

44th
Annual Report
of the
OMBUDSMAN

January - December 2017

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of the
OMBUDSMAN



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OFFICE OF THE OMBUDSMAN

OMB 13/04 VOL. XLIV

27 June, 2018

His Excellency, Mr. Paramasivum Pillay Vyapoory, G.O.S.K.
Acting President of the Republic of Mauritius
State House
Le Réduit

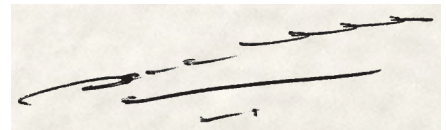
Your Excellency,

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

Therefore, in accordance with the above provisions, I have the singular privilege and honour to present to you the 44th Annual Report of the Ombudsman. It concerns the discharge of my functions during the year 2017.

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

Yours respectfully,



(Soleman M. HATTEEA)
Ombudsman

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1. OUR MISSION

The mission of the Ombudsman is to serve the Mauritian community by addressing issues arising from maladministration in the public sector and redressing wrongs that may be found to have been committed.

2. OUR COMMITMENT

The Office of the Ombudsman is committed to providing to all citizens a quality service that upholds their rights to a just and equitable treatment in accordance with principles of good administration.

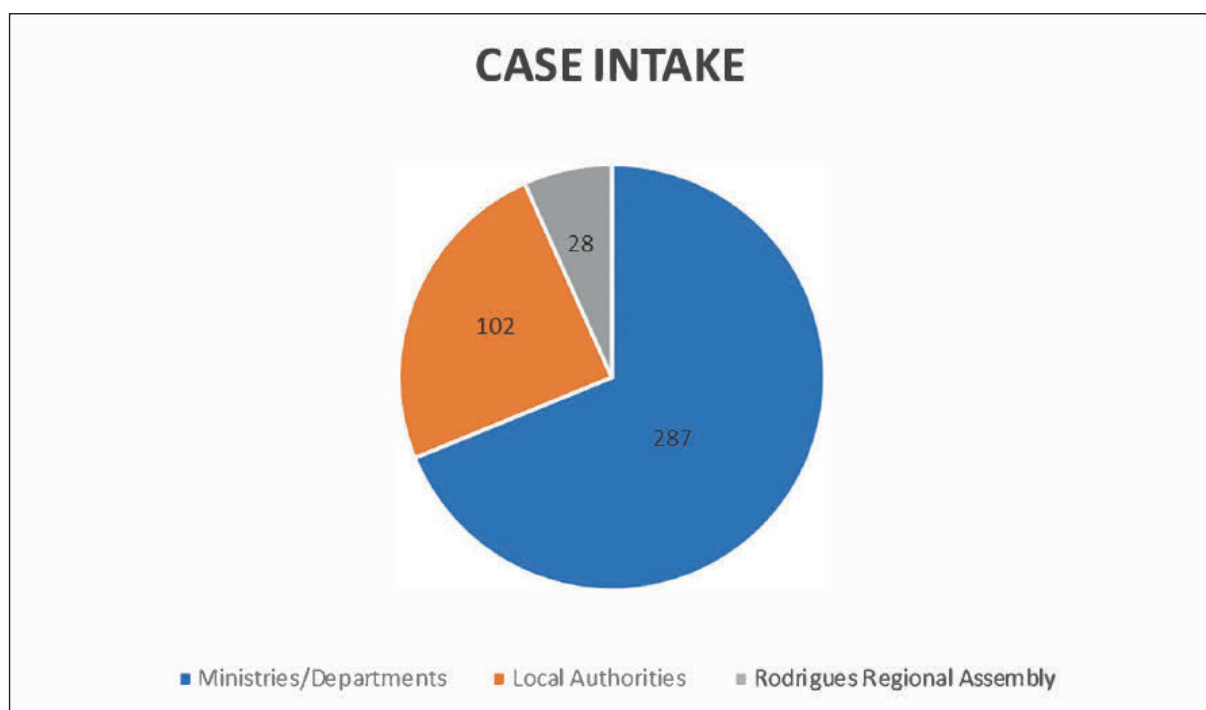
3. YEAR UNDER REVIEW

This is the 44th Annual Report of the Ombudsman. It concerns the discharge of my functions during the year 2017 in the course of which we registered a total of 417 new cases as detailed below, representing an increase of 18% over the preceding year.

4. STATISTICS FOR 2017

CASE INTAKE

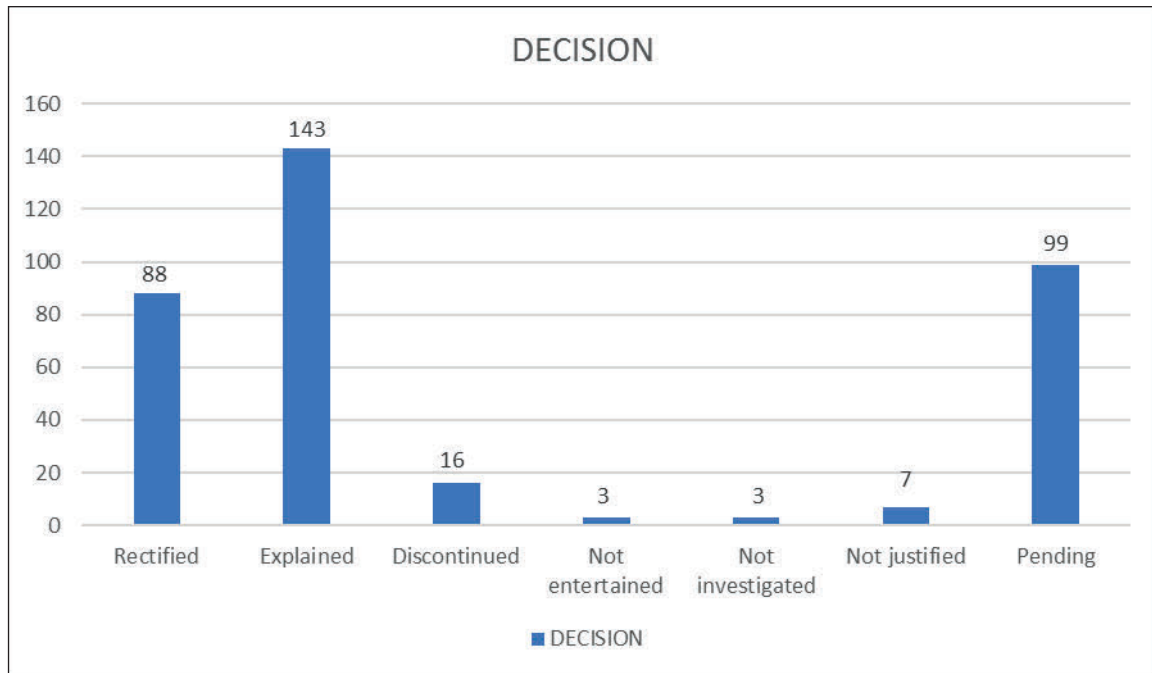
Ministries/Departments	287
Local Authorities	102
Rodrigues Regional Assembly	28
Total	417





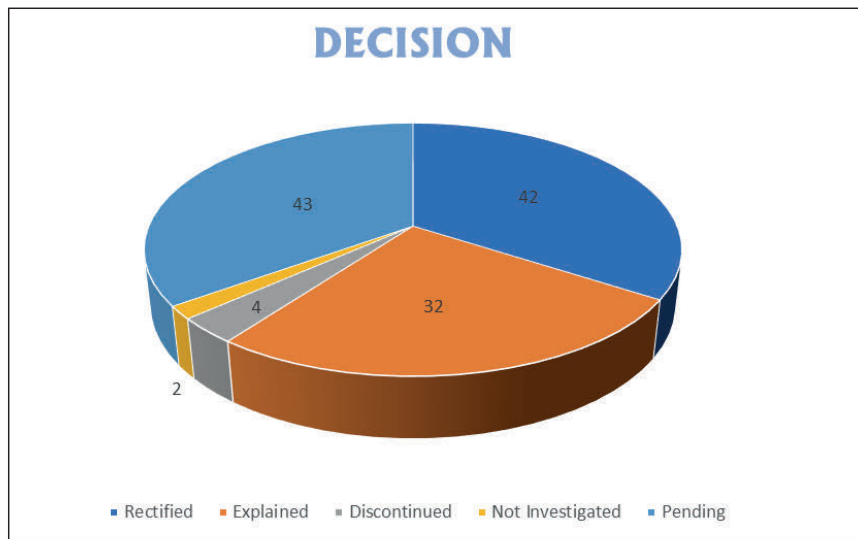
CASES DEALT WITH
Ministries/Departments

Decision	Number
Rectified	88
Explained	143
Discontinued	16
Not Entertained	3
Not Investigated	3
Not Justified	7
Pending	99
Total	359



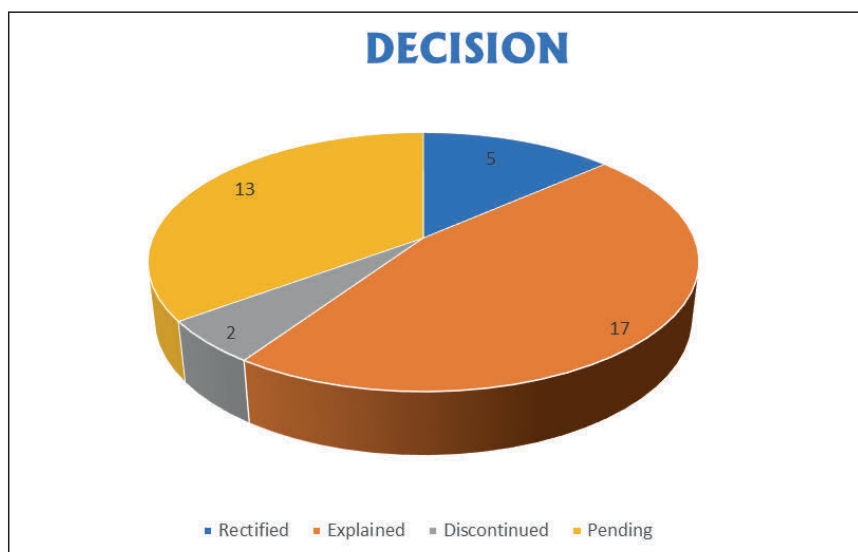
Local Authorities

Decision	Number
Rectified	42
Explained	32
Discontinued	4
Not Investigated	2
Pending	43
Total	123



