complainant in order to “punish” him.	Pending
C/227/2007	Request by detainee to have a statement recorded from him by the Police not entertained.	Pending
C/240/2007	Request for information by Senior Counsel not acceded to.	Pending
C/241/2007	Request by Senior Counsel for documents regarding fatal road accident not yet entertained.	Pending
C/245/2007	Request by Senior Counsel for documents in connection with fatal road accident case not entertained yet.	Pending
C/246/2007	Request by Senior Counsel for certain documents etc. in connection with road accident not entertained.	Pending
C/251/2007	Request for information by Senior Counsel in respect of road accident not yet entertained.	Pending
C/252/2007	Request by Senior Counsel for documents relating to road accident not yet entertained.	Pending



No.	Subject of Complaint	Result
<b>Prime Minister's Office</b>		
C/66/2007	Application for study leave without pay refused.	Rectified
C/212/2007	No reply to letters from complainant concerning place of delivery and collection of Government Gazette.	Explained
<b>Prime Minister's Office (Civil Status Division)</b>		
C/27/2007	No action taken to rectify complainant's act of birth since more than three years.	Pending
<b>Prisons</b>		
C/389/2003	Detainee not issued with denture etc.	Pending
C/215/2004	Application for spectacles turned down.	Pending
C/220/2004	Application for spectacles turned down.	Pending
C/237/2004	Detainee not provided with denture. Has difficulty to eat.	Pending
C/113/2005	Detainee not getting appropriate medical treatment.	Rectified
C/152/2005	Application for issue of spectacles free of charge rejected.	Pending
C/309/2005	Detainee placed under report at punishment block, without any reason, etc.	Discontinued
C/81/2006	Detainee not getting appropriate food and medical attention.	Explained
C/135/2006	Property belonging to detainee and under custody of Prison Administration stolen. Amount of compensation offered by latter refused by detainee as too low.	Pending
C/165/2006	Sick detainee avers he is not being served the proper diet etc.	Explained
C/179/2006	Detainee who has a problem in his lower jaw denied special food recommended by doctor.	Not justified
C/201/2006	No reply by the Court to detainee's application for copies of judgment, etc.	Rectified
C/210/2006	Detainee sent to punishment block unnecessarily etc.	Explained

No.	Subject of Complaint	Result
<b>Prisons — continued</b>		
C/244/2006	Remand detainee made to wear dress meant for convicted detainee, etc.	Explained
C/245/2006	Detainee not satisfied with amount of food served to him.	Not justified
C/246/2006	Detainee not getting appropriate medical treatment, etc.	Explained
C/247/2006	Detainee not provided with recommended food.	Explained
C/248/2006	Detainee's request for transfer from one prison to another rejected.	Explained
C/253/2006	Detainee not getting food recommended by nutritionist.	Explained
C/30/2007	Detainee avers he has not received postal order sent to him by his wife, etc.	Discontinued
C/38/2007	Detainee avers he has been denied remission of his sentence.	Explained
C/42/2007	Detainee not given adequate food in view of his ailment etc.	Explained
C/43/2007	Detainee avers he is not receiving adequate medical treatment.	Explained
C/49/2007	Harrassment by Senior Prison Officers, etc.	Discontinued
C/59/2007	Money order sent to detainee by his wife untraceable.	Explained
C/68/2007	Detainee who is diabetic not allowed to purchase sweeteners with his own money.	Explained
C/70/2007	Detainee avers he is subject to persecution and injustice etc.	Not investigated
C/72/2007	Detainee not getting appropriate medical care.	Pending
C/75/2007	Detainee's operation postponed. Want his case to be considered by a Medical Board.	Pending
C/76/2007	Detainee not obtaining high-protein diet as advised by doctor. etc.	Not justified
C/77/2007	Detainee not getting special diet which he claims he is entitled to as an HIV detainee	Not justified