Rodrigues Regional Assembly

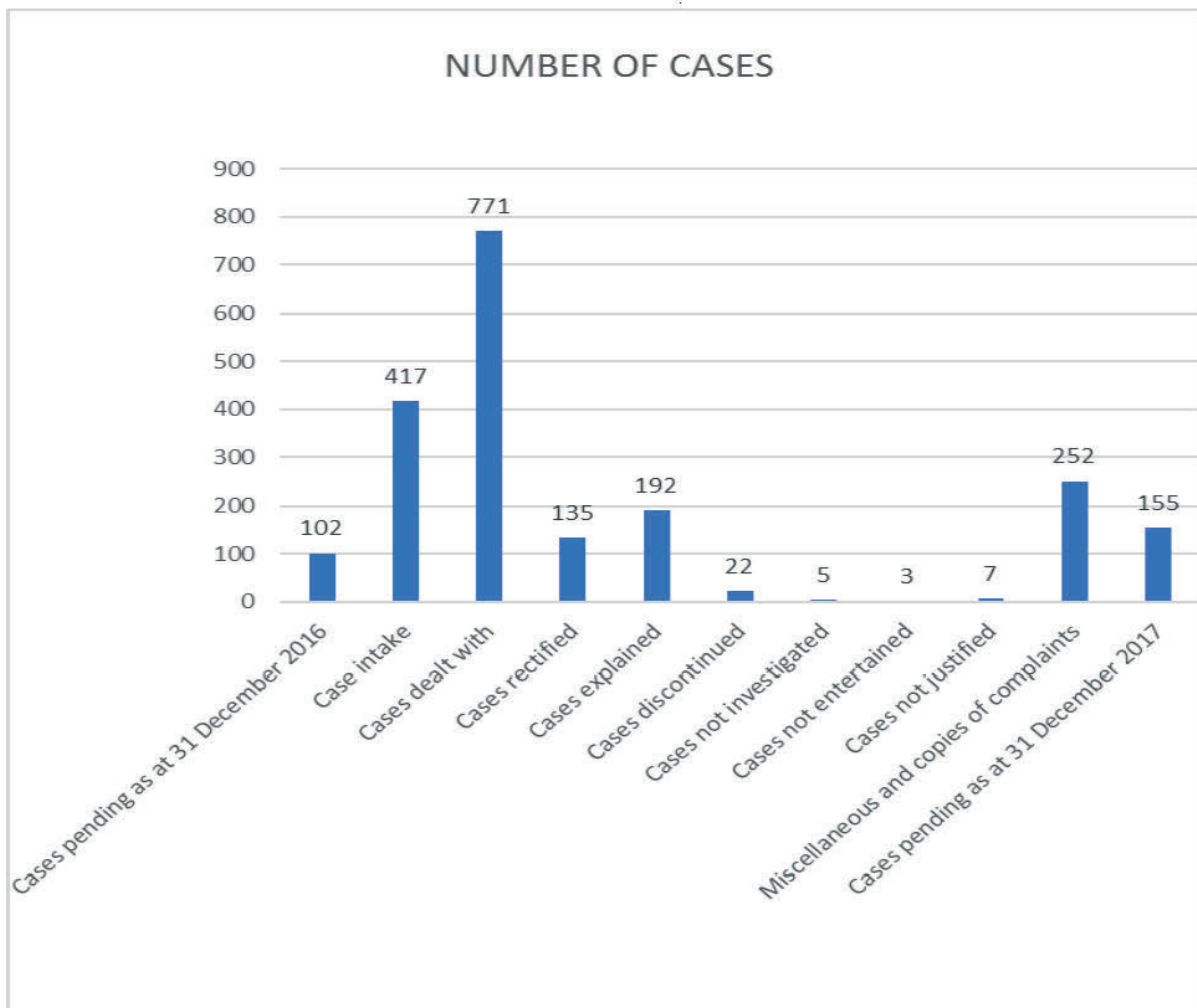
Decision	Number
Rectified	5
Explained	17
Discontinued	2
Pending	13
Total	37





On the whole therefore our statistics for 2017 are as follows –

Cases pending as at 31 December 2016	102 (not 101 as erroneously indicated in our Annual Report 2016)
Case intake	417
Cases dealt with	771 (including 417 new cases, 252 miscellaneous & copies of complaints and 102 cases pending as at 31.12.16)
Cases rectified	135
Cases explained	192
Cases discontinued	22
Cases not investigated	5
Cases not entertained	3
Cases not justified	7
Miscellaneous and copies of complaints	252
Cases pending as at 31 December 2017	155



5. HALF A CENTURY OF THE OMBUDSMAN INSTITUTION IN MAURITIUS

As Mauritius celebrates 50 years of its independence this year it is also an important milestone in the history of its Ombudsman institution which was established in the year 1968. It was such an important institution that it was incorporated in the Constitution of Mauritius itself and a whole chapter was devoted to it.

A new gate was thus opened for our citizens to access a completely new institution for the redress of their grievances against the administration. Any person who is unhappy about the way he has been dealt with by Government or other public body can lodge a complaint before the Ombudsman.

Indeed the Ombudsman's normal role is to receive complaints from members of the public against any action taken by any officer or authority in the exercise of the administrative functions of that officer or authority which action may have occasioned injustice or other prejudice. The Ombudsman is empowered to investigate such complaints and recommend corrective action.

The authorities and officers whose action or inaction may be the subject-matter of an investigation by the Ombudsman are as follows –

- (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:

However, there are some officers and authorities that fall outside the Ombudsman's jurisdiction and whose action or inaction the Ombudsman cannot investigate, and these are-

- (i) the President or his personal staff;
- (ii) the Chief Justice;
- (iii) any Commission established by the 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.

It is also important to point out that the Ombudsman would not investigate a complaint where it appears to him that-

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



There are several reasons why a complaint is made to the Office of the Ombudsman, the main one being that the citizen is not satisfied with the decision taken in respect of his or her case and that such decision causes injustice to him or her. However there may be other reasons why a citizen would address a complaint to the Ombudsman, such as the lack of response from any authority to which the citizen has addressed a request or a complaint, or that the citizen is at a loss to understand the reason for any decision taken in respect of an issue raised by him or her. All the same it must not be believed that every complaint made to the Office of the Ombudsman necessarily means that the administration has faulted. It is for the Ombudsman to investigate once he is in presence of the necessary information, evidence or documents before taking any decision.

For the purposes of his investigation, the Ombudsman can call for information and documents from any officer or member of any department or authority concerned, or from any Minister or any other person who in his opinion is able to furnish such information or documents relevant to the investigation, the exceptions being-

- (i) information or documents relating to proceedings of the Cabinet or any committee thereof, and
- (ii) matters relating to defence, external relations and internal security, in which case the Attorney-General gives appropriate notice to the Ombudsman that disclosure thereof would be contrary to the public interest.

Once an investigation is completed and the Ombudsman is of the opinion that the action which was the subject-matter of his 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.

he may make any of the following recommendations –

- (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.

In view of the power given to the Ombudsman where he considers that any action taken was unjust or manifestly unreasonable, as explained above, it is clear that this power opens the door for the Ombudsman to act in equity and therefore makes it possible for him to temper the full rigour of the law by humanizing it.

I shall therefore say a few words about equity and the power of the Ombudsman to make a recommendation in equity. Equity is defined in the Oxford Dictionary as a branch of law that has developed alongside common law in order to remedy some of its defects in fairness and justice. Larousse defines it as “justice naturelle ou morale considérée indépendamment du droit en vigueur”.

As one of my francophone colleagues has aptly put it, “l’équité est un correctif du droit écrit”. Being equitable does not mean treating everyone equally. It is being fair to a person according to the nature of that person’s problem and the surrounding circumstances – i.e. giving to each person his due.

Therefore it is imperative that the Ombudsman should be in a strong position to defend our citizens with force and without fear in the face of adversity. The vigilance of the Ombudsman has a healthy and salutary effect on the public administration, making it more sensitive to public opinion and more responsive to demands of fairness and justice. In other words, the Ombudsman strives, with the cooperation of public officers and authorities, to bring about an administration with a human face.

6. RODRIGUES REGIONAL ASSEMBLY

During the year under review we repaired to Rodrigues from 25 to 29 July. A communiqué dated 10 July 2017 was issued to that effect informing the public in general that we would receive complainants and other members of the public as well as Public Officials in the Conference Room of the Electoral Commissioner’s Office in Port Mathurin.

A total of twelve complainants had also been summoned by letters to appear before us. All of them were present and were made aware of progress in their respective cases. We also convened the Island Chief Executive and one Departmental Head to furnish explanation in respect of ongoing cases that were being treated at their level and we learned that the cases had been decided in favour of the complainants.

Further, 46 other persons called on us and 8 new cases were opened on the spot. Seventeen others informed us that they would write in order to expose their problems.

At the end of the year a total of 28 new cases from Rodriguans had been opened.

7. 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 56 own-motion files: 9 in respect of Ministries/ Departments and 47 in respect of Local Authorities.

Hereunder are a few examples of such cases which we opened, mainly after taking cognizance of certain problems reported in the Press. The problems were solved in a fairly short time.

CASE NO.	AUTHORITY CONCERNED	NATURE OF PROBLEM	ACTION TAKEN
C/198/2016	Ministry of Housing & Lands	Sixty-three-year-old woman sleeping outside her house from which she has been expelled for inability to refund loan.	Building site lease granted to her at the rate of one rupee per annum.



CASE NO.	AUTHORITY CONCERNED	NATURE OF PROBLEM	ACTION TAKEN
C/97/2017	Police	(i) Unlicensed shop selling alcoholic drinks. (ii) Obstruction of road especially after office hours.	Owner of shop booked. Owner sensitized about traffic offences and regular police patrols.
C/161/2017	Ministry of Public Infrastructure and Land Transport	Unsatisfactory bus service in village. Hardship faced by inhabitants.	Service supplemented by buses from another route. Regular monitoring by the National Transport Authority.
C/172/2017	Ministry of Social Security, National Solidarity and Environment and Sustainable Development	Bench on public beach completely rusted and is an eyesore.	Bench removed and carted away by Beach Authority.
C/200/2017	Ministry of Public Infrastructure and Land Transport	Blocked drain poses problems to road users.	Necessary action taken to remediate the situation by the Road Development Authority.
C/270/2017	Ministry of Social Security, National Solidarity and Environment and Sustainable Development	Public beach in deplorable state due to presence of waste materials.	Beach cleaned up to standard.
LA/C/7/2017	District Council of Savanne	Beach kiosks in a state of ruin.	Remedial works carried out by Beach Authority to whom Council referred the matter.
LA/C/8/2017	District Council of Savanne	Obstructed drain causes flooding after heavy rainfall.	Drain partially cleared from used tyres and other debris by Council's in-house labour and cleaning works done by National Development Unit.
LA/C/10/2017	Municipal Council of Port Louis	Debris on bareland obstructing use of pavement and likely to cause severe injury.	Warning Notice served on offender by Council – bareland cleaned and all debris removed by offender.
LA/C/33/2017	District Council of Black River	Construction materials dumped on State land.	Materials removed and carted away by Council within twelve days.
LA/C/50/2017	Municipal Council of Port Louis	Bareland near school converted into "depotoir sauvage".	Notice served upon owner of bareland and all wastes collected and disposed of by Council's Scavenging Contractor.
LA/C/51/2017	District Council of Flacq	Vehicle wrecks abandoned on bareland – an eyesore and a nuisance for neighbours.	Eyesore Abatement Notice served on offender. More than one hundred wrecks removed by latter.
LA/C/55/2017	District Council of Savanne	Used tyres and other wastes dumped on abandoned land near school.	All carted away by Council labour within two weeks.