No.	Subject of Complaint	Result
<b>Prisons — continued</b>		
C/78/2007	Gross anomaly in Scheme of Service of complainant.	Explained
C/79/2007	Detainee fears for his security at his present place of location.	Not justified
C/83/2007	Detainee's shoes lost at the Prison reception since three years. Not yet compensated.	Rectified
C/85/2007	Abuse of authority etc. by Prison Administration.	Not investigated
C/90 /2007	Detainee avers that money orders sent to him in prison are not accepted by the Administration. He is in need of cash to buy articles of every day use.	Rectified
C/105/2007	Alleged brutality by Prison Officers.	Not justified
C/125/2007	Detainee avers he is not allowed to purchase certain items like cakes, cigarettes, etc.	Rectified
C/126/2007	Detainee's ring lost during search effected upon his person.	Discontinued
C/134/2007	Detainee's request to serve the rest of his sentence in Rodrigues, where he normally lives, turned down.	Explained
C/135/2007	Post Office refusing to accept money destined to complainant apparently upon instructions from Prison Administration.	Discontinued
C/136/2007	Detainee denied special diet.	Pending
C/138/2007	Special diet food denied to detainee since one month, etc.	Not justified
C/140/2007	Complainant disputes number of incremental credit for additional qualification granted to him.	Explained
C/142/2007	Detainee denied the right to write letters to certain institutions etc.	Not justified
C/143/2007	Detainee not allowed to purchase cigarettes with his own cash.	Explained
C/144/2007	Detainee not allowed to purchase certain items for his personal consumption etc.	Explained
C/145/2007	Remand detainee not allowed to purchase cigarettes etc.	Partly rectified

No.	Subject of Complaint	Result
<b>Prisons — continued</b>		
C/151/2007	Detainee not getting appropriate treatment for his various ailments.	Not justified
C/159/2007	Detainee denied certain rights and privileges.	Explained
C/164/2007	Detainee's belongings lost during transfer from one prison to another.	Pending
C/167/2007	Authorisation to receive letters and visits discontinued.	Pending
C/174/2007	Verbal abuse by Prison Officers.	Not justified
C/179/2007	Prison administration refusing to accept money sent to detainee.	Pending
C/181/2007	Detainee waiting for months in respect of his eyes problem.	Pending
C/184/2007	Detainee who is a victim and witness in a case of sodomy avers he is being threatened by the alleged authors and requests for protection.	Pending
C/186/2007	Detainee serving long sentence not issued with new clothings, etc.	Pending
C/187/2007	Frequency of visits by detainee's wife and relatives reduced.	Explained
C/189/2007	Detainee not satisfied with medical treatment received.	Pending
C/198/2007	Privileges afforded to other detainees not granted to complainant.	Pending
C/215/2007	Conditions of detention (bedding, food) not adequate.	Pending
C/217/2007	Detainee denied certain privileges and rights.	Pending
C/218/2007	No reply to petition made to Commission on Prerogative of Mercy.	Explained
C/221/2007	Parcel intended for detainee sent by her family in South Africa not handed over to her.	Pending
C/228/2007	Detainee not allowed to make phone calls etc.	Rectified

No.	Subject of Complaint	Result
<b>Prisons — continued</b>		
C/229/2007	Delay in posting detainee's letters.	Discontinued
C/231/2007	Detainee avers he is not getting appropriate medical treatment.	Pending
C/243/2007	Detainee's personal belongings not to be found.	Pending
C/244/2007	Morally and physically "tortured" by Prison Administration.	Pending
C/247/2007	Request by detainee for spectacles turned down.	Pending
<b>Public Infrastructure and Land Transport and Shipping</b>		
C/75/2003	Illegal construction put up by complainant's neighbour.	Explained
C/143/2004	Bus stop constitutes traffic hazard.	Pending
C/188/2004	Dangerous road curve.	Rectified
C/87/2006	Roof of district court building in a deplorable state.	Pending
C/186/2006	Absence of traffic lights at junction in Triolet is a source of danger to road users.	Discontinued
C/194/2006	Complainant contests the daily amount awarded for loss of use of his car which was involved in an accident.	Explained
C/99/2007	Complainant avers that decision to suspend Public Service Vehicle (Bus) Licence held by him is unfair.	Discontinued
C/106/2007	Absence of drains causes great inconvenience to complainant.	Pending
C/130/2007	Old bridge in state of disrepair.	Rectified
C/139/2007	Complainants prevented to operate their taxis on account of confusion in the appellation of taxi-stands.	Pending
C/183/2007	Abuse of authority by Ministry in causing a bus stop to be relocated.	Not justified
C/185/2007	Bus stop dangerously situated.	Pending
C/192/2007	Applications for transfer of Public Service Vehicle (taxi) licence rejected.	Explained