CASE NO.	AUTHORITY CONCERNED	NATURE OF PROBLEM	ACTION TAKEN
LA/C/61/2017	District Council of Savanne	Plot of land in deplorable state. Toboggan and swing for children inaccessible.	Cleaning and clearing works carried out by Council's Public Health Department. Mowing and herbicide spraying also carried out.
LA/C/74/2017	District Council of Rivière du Rempart	Thick vegetation around bus shelter may give rise to proliferation of mosquitoes.	Necessary action taken by Council on the same day the matter was referred to it.
LA/C/75/2017	District Council of Rivière du Rempart	Children's playground in deplorable state.	Action taken by Council within two weeks and regular maintenance of playground inserted in the programme of works.
LA/C/81/2017	District Council of Moka	Electronic wastes deposited at entrance of village.	Notice served on owner of land by Police de L'Environnement. All wastes removed and land cleaned by owner to Council's satisfaction.
LA/C/83/2017	District Council of Grand Port	Waste materials on public beach.	Carted away by Council's Contractor.
LA/C/85/2017	District Council of Flacq	Empty plastic bottles in river obstruct the flow of water and give rise to odour and other nuisances.	Immediate action taken by Council. Routine collection of litter effected to maintain river in clear state.
LA/C/88/2017	Municipal Council of Port Louis	Flow of canal at Pointe aux Sables obstructed by the presence of sand.	Obstruction removed by Council in two days' time.

8. DEPARTURES AND ARRIVALS

1. Mr. Mohammad Ali Zeadally, Diploma in Public Administration & Management (UoM), LLB Hons. Degree University of Wolverhampton, former Senior Investigations Officer, joined our Office on 14 July 2003 and retired on 29 May 2017 upon reaching retirement age. His contribution to our Office has been excellent. We wish him a peaceful retirement.
2. Mr. Amarnath Ramtahul, BA Hons. in Legal Studies and Management, University of Mauritius, was appointed Senior Investigations Officer in a temporary capacity on 29 May 2017 and thereafter in a substantive capacity with effect from the same date. He had served the Mauritius Police Force (MPF) for a period of seventeen years before he joined our Office. During his tenure of office at the MPF he acquired investigatory skills and possesses a wealth of complaint-handling experience. We wish him a successful career at our Office.
3. Mrs. Rashida Hajee-Sheriff, former Confidential Secretary, joined our Office on 20 September 2013 and retired on ground of age on 1 March 2018. She gave full satisfaction during her service at our Office and we wish her as well a happy retirement.
4. Mrs. Marie Antoinette Clair-Jean joined the public service on 20 October 1997 and was appointed Confidential Secretary on 4 January 2005. She has been appointed Confidential Secretary at our Office on 22 February 2018. We wish her also a successful career at our Office.



9. ACKNOWLEDGEMENTS

I am deeply indebted to the entire staff of my office, a team of dedicated and committed officers, for their unflinching and wholehearted support in the discharge of their duties throughout the year and also for their invaluable contribution in the preparation and finalization of this Annual Report.

During the year under review 498 persons called at our Office for various reasons, mostly to familiarize themselves about our powers and how we can be of assistance to them concerning their problems with certain authorities/institutions. They were received in a very courteous manner by the concerned Officers and were provided with the required information.

Many thanks to some overseas colleagues for sending me copies of their own Annual Reports. It can be concluded that we all, as Ombudsman or by any other name called, work in the same direction and with the same objective, i.e. to bring relief to our respective citizens who allege to have been unfairly dealt with by their respective administration.

Finally, we are thankful to those members of the public who have solicited our Office for assistance in connection with the problems they have encountered with different administrations. It shows that they have faith in our Office.

We can assure one and all that we endeavour in every possible way to live up to the expectations of the public in general and that we do our best to attend to their complaints at no cost.

To conclude therefore, I would say that our Office will continue to be an independent and impartial advocate for administrative fairness.

10. APPENDICES

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

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

Appendix C contains summaries of a number of selected complaints against an array of 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.

(S. M. HATTEEA)
Ombudsman

CHAPTER IX OF THE CONSTITUTION - 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 anybody 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 sub-section (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) Every complaint made to the Ombudsman shall be in writing.
- (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 immediately forward the letter, unopened, by registered post to the Ombudsman.
- (3) No complaint shall be entertained by the Ombudsman unless the complainant –
 - (a) has, before making the complaint, made a written representation to the relevant department or authority and not received within 5 working days –
 - (i) a written substantive reply; or
 - (ii) a written reply in which the department or authority states the action it is initiating and the date by which a substantive reply shall be made, such date being not more than 45 days of the date of receipt of the written representation by the department or authority;
 - (b) is dissatisfied with any reply given to him by the department or authority;
 - (c) has sufficient interest in the subject matter of the complaint;
 - (d) specifies the nature of the complaint, the reasons for his grievance and the redress being sought; and
 - (e) encloses every document or other information which is relevant to the complaint.
- (4) Where a department or authority receives a written representation under subsection (3), it shall make a written reply or written substantive reply, as the case may be, within the time limit specified in that subsection.

- (5) (a) On receipt of a complaint under this section, the Ombudsman shall, within 5 working days of the date of receipt –
 - (i) make a written reply to the complainant, stating the action the Ombudsman is taking; and
 - (ii) where the department or authority has failed to comply with subsection (4), order the department or authority concerned to make, not later than 7 working days from the date of the order, a substantive reply to the complainant.
- (b) The department or authority shall –
 - (i) comply with an order under paragraph (a)(ii); and
 - (ii) at the same time, forward a copy of its reply to the Ombudsman.
- (6) In the discharge of his functions relating to an investigation, the Ombudsman may order a department or authority to submit comments and to provide such information and documents relating to the investigation, within such time as may be specified in the order, and the department or authority shall comply with the order.
- (7) Where a department or authority fails to comply with subsection (4) or an order under subsection (5)(a)(ii) or (6), the Ombudsman shall request the principal officer of that department or authority to take such action as he considers appropriate.
- (8) In the discharge of his functions relating to the report of his opinion and reasons pursuant to his investigation, the Ombudsman shall endeavour, within 45 days of the date of receipt of a copy of the written reply under subsection (5), to forward the report to the principal officer of the department or authority concerned.

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.

5A. Annual Report

In the discharge of his functions relating to his annual report, the Ombudsman shall, not later than 30 June in each year, make the report in respect of the preceding year to the President.

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

MINISTRIES/DEPARTMENTS

ACCOUNTANT GENERAL

C/7/2017

Complainant's pension adjusted and arrears paid

Mr. N.M.C. complained about the non-adjustment of his pension, contrary to Recommendation at paragraph 16.11 of the PRB Report 2016 which provided that the pension of public service retirees who had retired from the service prior to 01 July 2003 be adjusted as from 01 January 2016, where applicable by one additional increment on conversion. He averred having retired from the service on 09 April 1999 and satisfied all the conditions for the grant of the additional increment. Consequently his pension should have been calculated on the point Rs 51575/- in the Master Salary Conversion Table contained in the said Report instead of the point Rs 49950/-.

In his letter dated 20 May 2016 he had requested the Accountant General to adjust his pension accordingly and in the latter's reply of 26 May 2016 he was told that the matter had been referred to the PRB for clarification. He again wrote to the Accountant General on 16 September 2016 but was informed that a reply was still being awaited from the PRB.

On 04 January 2017 Mr. N.M.C. sought our assistance and we therefore took up his case with the Accountant General. In his reply dated 18 January 2017 the latter replied that his office sought some clarifications from the Pay Research Bureau (PRB) regarding the recommendation made at paragraph 16.11 of the said report and, in this regard, meetings were held with relevant parties, that is representatives of the PRB and the Ministry of Civil Service and Administrative Reforms in the light of which necessary arrangements were being made for the payment of the increment, together with arrears for period January 2016 to January 2017 to some 9000 pensioners in the February 2017 pensioners' payroll.

Mr. N.M.C. confirmed a month later that his pension had been adjusted correctly with effect from 01 January 2016 and all arrears had been paid.



CIVIL SERVICE & ADMINISTRATIVE REFORMS

C/241/2016

Officer paid appropriate allowance for performing prosecution duties during seven years

This was a complaint dated 09 December 2016 by one G.J., a Senior Social Security Officer, posted at the then Ministry of Social Security, National Solidarity and Reform Institutions (MSS, NS & RI) concerning non-payment of responsibility allowance for performing prosecution duties ever since February 2010.

Indeed G.J. had written to the Permanent Secretary of his Ministry on 23 October 2015 to claim the above-mentioned allowance and it was only on 28 November 2016, i.e. more than a year later, that he received a reply from the said Permanent Secretary to the effect that the Ministry of Civil Service and Administrative Reforms (MCSAR) had examined his claim and came to the conclusion that the practice of paying an allowance to an officer of a lower grade for performing duties which should have been performed by an officer of a higher grade (i.e. a Principal Social Security Officer) (PSSO) is not in order.

G.J. argued that as no PSSO was agreeable to perform prosecution duties he was requested to step in and he agreed to do so and approval from the Office of the Director of Public Prosecutions had even been received for him to act as Prosecutor. He therefore requested our intervention “to correct this injustice” and that his dues be paid accordingly.