No.	Subject of Complaint	Result
<b>Public Utilities</b>		
C/53/2004	Frequent cuts in water supply.	Explained
C/101/2006	Housing estate (cité) deprived of electricity for a very long time.	Rectified
C/138/2006	Irregular and inadequate supply of water at Congomah.	Rectified
C/144/2006	Some 150 families provided with very little tap water for last two months.	Rectified
C/54/2007	Electrocution danger not attended to by authority concerned as complainant cannot afford to pay amount claimed for certain preliminary works to be done.	Pending
C/170/2007	Electric pole almost in the middle of the road represents danger to road users.	Discontinued
C/172/2007	Electric pole represents a danger to family living in its vicinity.	Rectified
C/193/2007	Main sewer blocked. No action taken by Authority concerned.	Rectified
C/225/2007	Student pass for free bus transport not issued after three months.	Pending
<b>Registrar of Associations</b>		
C/52/2007	Application for refund of contributions made by complainant to three different Funds not considered.	Explained
C/117/2007	No reply to complaint letter after more than one month.	Rectified
<b>Registrar General</b>		
C/69/2007	Complainant contests registration duty payable in respect of purchase of immoveable property.	Not justified
<b>Rodrigues</b>		
C/97/97	Length of service not properly computed.	Discontinued
C/253/98	Length of service not properly computed.	Discontinued
C/357/98	Length of service not properly computed.	Discontinued

No.	Subject of Complaint	Result
<i>Rodrigues — continued</i>		
C/355/99	Application for plot of State land for agricultural purposes not granted.	Not justified
C/439/99	Length of service not properly computed.	Rectified
C/267/2000	No reply to application for residential lease renewed yearly.	Rectified
C/8/2001	Land dispute at Petit Brule. Intervention of Rodrigues Administration solicited.	Discontinued
C/100/2001	Length of service not properly computed.	Rectified
C/110/2001	Length of service not properly computed.	Rectified
C/115/2001	Length of service not properly computed.	Explained
C/158/2001	Length of service not properly computed.	Rectified
C/256/2001	Complainant's salary not adjusted following report of ad hoc Committee into "alleged anomalies".	Discontinued
C/258/2001	Application for lease of agricultural land made since about six years. Case not yet finalised.	Rectified
C/269/2001	Length of service not properly computed.	Rectified
C/271/2001	No reply to application for lease of State land for residential purposes made more than five years ago.	Discontinued
C/329/2001	Length of service not properly computed.	Rectified
C/71/2002	Length of service not properly computed.	Explained
C/163/2002	Request for transfer of ownership of building onto complainants' names not considered after more than four months.	Explained
C/171/2002	Obstruction of road by complainant's neighbour.	Rectified
C/117/2003	Land leased to complainant trespassed upon by her son with the complicity of the Cadastral Office.	Discontinued
C/122/2003	Length of service not properly computed.	Explained
C/435/2003	Benefits not paid to complainant.	Explained