When we took up the matter with the Senior Chief Executive of the MCSAR we were informed by him that the MSS, NS & RI had sought approval for the payment of an allowance to a junior officer for performing prosecution duties inasmuch as PSSOs were not willing to perform such duties although same was clearly stipulated in their Scheme of Service. The MCSAR considered that such practice was not in order and informed the MSS, NS & RI on 20 October 2016 informing it to make appropriate arrangements for officers in the grade of Principal Social Security Officers to start performing prosecution duties and revert to the MCSAR but no further correspondence was received from the MSS, NS & RI.

We therefore queried the Permanent Secretary, MSS, NS & RI about the case of G.J and, on 10 February 2017, we were informed by him that arrangements had been made for G.J. to be paid an appropriate allowance for having performed the duties of Prosecutor from February 2010 to 05 February 2017.

Later G.J. confirmed having received his dues on 05 May 2017 and expressed his thanks “*for your support and endeavour to solve this gross injustice*”.

Higher Qualification Incentive awarded to Police Officer

Mr. K.R., a Police Sergeant, joined the Mauritius Police Force on 16 January 2001. Whilst he was a Police Constable he took loans and completed his part time diploma course in Legal Studies at the University of Mauritius in February 2009, in the wake of which he was awarded incremental credit for additional qualification.

In July 2011 he was awarded a degree in BA (Hons) in Legal Studies and Management. Being posted at the Police Prosecutions Office (PPO) which is a specialized unit of the Police Force he applied for a Specialised Unit Allowance and another incremental credit for his degree. He averred that the work he performed at the PPO was directly related to his qualifications and in the same year he was awarded a Specialised Unit Allowance but was denied the incremental credit for his degree.

Following his promotion in 2016 he was posted at Roche Bois Police Station and his Specialised Unit Allowance of Rs. 2400/- was discontinued. He therefore found himself facing financial difficulties having to refund his loans. In a letter dated 01 March 2017 he therefore appealed to our Office for the payment of incremental credit in view of his degree.

K.R.'s case was taken up with the Ministry of Civil Service & Administrative Reforms and on 14 April 2017 we were informed that a meeting of the Standing Committee set up to determine the award of Higher Qualification Incentive etc would be held on 19 April 2017 and K.R.'s case would be re-examined by that Committee.

We pursued the matter with the Ministry of Civil Service & Administrative Reforms and after elaborate discussions the Committee concluded that the B.A. in Legal Studies and Management is directly relevant to the duties of K.R. and approved payment of a Higher Qualification Incentive of Rs. 16000/- in favour of K.R.

The latter was accordingly informed and we received no further representation from him.

Temporary transfer of spouse to Rodrigues approved

On 31 March 2017 Mrs. B.N. B-B, a Management Support Officer at the Ministry of Labour, Industrial Relations, Employment and Training, informed our Office that ever since 30 September 2016 she had applied to the Ministry of Civil Service & Administrative Reforms for a temporary transfer to Rodrigues in order to accompany her husband, a Vehicle Examiner at the National Transport Authority, on his tour of service there for a period of one year starting from 03 October 2016 but it was already six months she has been waiting for a reply in order to join her husband together with her two-year old son who was very much affected by the absence of his father.

She averred that the Human Resource Department at the Rodrigues Regional Assembly had informed her that the Island Chief Executive had already approved her transfer and had accepted to remunerate her accordingly as there was a vacancy for a Management Support Officer in Rodrigues.

She therefore requested our intervention as the situation was causing frustration and prejudice to her family.

We immediately took up her case with the Senior Chief Executive of the Ministry of Civil



Service & Administrative Reforms but, before we received any reply from the latter, we received a further letter dated 28 April 2017 from the complainant informing our Office that on 12 April 2017 she finally received approval for her temporary transfer to Rodrigues.

In a subsequent letter the Senior Chief Executive explained that following clearance obtained regarding the continued payment of her salary during her temporary transfer to the Rodrigues Regional Assembly and the Ministry of Labour, Industrial Relations, Employment and Training stating that it had no objection to the temporary transfer of the officer, the Island Chief Executive was on, 21 February 2017, informed accordingly. Thereafter, in a letter dated 11 April 2017, the Island Chief Executive informed Mrs. B.N. B-B that the Public Service Commission has approved her temporary transfer to the Rodrigues Regional Assembly from the date of assumption of duty up to 02 October 2017.

Mrs. N.B. B-B expressed her appreciation for our prompt intervention in her case and for causing her family to reunite again.

DEFENCE AND RODRIGUES

C/86/2017

Detainee transferred back to her country of origin

Female convicted detainee J.R., a Malagasy national, had been convicted for certain drug-related offences by the Supreme Court and her earliest date of release was around June 2031.

In a letter dated 13 April 2017 she informed our Office that she formed part of a group of ten persons who were supposed to be transferred to their country of origin to serve their remaining sentences. She averred that they had already paid for their air tickets and that everything was in order for their transfer but could not understand why it was taking so long for their transfer.

We queried the Ministry of Defence and Rodrigues about the situation and were informed that the Ministry was following up the matter with the Secretary for Foreign Affairs and that a reply was still being awaited from the Malagasy Authorities.

Finally, by letter dated 02 August 2017 we were informed by the Ministry that Warrants of Transfer in respect of three Malagasy detainees, including the complainant J.R., had been approved and signed by the Prime Minister on 25 July 2017 and the detainees were effectively transferred to Madagascar on 29 July 2017.

EDUCATION AND HUMAN RESOURCES, TERTIARY EDUCATION AND SCIENTIFIC RESEARCH

C/116/2016

Complainant's application for incremental credit approved

Mrs. U. L-N joined the Public Service as Secondary Educator (English) on 25 June 2013. In 2014 she applied for an award of incremental credit **for additional qualifications for her PGCE** once she was confirmed in her appointment. At the request of the Ministry she submitted her application form five times on the ground that the form had changed. Finally, on 10 March 2016, she again had to submit her application on the same excuse that the form had changed. Finally, when she phoned the department concerned, she was informed that her application had never been received!

In support of her complaint Mrs. U.L-N submitted copies of her applications made in 2015 and 2016. However, she did not keep copies of applications made in 2014.

The Ministry's version was that Mrs. U.L-N's application in August 2014 for the PGCE could not be processed as she had not yet been confirmed in her post which was done by letter dated 20 October 2014.

All the same, on 4 November 2014, she applied for award of incremental credit **for experience acquired prior to entry in the service** and same was approved and payment was effected on 08 July 2015.

As regards incremental credit for the PGCE she submitted another application on 10 March 2016 but she was verbally requested to submit her application on an amended form as per instructions from the Ministry of Civil Service and Administrative Reforms. Her fresh application was received on 27 April 2016 but by that time the PRB Report 2016 was published and a new format was issued by the Ministry of Civil Service and Administrative Reforms. Yet again she was requested to submit her application on that new format which was sent to the Ministry of Civil Service and Administrative Reforms for consideration and approval on 23 May 2016.

We were thereafter informed by the Ministry that the Ministry of Civil Service and Administrative Reforms had not approved the request as Mrs. U.L-N did not qualify for Higher Qualification Incentive under the recommendation of the PRB Report 2016 and in accordance with the decision of the Standing Committee held in June 2016.

Inasmuch as Mrs. U.L-N's had submitted her application in the year 2014 when it was the PRB Report 2013 which was in force, the matter was taken up further with the Ministry which referred back the application to the Ministry of Civil Service and Administrative Reforms for reconsideration.

Finally, in June 2017, we were informed that the application of Mrs. U.L-N had been approved with effect from 25 June 2014 (date of confirmation) in accordance with the PRB Report 2013.

Mrs. U.L-N was accordingly informed and she wrote back to thank our Office for our intervention "to correct the prejudice caused to me".



C/196/2016

Ad hoc allowance for performing higher duties paid to complainant

On 19 April 2016 the complainant in this case, a Management Support Officer (MSO), wrote to her Ministry to claim payment of a responsibility allowance for performing the duties of Office Management Executive (OME) as from 14 December 2015 up to the time of writing.

On 01 August 2016 she was informed by the Human Resource Section of the Ministry that her request could not be entertained “as all the funded vacancies in the grade of OME in the Establishment of the Ministry of Education have already been filled”.

The complainant argued that this was unfair inasmuch as her colleagues in the same grade and from the same Office had in the past been paid such responsibility allowance.

When we took up her case with the Senior Chief Executive of the Ministry we were first informed that the matter was being looked into. Then, on 12 December 2016, the Senior Chief Executive informed our Office that the Ministry of Civil Service & Administrative Reforms had conveyed its approval on 08 December 2016 for the payment of an ad hoc allowance to the complainant and that action was being taken to effect payment at the earliest.

On 27 January 2017 the complainant confirmed having received payment in January 2017 itself.

C/55/2017

Payment for first aid courses effected

The Director of four companies averred in her email dated 20 March 2017 that she had offered first aid courses to certain persons working on board of pleasure crafts at the end of June and beginning of July 2016 on behalf of the Human Resource Development Council (HRDC) but only one of her companies had been duly paid.

She produced two letters emanating from the Mauritius Red Cross Society in support of the courses offered by the four companies on 29 and 30 June and 4 July 2016.

We took up the matter with the Senior Chief Executive on 23 March 2017 and by letter dated 14 April 2017 the latter informed our Office that, according to the HRDC, the delay for payment was due to the change in the dates of the courses. However, payment for the three remaining companies was released on 07 April 2017.

No further representation was received from the Director.

ENERGY AND PUBLIC UTILITIES

C/70/2017

Remedial action taken by the Central Water Authority following the Ombudsman's intervention

In his letter dated 06 April 2017 one Mr S.M.I.A. averred that during the months of December 2016 and January 2017, while he was abroad, the Central Water Authority (CWA) installed a domestic water supply pipe in front of his property, amongst others, in the lane where he resided in Beau Bassin.

His complaint was that the trenches have since then been poorly reinstated and the broken concrete kerb left as it is with chunks of broken concrete still on the spot. Furthermore the various contractors have dumped the excavated tarmac pieces in various parts in the vacant yard of his cousin.

He averred that he lodged a complaint at the CWA on 22 February 2017 and again on 10 March 2017 but no remedial action whatsoever had been taken by the CWA. He therefore requested our intervention in the matter.

On 10 April 2017 our Office took up this complaint directly with the General Manager of the CWA requesting him to take appropriate action without any further delay. By letter dated 29 April 2017 the General Manager informed our Office that remedial works had been carried out. Still the complainant was not quite satisfied with the works done and informed our Office accordingly. We had to go back to the General Manager who, a few days later, replied that the works had been completed on 30 May 2017 to the satisfaction of the complainant who confirmed same a few days later.

ENVIRONMENT, SUSTAINABLE DEVELOPMENT AND DISASTER AND BEACH MANAGEMENT

C/6/2017

Bareland cleaned following the Ombudsman's intervention

One Mr. J.J., an inhabitant of Trou D'Eau Douce, complained by letter dated 04 January 2017 about a "terrain en friche" (bareland) belonging to his neighbour and which was "infested with mosquitoes, rats, mongoose and couleuvres affecting our health".

J.J. claimed having spoken several times to the neighbour but in vain. He added that the "Department of Environment" had also turned a deaf ear to his complaint. He therefore sought our assistance in the matter in his letter of complaint.

We seized the Ministry of Environment, Sustainable Development and Beach Management about the matter and we were informed that during the preceding year two similar complaints from J.J. were received at the Police de l'Environnement and on both occasions the owner of the plot of land was required to clean his land by their Officers and each time the owner of the land complied.



This time the Ministry referred the matter to the District Council of Flacq, the Enforcing Agency, and on 18 January 2017 the latter served an “Eyesore Abatement Notice” on the owner of the land in question.

We followed up the matter through and through until we were informed by the Ministry that according to the District Council a follow up visit effected on 14 February 2017 revealed that the bareland had been cleared.

Although we requested the complainant to inform our Office whether he was satisfied with action taken he chose to remain quiet. It can therefore be assumed that the problem had been solved.

HEALTH AND QUALITY OF LIFE

C/183/2016

Officer granted leave without pay after having been refused same

By email dated 23 August 2016 from Australia where one Mrs. L.M., a Health Records Clerk at J. Nehru Hospital, was studying, our Office was informed by her that she had applied for leave without pay ever since 02 July 2016 but had not received any reply until a week before writing when she phoned at the hospital to query about the progress of her application and was told that she could not be released as there was a shortage of staff. She further averred that before leaving for Australia she was on vacation leave and before expiry of same she requested an extension of her said leave but that too was pending. She therefore requested our help in the matter for “a fair decision”.

When we queried the Senior Chief Executive of the Ministry we were informed that Mrs. L.M. had initially applied for vacation leave to be spent in Australia from 28 June to 29 July 2016 and subsequently, she applied for two years’ leave without pay for study purposes in Australia with effect from 29 July 2016. However, on 20 July 2016, she submitted an application for extension of her vacation leave by 75 days. The situation was viewed with much concern as she had not followed the required procedures for the processing of leave without pay. Indeed she should have sought and obtained prior approval before proceeding for studies abroad. All the same the Ministry was identifying a replacement vice Mrs. L.M. and due consideration would be given to her request.

Finally, following the posting of additional staff in the Health Records Cadre at the J. Nehru Hospital, the Ministry gave favourable consideration to her request and has exceptionally approved the grant to her of one year study leave without pay with effect from 18 July 2016, date of start of the course. Consideration would be given for an extension of the leave upon production of evidence from the institution concerned of successful completion of first year course and Mrs. L.M. would be informed accordingly.

Mrs. L.M. informed our Office that she had indeed been granted leave without pay and declared that she was fully satisfied.

C/243/2016

Complainant's wife receives domiciliary visit by Nursing Team following the Ombudsman's intervention

Mr G.F's wife had a Caesarian Section done on 05 December 2016 and the baby as well as the mother were well treated and their health was generally satisfactory. Both were discharged from the hospital three days later and the mother was advised to attend at her local dispensary for dressing on alternate days. Unfortunately the said dispensary was very far from her residence and she could not make it there as she was still suffering and had enormous difficulty to walk. Furthermore she could not leave the baby alone to attend the dispensary. So, by fax dated 09 December 2016, G.F. made a polite request to the Regional Health Director of the hospital for a Community Nurse to attend to his wife for dressings and advice at any time the Community Nurse should decide. On the next day he faxed his request again. Thereafter he phoned at the hospital and explained the problem to the Female Nursing Administrator's Office. Unfortunately he was told to send his wife back to hospital otherwise nothing could be done for her. G.F. therefore sought our help in the matter by email dated 12 December 2016.

Our Office immediately took up the matter with the Senior Chief Executive of the Ministry and requested that action be taken to attend to the wife as per the husband's request. A week later the Home Nursing Team attended to the wife but their residence could not be located. However, on the next day the husband was contacted on his mobile phone and the Nursing Team attended to the wife. They reported that the wound was fully closed and all the clips were removed and the patient was reassured.

Our thanks to the Director Health Services of the hospital for taking prompt action in this case.

C/13/2017

Seized parcel containing e-cigarettes remitted back to complainant

A lady complained to our Office about the "lack of clarity at the level of the Ministry of Health" with regard to the importation of e-cigarettes and challenged the right of the government pharmacist to prohibit the personal use of same, whereas tobacco products, cigarettes, nicotine patches and gums are freely traded around the island.

Her story is that in January 2017 she took up the challenge to quit smoking and turned to e-cigarettes inasmuch as participation in previous smoking cessation programmes had, in her view, proved to be of no help. Therefore, after doing some research, she purchased a "vapour" similar to e-cigarettes and fifteen flavoured cartridges that would have lasted her for a period of three months from the U.S.A.

Upon the arrival of her parcel in Mauritius she received a letter informing her to call at the Parcel Post Office for pick up. The customs agents present there opened the parcel and after verification advised that same would have to be assessed by a pharmacist and only after the latter would have deemed it okay, would the parcel be released. She therefore turned to the Ministry for clarification and was informed that one e-cigarette is allowable for import if it is for personal use. The officer however told her that due to abuse there might have been some regulations passed by the Pharmacy Board which she should verify.



The complainant thereafter turned towards the Mauritius Revenue Authority (MRA) and was informed that there were no regulations prohibiting the use or import of one e-cigarette for personal use. She therefore contacted the pharmacy section of the Ministry but was told that her e-cigarette would not be released even if it were for personal use, without any explanation given.

We took up her case with the Senior Chief Executive of the Ministry who, in her reply, simply quoted Regulation 4(f) of the Public Health (Restrictions on Tobacco Products) Regulations 2008 as follows: “*No person shall sell, offer to sell or distribute-sweets, snacks, toys or any other object in the form of, or which are likely to create an association with, cigarettes or cigars*” and added that “as per advice from the Attorney General Office, the sale, offer for sale or distribution of electronic cigarettes in Mauritius is prohibited”. However when we checked the regulation quoted above we found that it reads as follows –

4. No person shall sell, offer to sell or distribute – (f) sweets, snacks, toys or any other object in the form of, or which are likely to create an association with, cigarettes or cigars.

In our view therefore this case clearly did not fall under the regulation quoted by the Ministry.

We consequently requested the Ministry to go back to the Attorney General’s Office for fresh advice but we were informed that the regulations in question were in the process of being amended in order to provide for the “prohibition of e-liquids or any liquids to be used in an electronic nicotine delivery system or electronic non-nicotine delivery system”. The Senior Chief Executive also filed a copy of a letter which she addressed to the Director, Pharmaceutical Services, in which it was clearly stated that until the new regulations come into force, the Ministry should abide by the advice provided by the State Law Office to the effect that “should you be satisfied that the e-liquid is not for sale or distribution, judging by the frequency and the quantity, no objection to the release of the packet may be considered”.

We were finally informed that the parcel had been remitted back to the complainant which the latter confirmed.

C/52/2017

Unfair change in posting

Dr A.S.H., a Senior Emergency Physician, lodged a complaint dated 20 March 2017 at our Office wherein he claimed that in the afternoon of 29 December 2016 while he was on emergency duty at the SAMU Unit of SSRN Hospital he “received marching orders” coming from the then Acting Director of SAMU/EMS following verbal advice of the Regional Health Director of that Hospital. Indeed, he was informed that he should report for duty at Flacq Hospital on the following day. He queried about the reason for such a sudden decision but received no plausible explanation.

He therefore lodged a complaint at our Office, claiming that he felt victimized by that unjustified/unfair transfer, the more so as his various letters addressed to the Senior Chief Executive of the Ministry requesting for redress had remained unanswered.

No sooner had we taken up the matter with the said Senior Chief Executive than, without any further ado, he informed our Office that it had been decided to transfer the Doctor back to SSRN Hospital.

All is well that ends well.

C/62/2017

Water-dispenser installed for the benefit of cancer patients at the instance of the Ombudsman

A breast cancer survivor and who is now an activist in informing and sensitizing public opinion about breast cancer drew my attention to the fact that patients attending weekly visits at Victoria Hospital who have to wait for long hours for treatment do not have access to distilled water in the Chemo Ward. Thus our Office was requested to do the needful to make a water-dispenser available to those patients at the said Hospital.

We enlisted the assistance of the Senior Chief Executive of the Ministry to do the needful and twelve days later he informed our Office that the Regional Health Director of the said Hospital had been requested to make provision for same.

After a period of one month we were informed by the requester that there was still no water-dispenser.

We had to pursue the matter with the Senior Chief Executive until we were informed another month later that a water-dispenser at the Chemotherapy Department had been finally installed and was functional and same was confirmed on the next day by the requester.

What a huge relief for the cancer patients!

C/107/2017

Hospital Care Attendant appointed as Driver after his complaint to the Ombudsman's Office

One Mr. A.I.A. is employed since 2009 as Hospital Care Attendant and posted at the SSRN Hospital. For the last three years he has been assuming the duties of Acting Driver at the said hospital.

He applied for the post of Driver and attended an interview on 14 November 2016. Thereafter, on 15 May 2017, all candidates working at the said hospital, were appointed as Driver except him. He even stressed the fact that, amongst those who had been appointed, was one of his colleagues who had joined the service in 2014 and had worked less than one year as Acting Driver and other colleagues who had worked less than seven months.

As he considered his non-appointment as unfair and an extreme injustice he appealed to our Office in order that justice be seen to be done.

After having taken up the matter with the Senior Chief Executive of the Ministry we were informed that the post of Driver (ordinary vehicles up to 5 tonnes) had been advertised on 04 March 2016 and a selection exercise was carried out internally, under delegated power, in November 2016 for the filling of 48 vacancies in that grade. Then, on 15 May 2017, a first batch of 48 candidates were offered appointment as Driver in a temporary capacity for a period of six months as from the date of assumption of duty to fill the 48 vacancies.

The Senior Chief Executive further explained that 27 additional vacancies had occurred in that grade and the next 26 candidates on the merit list had been offered appointment in that grade on 09 June 2017.

Mr. A.I.A., the complainant, was among the 26 candidates in that second batch.

When asked whether he was satisfied the complainant made no reply.