No.	Subject of Complaint	Result
<b>Rodrigues — continued</b>		
C/5/2005	State land leased to complainant encroached upon by the Administration. Claim for compensation made since more than two years not considered.	Discontinued
C/34/2005	Length of service not properly computed.	Rectified
C/87/2005	Public holiday allowance not paid to complainants since seven years.	Rectified
C/127/2005	Length of service not properly computed.	Rectified
C/162/2005	No reply to application for renewal of lease of State land (agricultural) since more than a year.	Pending
C/165/2005	Length of service not properly computed.	Rectified
C/237/2005	Pension not paid to complainant for the last two months.	Explained
C/318/2005	Application for trade licence wrongly rejected.	Rectified
C/320/2005	Complainants not paid night duty allowance.	Pending
C/58/2006	Non-payment of night duty allowance to watchmen.	Rectified
ROD/C/4/2006	Non-implementation of High-Powered Committee's recommendations.	Rectified
ROD/C/5/2006	Claim for higher responsibility allowance ignored.	Not justified
ROD/C/6/2006	No reply to claim of compensation for damages caused to complainant's private land.	Pending
ROD/C/7/2006	Extra working hours not paid.	Explained
ROD/C/10/2006	Length of service not properly computed.	Rectified
ROD/C/12/2006	Length of service not properly computed.	Not justified
ROD/C/13/2006	No reply received by complainant in connection with representations made by him.	Explained
ROD/C/14/2006	Retired public officer not satisfied with lump sum received.	Rectified
ROD/C/16/2006	Travelling allowance wrongly calculated.	Not justified



No.	Subject of Complaint	Result
<b>Rodrigues — continued</b>		
ROD/C/17/2006	Miscalculation of period served under bond entered into by complainants.	Rectified
ROD/C/19/2006	Request for responsibility allowance for performing higher duties disregarded.	Not justified
ROD/C/20/2006	Complainant avers lump sum paid to him not correct.	Discontinued
ROD/C/21/2006	Length of service not properly computed.	Not justified
ROD/C/22/2006	Pension for children discontinued after several years.	Not justified
ROD/C/1/2007	Anomaly in complainant's salary.	Rectified
ROD/C/2/2007	Old lady living in abject poverty.	Pending
ROD/C/3/2007	Length of service not properly computed.	Explained
ROD/C/4/2007	Non-payment of incremental credit following award of certificate.	Not justified
ROD/C/5/2007	Adhoc allowance for performing higher duties not paid.	Pending
ROD/C/6/2007	Increments not paid.	Not justified
ROD/C/7/2007	Shortage of Charge Nurses at hospital.	Pending
ROD/C/8/2007	Refund of contribution not correctly calculated.	Rectified
ROD/C/9/2007	Travelling allowance wrongly calculated.	Not justified
ROD/C/10/2007	Increment in salary denied to complainant.	Rectified
ROD/C/11/2007	Complainants required to perform duties for which they have received no training.	Pending
ROD/C/12/2007	Cash in lieu of accumulated sick leave not paid to Rodrigues Customs Officers.	Pending
ROD/C/13/2007	No reply to application for residential lease of State land since a year.	Pending
ROD/C/14/2007	No meal allowance or overtime paid to complainant.	Not justified
ROD/C/15/2007	Recording of attendance wrongly done, etc.	Pending
ROD/C/16/2007	Deduction of a certain sum of money made from complainant's gratuity at time of retirement.	Explained