Inducement allowance paid to Doctor on a tour of service in Rodrigues

Dr A.A.P. was posted in Rodrigues as Senior Specialist/Consultant Paediatrician with effect from 10 January 2017 on terms and as recommendations by the Pay Research Bureau (PRB) Report 2016 and was being paid on a monthly basis.

Recommendation 3 under paragraph 20.13 of the said PRB Report reads as follows –

- (i) **the payment of an inducement allowance of 50% of monthly salary to certain categories of professionals in scarce supply and posted on a tour of service in Rodrigues, subject to the approval of the MCSAR.**
- (ii) **the payment of the inducement allowance of 50% of monthly salary on a pro rata basis to those Specialist/Senior Specialists posted for a short duration in Rodrigues and who are accommodated with fully furnished rent-free quarters.**

In a letter dated 25 May 2017 the Doctor averred that he had not been paid his inducement allowance so far. We therefore took up the matter with the Senior Chief Executive of the Ministry of Health and Quality of Life and thereafter with the Senior Chief Executive of the Ministry of Civil Service and Administrative Reforms to whom the matter had been referred. The latter replied on 25 July 2017 to the effect that the grant of an inducement allowance in lieu of a disturbance allowance to Dr A.A.P. posted on a tour of service to Rodrigues had been approved. The Senior Chief Executive also filed a copy of a letter of even date which he had addressed to the Island Chief Executive, Rodrigues Regional Assembly, wherein he explained the official stand in the matter as follows –

In view of the reluctance of Specialist/Senior Specialists to serve on a tour of service to Rodrigues and the difficulties encountered by the Rodrigues Regional Assembly to recruit Specialist/Senior Specialists, approval is hereby conveyed for the payment of an inducement allowance of 50% of monthly salary in lieu of the disturbance allowance to Dr A.A.P, Specialist/Senior Specialist (Paediatrics) for a period of one year as from 09 January 2017 (date of his posting on a tour of service).

It is hoped that the Island Chief Executive will stand guided accordingly in future in similar cases.

Request for information in respect of suspected medical negligence acceded to

On 28 August 2015, one Mr. D.R had written to the Registrar of the Medical Council and the Senior Chief Executive of the Ministry requesting an investigation into the circumstances leading to the deteriorating health condition of his mother at the Victoria Hospital inasmuch as he suspected possible medical negligence but had not received any reply as averred in his email dated 29 June 2017 addressed to our Office.

Our Office therefore seized the said Senior Chief Executive about this matter and urged for a report within a fortnight. Indeed within a week the Senior Chief Executive informed our office that in April 2016 an enquiry was carried out at the level of his Ministry comprising a panel of doctors to look into the management of the case in question. **Mr. D.R was also present during the enquiry.** The committee concluded that there was no shortcoming in the management of the case. It would be

apposite here to mention that the mother had passed away at the Cardiac Unit of the hospital on 30 August 2015 that is two days after Mr. D.R had written to our office.

When we informed Mr. D.R of the reply made by the Senior Chief Executive he wrote back to say that during the said meeting he had asked several questions which nobody answered on that day. He thus requested to be favoured with the minutes of the said meeting as well as “written outcomes and answers.”

Following our further query, the Senior Chief Executive referred the matter to the Regional Health Director of the Victoria Hospital and requested him to convene the complainant and “arrange to give explanations on treatment given to the patient.”

Indeed the complainant confirmed that he had been accordingly convened and all the explanations and clarifications he requested had been handed over to him by the Regional Health Director. He was satisfied and he wrote the following to our Office “Thanks to your effort and interest in helping me, I have been able to obtain the explanations and clarifications requested.”

HOUSING AND LANDS

C/177/2017

Lease Agreement remitted to Lessees

This was a complaint dated 12 August 2017 lodged by one A.C. on behalf of the heirs of one Mr. H.B. to the effect that the said heirs had already signed a deed witnessing the grant of a new Campement Site Lease on 11 April 2017 but had not yet received the Lease Agreement, notwithstanding several phone calls and meetings held at the Ministry.

We immediately queried the Ministry about this delay in handing over the said Lease Agreement to the heirs and, by letter dated 19 September 2017, our Office was informed that the Lease Agreement in the name of Heirs H.B. had been sent to the Registrar General Department for registration.

Less than a month later A.C. informed our Office that the needful had been done following our intervention and expressed his satisfaction for the unflinching support, professionalism and politeness of our Officers.

A very encouraging message for our Office!



LABOUR, INDUSTRIAL RELATIONS, EMPLOYMENT AND TRAINING

C/15/2017

Ex-employee obtains his outstanding dues

Having been sacked by his employer, a private company, on 19 December 2016, the complainant in this case reported the matter to the Ministry on the next day alleging that he had not been paid for the period 16 November 2016 to 15 December 2016. He averred that he was told by an Officer of the Ministry to wait until 03 January 2017 and, if by then he did not receive his dues, a letter would be sent to his ex-employer. Unfortunately nothing was done by the Ministry thereafter and he averred that the Ministry did not seem to be interested about his plight.

We queried the Permanent Secretary about this case and his version was that it was the complainant who was at fault, having provided them with the wrong name of his ex-employer and that was the reason why a meeting which the Ministry proposed to have with the company whose name he initially gave did not take place.

Thereafter a meeting was convened by the Ministry with the right ex-employer on 06 February 2017. On that day both parties were convened for a conciliation meeting but only the complainant was present. Thereupon a Summons was issued against the ex-employer for a meeting on 20 February 2017 on which day a representative of the company was present and pledged to pay an amount of Rs 5400/- as outstanding wages due to the complainant. Latter was agreeable and he was paid all outstanding dues amounting to Rs 5489/- on 10 March 2017. The matter was thus settled.

C/100/2017

Workers receive their dues

Our Office received an anonymous letter dated 15 May 2017 from a group of factory workers who did not form part of any union and who averred that they had not been paid their (i) 2015 bonus, (ii) December 2016 salary and bonus and (iii) travelling expenses. They reported the matter to the Ministry but nothing had been done on their behalf.

We took up the matter with the Ministry and enquiries were carried out on 25 and 29 May 2017 which revealed that –

- (i) Bonus 2015: the employer averred have paid same whilst the workers averred the contrary;
- (ii) Wages for December 2016 and End of Year Bonus 2016: both the workers and the employer stated that they had been partly paid; and
- (iii) Travelling expenses: only workers who are entitled to same are refunded.

Further enquiries were carried out and one week later it was reported that –

- (a) Bonus 2015: the employer maintained having paid same but could not produce any evidence of same. More time was requested to produce relevant records;
- (b) Balance of wages for December 2016: same was paid on 02 June 2017;
- (c) Balance of Bonus 2016:
 - (i) not yet paid
 - (ii) employer undertakes to pay by end of June 2017
 - (iii) workers are willing to wait.

A month later the following was reported:

- (a) Bonus 2015: the employer produced records showing that same had been paid in instalments. Workers shown the records and agreed.
- (b) Balance of Bonus 2016 –
 - (i) not yet paid;
 - (ii) employer pleads financial constraints but undertakes to pay before end of July 2017
 - (iii) workers agreed to wait.

Finally it was reported by the Ministry on 08 August 2017 that a further enquiry carried out on the same day revealed that –

- (i) Balance of Bonus 2016: payment effected on 04 August 2017
- (ii) Records checked and workers confirmed same.

POLICE

C/228/2016

Ailing lady issued with new passport

Mrs. S.M.A. related to our Office that she lost her passport in the month of September 2016 and reported the matter at the Plaine Verte Police Station. She then applied for a new passport as she had to travel to India for the treatment of her knee.

On several occasions she checked about her application at the Passport Office but each time she was told that they could not do anything for her as the Office had not received any report from the Police of Plaine Verte about the said loss; and when she went to the Plaine Verte Police Station she was told that the needful had been done, which the Passport Office once more denied.

Inasmuch as she was suffering more and more because of the delay for her treatment in India she applied to our Office on 02 November 2016 for our urgent intervention in her case.

On 07 November 2016 we requested the Commissioner of Police to look into the matter but as no reply was forthcoming a reminder was sent to him on 23 November 2016.

By letter dated 13 January 2017 the Commissioner informed our Office that the passport had already been issued to Mrs. S.M.A. on 26 December 2016. Indeed she confirmed having received same, adding that she was already abroad – most probably for her treatment.



C/38/2017

Attorney-at-Law obtains a reply to his request for information through the Ombudsman's intervention

The services of Attorney-at-Law, Mr H.A., were retained by two clients, husband and wife, in relation to an accident which occurred on 26 June 2015 involving two private cars.

On 08 December 2016 he applied to the Commissioner of Police and the appropriate Divisional Commander to obtain the exact registration number of one of the cars involved in the said accident as his clients intended to enter a case in court for damages against the owner of the said car-driver as well as the insurance company.

As he received no reply to his request he sent a reminder to the same authorities on 28 December 2016. But still he received no reply.

The Attorney therefore requested the intervention of our Office as he needed the information "as a matter of urgency".

Our Office queried the Commissioner of Police as to whether there was any objection to acceding to the Attorney's request for information and, if so, what was the reason behind the objection. In the event there was no objection we requested the Commissioner to do the needful straightaway.

One week later the Office of the Commissioner of Police wrote back to the Attorney and provided him with the details required.

As we did not hear from the Attorney again it can be safely inferred that he was satisfied with our intervention.

C/190/2017

Mauritian child finally issued with his passport

By email dated 26 August 2017 addressed to the Passport and Immigration Office and copied to our Office, Mrs. U. S-A who lives in London with her husband complained about all the hassle she was going through with regard to the issue of her son's first passport for which payment of Rs 400/- as processing fee had been effected. The passport was to be delivered to the lady's father-in-law on 21 August 2017 in Mauritius but this was not the case. In that same email she requested the intervention of our Office as she felt there has been much unfairness in her child's case.

We took up the matter with the Commissioner of Police and we received the Passport and Immigration Officer's explanation on behalf of the Commissioner of Police, which was to the effect that indeed payment had been effected after verification of all documents produced but during the production stage it was found that the father of the child was not in possession of his new Mauritian National Identity Card and therefore a letter was requested by the father to that effect in order to process the application.

Finally, on 29 August 2017, after a telephone conversation which his Office had with the complainant in London, the discrepancy was cleared and the child was issued with his Mauritian passport, which the mother confirmed adding that "I am most grateful to your Office and cannot thank you enough for your kind help."