No.	Subject of Complaint	Result
<b>Rodrigues — continued</b>		
ROD/C/17/2007	Responsibility allowance etc. not paid to complainant.	Not justified
ROD/C/18/2007	Complainant not paid full amount of passage benefits.	Rectified
ROD/C/19/2007	No action taken regarding complainant's representation of an anomaly in her salary.	Explained
ROD/C/20/2007	No reply to application for lease of State land since more than one year.	Pending
ROD/C/21/2007	Malicious denunciation made against complainant to the Police.	Not investigated
ROD/C/22/2007	Responsibility allowance short paid.	Rectified
ROD/C/23/2007	Complainant injured whilst on duty. No indemnity paid to him.	Pending
ROD/C/24/2007	Complainant requests the restoration of the industrial lease that was granted to him and cancelled through no fault of his.	Pending
ROD/C/25/2007	Seven years' responsibility allowance not paid.	Pending
ROD/C/26/2007	Offer of State land proposed to complainant for residential purposes unjustly withdrawn.	Pending
ROD/C/27/2007	Length of service not properly computed.	Not justified
ROD/C/28/2007	Acting allowance not paid.	Pending
ROD/C/29/2007	Claim for retiring benefits not paid.	Pending
ROD/C/30/2007	Nuisance caused by night club. No solution found by the authorities to which the matter was referred.	Explained
ROD/C/31/2007	Allowance for performing extra duties not paid.	Pending
ROD/C/32/2007	Non-payment of pension to orphan.	Pending
ROD/C/33/2007	Acting allowance not paid.	Pending
ROD/C/34/2007	Revised death gratuity not paid to heirs of deceased public officer.	Pending
ROD/C/35/2007	Application for commercial lease not finalised since 15 years.	Pending
ROD/C/36/2007	Length of service not properly computed.	Explained

No.	Subject of Complaint	Result
<b>Rodrigues — continued</b>		
ROD/C/37/2007	Lump sum short-paid.	Not justified
ROD/C/38/2007	Length of service not properly computed.	Explained
ROD/C/39/2007	Lump sum not correctly computed.	Not justified
ROD/C/40/2007	Lump sum and passage benefits not correctly calculated.	Pending
ROD/C/41/2007	Length of service not properly computed.	Pending

**Social Security, National Solidarity and Senior Citizens Welfare and Reform Institutions**

C/129/2006	Pension denied to complainant.	Pending
C/133/2006	Pension discontinued.	Rectified
C/197/2006	Pension discontinued.	Rectified
C/214/2006	Application by 76-year old complainant for hearing aid since 9 months. No action taken.	Rectified
C/217/2006	No pension paid to prisoner's family (wife and son).	Not justified
C/237/2006	Pension of complainant's handicapped son discontinued.	Pending
C/31/2007	No reply from National Solidarity Fund in respect of application for refund of cost of ticket incurred by complainant who accompanied her mother-in-law for medical treatment overseas.	Discontinued
C/34/2007	Ministry in breach of clause in contract entered into with complainant.	Rectified
C/61/2007	Basic retirement pension denied to complainant.	Not investigated
C/71/2007	Long delay in refunding contribution to National Pensions Fund.	Rectified
C/94/2007	Contributions to the National Pension Scheme not refunded.	Rectified

No.	Subject of Complaint	Result
<b>Social Security, National Solidarity and Senior Citizens Welfare and Reform Institutions — <i>continued</i></b>		
C/95/2007	Contribution not refunded to retired public officer.	Rectified
C/98/2007	No financial assistance provided to the daughters of complainant who is on remand in jail.	Rectified
C/102/2007	Denied social aid.	Rectified
C/104/2007	Complainant's invalidity pension stopped since two years – she is amputated of her right leg.	Pending
C/108/2007	Social aid paid to complainant for one month only.	Pending
C/127/2007	Contribution not refunded to complainant.	Rectified
C/133/2007	Social aid to complainant stopped.	Not justified
C/141/2007	Detainee's wife and children denied social aid.	Discontinued
C/156/2007	Benches at Social Security Office waiting area damaged. Elderly and disabled persons affected whilst waiting.	Rectified
C/233/2007	Complainant avers that his application for invalidity pension has been wrongly rejected several times.	Pending
<b>Tourism and Leisure</b>		
C/11/2007	Beach hawker's licence denied to complainant.	Discontinued
C/196/2007	Complainants, licensed beach hawkers, requested to stop operating at the hotel where they were authorised to operate.	Pending
<b>Youth and Sports</b>		
C/65/2007	Complainant not provided with information about his passage benefits.	Explained

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