PRIME MINISTER'S OFFICE

C/98/2017

Payment of TV licence fee discontinued

The gist of this complaint dated 09 May 2017 by one Mrs. Y.K.S-H was to the effect that the Mauritius Broadcasting Corporation (MBC) was unilaterally charging her a TV licence fee on her Central Electricity Board (CEB) accounts for a TV set which she did not possess.

Notwithstanding several letters, emails and phone calls the MBC never responded. She therefore chose to appeal to our Office for our intervention in the matter.

Within a week of our taking up the matter with the Government Information Service, Prime Minister's Office, we were informed by the Director, Information Services, that necessary action had been taken by the MBC to inform the CEB to exempt the lady from payment of TV licence fee as from April 2017. He further averred that the MBC verification team would contact the lady to verify the situation.

We were finally informed by the lady that she had got back her refund from the MBC.

PRISONS

C/120/2017

Detainee's personal belongings found

A remand detainee of Bangladeshi nationality wrote to our Office to complain about his belongings which he was told were missing by the Officer at the Reception Office of the prison where he was being detained. He was even informed by that Officer that nothing could be done for him.

Our inquiry into the matter disclosed that on 25 April 2016 the detainee was admitted to prison together with his belongings and he was accompanied by a Police Constable. The belongings were verified by the Reception Officer in his presence and that of the Police Constable and were kept at the Reception Office. In fact, the belongings were still there.

We therefore requested the Commissioner of Prisons to record a written statement from the detainee and to submit same to our Office.

Indeed, we received a copy of the detainee's written statement to the effect that he had personally checked all his belongings at the Reception Office and he was satisfied that everything was there.



SOCIAL INTEGRATION AND ECONOMIC EMPOWERMENT

C/171/2017

Payment of cash grant for school materials effected

On 01 August 2017 Mrs M.V.P., a jobless person complained that although she received a letter dated 27 December 2016 from the Ministry of Social Integration and Economic Empowerment stating that she would receive an allocation for the provision of school materials for her ward as from 03 January 2017, yet at the time of writing she had not received any allocation.

She averred that her ward could not attend school regularly due to her financial problems and requested our assistance in the matter as the said ward had to prepare for the forthcoming School Certificate Examination to be held in the following October.

Our inquiry at the Ministry revealed that an amount of Rs 2000/- representing cash grant for school materials had been credited in the bank account of another beneficiary bearing the same surname.

Soon afterwards arrangements were made for the payment of an amount of Rs 44490/- representing monthly subsistence allowance for the period December 2016 to August 2017 plus cash grant of Rs 2000/- for school materials and Rs. 3448/- for child allowance and Mrs M.V.P. was informed that these sums would be credited to her bank account together with an apology for the inconvenience caused to her.

Mrs. M.V.P. confirmed having received the sum of Rs 44490/- without any further ado.

SOCIAL SECURITY, NATIONAL SOLIDARITY AND ENVIRONMENT AND SUSTAINABLE DEVELOPMENT (SOCIAL SECURITY DIVISION)

C/251/2016

Payment of Basic Retirement Pension to widow restored

After having called at our Office for information and guidance Widow S.M. lodged her complaint by email dated 27 December 2016 to the effect that she had been in receipt of a widow's pension which was suddenly stopped in August 2016.

S.M. was born in India and got married to a Mauritian citizen and have been naturalized as a citizen of Mauritius where she has been living for the last forty years.

The lady explained that she turned 60 in September 2016 and was supposed to receive an old age pension but same was denied to her on the ground that she had no birth certificate. Some time later her naturalization certificate was accepted and she was told to wait, which she had been doing for months until she wrote to our Office. As she was tired of waiting and being in need of that pension she requested our Office to look into the matter on her behalf.

Her case was taken up with the Ministry and, upon verification at the Passport and Immigration Office, the Basic Retirement Pension (old age pension) was awarded to Mrs. S.M. on 12 January 2017 and arrangements were made for the payment of arrears for period September 2016 to February 2017 and same effected in February 2017.

Mrs. S.M. confirmed having received her pension and added “this would not have happened without your intervention”.

C/14/2017

Complainant obtains financial assistance to the tune of Rs 25000/-

Mr J.R. wrote to our Office on 20 January 2017 in order to seek our intervention in respect of an application he made at the National Solidarity Fund (NSF) for financial assistance which he badly needed to continue his ongoing treatment for cancer. In his letter he did not mention the date of his application.

Our query with the Ministry disclosed that J.R. had made his application at the NSF on 18 September 2016. Same was processed but was found to be incomplete as he had submitted a histopathology report instead of an original medical certificate. All the same J.R. was requested to submit the correct certificate from his treating specialist and same was received at the Ministry on 24 January 2017, i.e. four days after J.R. had written to us.

Following our intervention J.R.’s application was examined by the NSF Board on 02 February 2017 and an amount of Rs 25000/- was recommended for assistance.

C/68/2017

Officer reinstated in his post of Senior Social Security Officer

Mr. R.A., a Senior Social Security Officer, claimed that he was “suspended as some of my Officers committed some faults” and was interdicted in March 2014 “without having a chance to explain”. He further averred that on 07 November 2016 a State Law Officer stated in court that there was no case against him and the Magistrate told him the following: “there is no case, you can go”. R.A.’s Union informed the Ministry accordingly on 09 November 2016 but after four months he was still waiting his reinstatement at the Ministry.

The Permanent Secretary, with whom the case was taken up, replied that upon inquiry with the Commissioner of Police he was informed by the latter that the case against Mr. R.A. (and another accused) had not been struck out. The Ministry therefore enquired about the situation from the Office of the Director of Public Prosecutions and the reply from that Office was to the effect that the Commissioner of Police had been apprised of developments in the matter.

At the beginning of September 2017 our Office was informed by the Permanent Secretary that, according to the Commissioner of Police, the Director of Public Prosecutions had advised that disciplinary proceedings be instituted against Mr. R.A.

We continued to follow up the matter with the Ministry until, at the end of October 2017, our Office was informed that Mr. R.A. had been reinstated in his post of Senior Social Security Officer and had assumed duty on 16 October 2017. No further mention was made of any disciplinary proceedings.



C/80/2017

Officer's workload reduced

This is a complaint from a Principal Social Security Officer to the effect that he had written to the Assistant Commissioner, Benefits Branch, requesting him to take urgent action inasmuch as he had an overload of benefits cases which kept on increasing to deal with and with which he was unable to cope, but had received no reply concerning his request.

Indeed the Officer averred that to face the above situation he had to attend office before official hours and leave after working hours. He also informed our office of his health conditions: two deadly non-communicable diseases and severe back ache, for which he has to attend hospital and other health centres for treatment.

As soon as we took up the Officer's case with the Permanent Secretary we were informed that the Ministry would work out a redistribution of the workload in the awarding units. To that effect it was proposed to increase the number of awarding units from 20 to 22. However, the enlistment of the services of Social Security Officers was being awaited from the Public Service Commission in order to earmark staff for the two additional units.

Finally we were informed that with the enlistment of Social Security Officers new units have been created and the workload has been redistributed with the result that the complainant would now have a workload of about 22200 cases instead of 27700.

We requested the complainant to inform our office whether he was satisfied with the action taken but he made no reply.

C/158/2017

Complainant entitled to additional social aid

This is the case of an abandoned woman who had to look after and provide for four children and who claimed in her complaint to our Office that her one-year-old daughter was not considered in the allocation of social aid that she was receiving.

The Official version was that indeed the complainant had four children but such information had not been disclosed to any Officer concerned before.

All the same, after investigation, the lady was found to be eligible for a revision of her social aid to include her fourth child. Her case was therefore reassessed with effect from July 2017, date on which she presented a memo from the Deputy Commissioner to consider providing her social aid in favour of four children instead of three.

Thus, as from August 2017 the complainant was entitled to receive the sum of Rs 5034 monthly for her four children. She was accordingly informed.

Handicapped lady issued with a new wheelchair

A complaint dated 01 October 2017 was received at our Office to the effect that the wheelchair of one Miss J.R. aged 62, a handicapped person, was broken. However no mention was made in the letter of complaint as to whether she had made an application for same and, if so, when.

All the same we referred the matter to the Permanent Secretary of the Ministry and we were informed that Miss J.R. made an application for a wheelchair on 26 October 2017, i.e after we received the complaint, and same was issued to her on 17 November 2017.

Our appreciation to the Ministry for taking prompt action.

SOCIAL SECURITY, NATIONAL SOLIDARITY AND ENVIRONMENT AND SUSTAINABLE DEVELOPMENT (ENVIRONMENT AND SUSTAINABLE DEVELOPMENT DIVISION)

Illegal activities by workshop stopped

This was a complaint by certain inhabitants of Morcellement St André about the operation of a cabinet/furniture workshop which was causing a lot of inconvenience to them and this notwithstanding several complaints made to the authorities concerned who had taken no action at all.

The complainants indeed averred that “Entretemps on est contraint à vivre notre quotidien asphyxié par la poussière et l’odeur toxique de ses vernis et teintures. Et la pollution sonore continue de plus belle nous privant ainsi de tout repos pendant la journée. Nos enfants qui étudient doivent subir sa loi. Pire encore il y en a qui a contracté une infection pulmonaire causée par cette poussière.”

The matter was taken up with the Environment and Sustainable Development Division of the Ministry of Social Security and Environment and Sustainable Development following which joint site visits were effected on 08 June 2017 and it was observed that the said workshop was situated in a highly residential area and was made up of corrugated iron sheet/plastic and wooden roof. The presence of electric machines for cutting and polishing and a compressor for painting as well as some other machines were noted in the workshop.

Further inquiry revealed that the Building and Land Use Permit (BLUP) issued by the then District Council of Pamplemousses/Riviere du Rempart was for the “conversion of part of an existing building into a cabinet-making workshop”.

However, from further information gathered, it was found that the said BLUP was not meant to be carried out at the holder’s residence but at another site located along the same road.

A Notice was therefore issued by the District Council of the locality on the offender with a request that the site in question be cleared within a delay of one week, failing which the Council would initiate appropriate action.

Some time later the Chief Executive of the said Council reported that the site had been cleared and no commercial activity was being carried out within the premises of the offender.



Plot of land cleared by owner following complaint made by neighbour

One Mr. N.F. complained about inaction by the Police de l'Environnement where he had reported about a plot of land opposite his residence which was not properly maintained and which was –

- (i) a breeding ground for mosquitoes;
- (ii) house for rats and other vermins,
- (iii) used as a dumping place which gave rise to all sorts of nuisances, and
- (iv) used by thieves for hiding and by drug addicts for illicit activities.

He therefore solicited our Office to look into the matter so that necessary action be taken by the authorities concerned.

We took up the matter with the Ministry of Social Security, National Solidarity and Environment and Sustainable Development (Environment and Sustainable Development Division) and a week later a joint visit was effected by Officers of the Ministry in the presence of the complainant and that of representatives of the City Council of Port Louis, the Ministry of Health and Quality of Life and the Police de l'Environnement. Two piles of construction debris, some scattered plastic bags and cartons were found on site but no sanitary nuisances were noted. A series of photographs taken on that day were filed at our Office by the Ministry.

Further to the said joint visit, a Warning Notice was served on the owner of the plot of land by the City Council granting him a delay of fifteen days to remove all the wastes. A follow up visit effected on the next day disclosed that all the wastes had been removed from the premises.

We requested the complainant to inform our Office whether he was satisfied with action taken but he made no reply.

MUNICIPAL CITY COUNCIL OF PORT LOUIS

LA/C/20/2017

Needful done to light up street

Mr. N. F complained to our office that notwithstanding numerous complaints made to the Council regarding the replacement of a led bulb in front of his premises nothing has been done. According to him burglars and drug addicts roam around his place in the darkness prevailing.

The matter was taken up with the Chief Executive of the Council but before we even received a reply from the latter, the complainant informed our office that the needful had been done and therefore drug dealers and thieves would thus be prevented from operating around his premises.

Soon after, the Chief Executive replied that Mr. N. F's complaint had been attended to and a lantern had been fixed and energised at the place in question.

Concrete slabs fixed over gutter

Mr. S.R informed our office on 06 May 2017 that he had submitted a request to the Council some three months before to consider fixing some concrete slabs over the drainage gutter found near a bus-stop next to a government school so as to allow a safe movement of bus passengers especially school children and elderly persons. His fear was that this drainage gutter, two-feet deep, represented a danger inasmuch as anyone could fall into the said gutter.

Unfortunately, at the time of writing, no action had been taken by the Council, not even a site visit was effected. He therefore solicited our support and intervention in the matter.

When we took up the matter with the Chief Executive of the Council he referred the matter to the General Manager, Road Development Authority, being given that the road in question was a “classified” one and was under the responsibility of the Road Development Authority. And some six weeks later we were informed by both the complainant and the Chief Executive that the request of Mr. S.R had been complied with for the benefit of one and all.

RODRIGUES REGIONAL ASSEMBLY

ROD/C/17/2016

Poultry-breeder provided with substantial assistance

The complainant in this case, a poultry-breeder of Rodrigues, wrote to our Office to inform us that following a recent disease affecting his poultry he lost all his chicken and therefore was in dire need of a grant from the Rodrigues Regional Assembly to start his business anew. He averred that he had no other business to earn his living in order to feed his family consisting of his wife and three children. According to him he knocked on the doors of several persons but nothing had been done for him. Together with his complaint letter he filed a certificate from the Veterinary Officer of the Veterinary Services in Rodrigues to the effect that he had lost eighty (80) broilers due to E Coli infection.

Enquiry into the matter revealed that –

- (i) the chicken are reared in a traditional cage which is in bad condition;
- (ii) the cage is overpopulated with 20 hens per square metre, whereas the recommended density is 9 adult hens per square metre; and
- (iii) the chicken-rearing activity is not according to good farming practices.

The Departmental Head of the Chief Commissioner’s Office however informed our Office that the complainant can be offered training in broiler production and good farming practices. He further stressed on the fact that the Rodrigues Regional Assembly has no policy for such isolated cases and that policy for compensation is normally put in place whenever any disaster has widespread consequences affecting a whole community.

We therefore requested the Departmental Head to convene the complainant to his Office and explain to him in what way they could help him to get him out of that unfortunate situation.

Indeed the complainant was convened as requested by our Office in the presence of the Scientific



Officer responsible for the poultry sector and the following was agreed upon –

- (i) the complainant would be provided with necessary materials and a sketch drawing to construct a cage for poultry rearing according to standard norms;
- (ii) he would be provided with necessary training on this kind of activity and even the use of chicken droppings for compost making;
- (iii) he would be supplied with ten vaccinated chicks to kick-start his business anew; and
- (iv) the main local chick producer would be approached to obtain a few more chicks for him at a reduced rate.

Finally, we were informed that the Rodrigues Regional Assembly had approved that the Commission for Agriculture provides the following assistance to the complainant –

- (i) as per above;
- (ii) as per above;
- (iii) 50 day old chicks; and
- (iv) 300 kg of feed.

Our appreciation to the Rodrigues Regional Assembly for this gesture in favour of the complainant.

ROD/C/18/2016

Responsibility allowance and overtime paid to complainant

On 28 November 2016 Mr J.W.A., Acting Boatman, wrote to our Office and complained about non-payment of allowance since January 2016 as well as 20 hours of overtime.

We queried the Departmental Head of the Commission where he was working i.e. the Commission for Environment, Forestry, Tourism, Marine Parks and Fisheries. The said Departmental Head referred the matter to the Departmental Head of the Chief Commissioner's Office with whom we followed up the matter until we were informed on 06 February 2017 that authority had been conveyed for the continued payment of a responsibility allowance to Mr J.W.A. for having performed the duties of Boatman with effect from 01 July to 18 December 2016.

It was also confirmed that Mr J.W.A. had performed 20 hours of overtime during the period 21 to 27 November 2016 and from 12 to 18 December 2016.

Finally, by letter dated 06 April 2017 we were informed that all payments due to Mr J.W.A. would be effected on 10 April 2017 as follows –

- (i) Responsibility allowance: Rs 9843.55 and
- (ii) Overtime: Rs 2526.96

Our Office received no further correspondence from Mr J.W.A. It can be safely assumed that he was satisfied.

Arrears of lump sum paid to complainant

Mr. W.R, a former Headmaster (Primary School), complained about short-payment in the lump sum received by him upon retirement from the Public Service in December 2015. Indeed he was granted his lump sum up to the month of April 2014 instead of December 2015.

He averred in his letter dated 06 April 2017 that he contacted the Commission for Social Security, etc. on several occasions but in vain. He therefore pleaded for our Office “to redress this flagrant anomaly”.

His case was taken up with the Island Chief Executive, Chief Commissioner’s Office, who explained that retired officers from Rodrigues were being paid their refund of contributions to the National Savings Fund (NSF) up to April 2014 as there was a problem of system compatibility for processing of return submitted to the NSF for payment. However, at the time he replied to our Office, i.e. on 30 May 2017, the system had already been updated and deductions for period May 2014 to April 2017 had been sent by mail to the NSF section for necessary action.

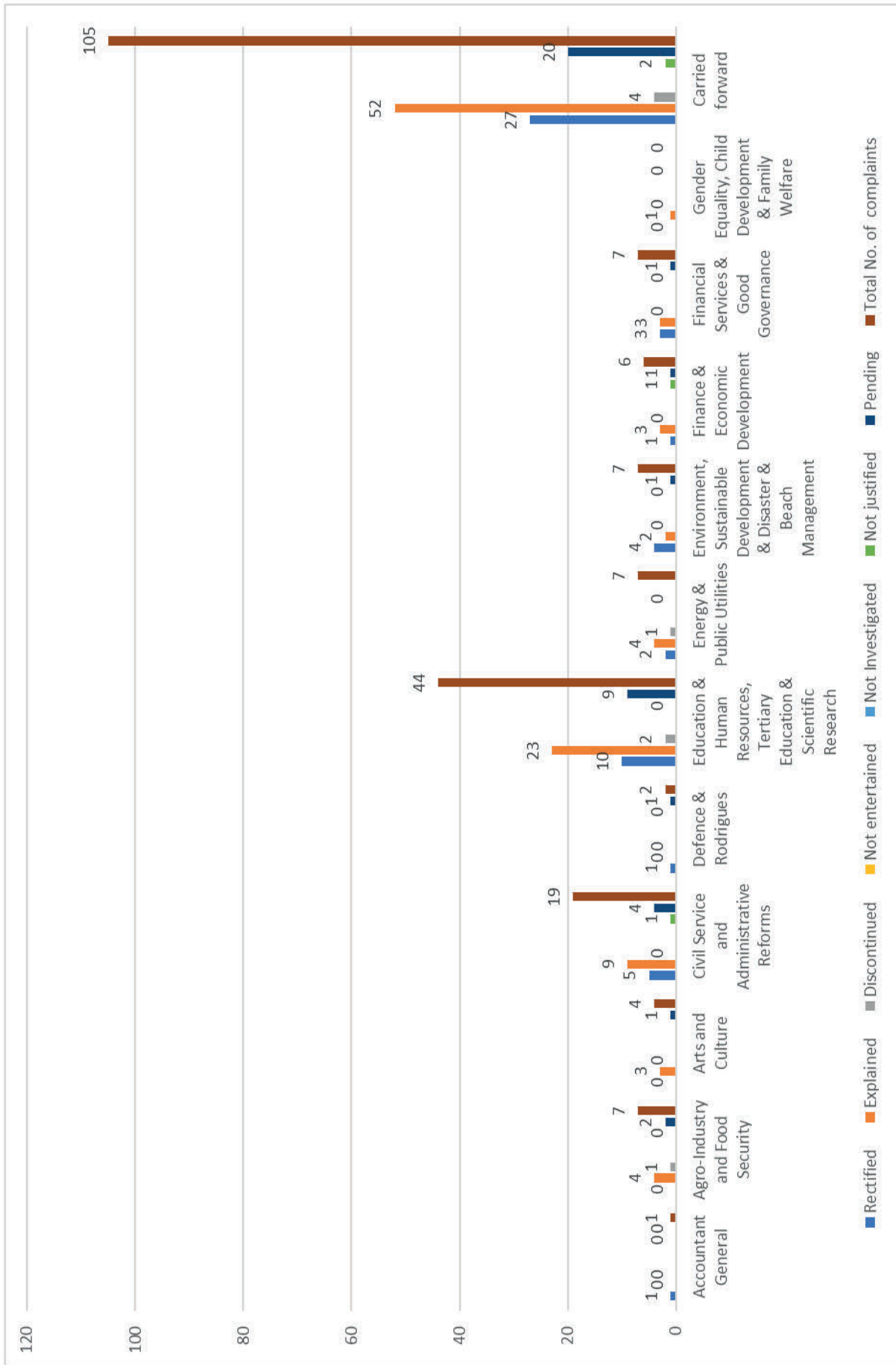
As we were proceeding to Rodrigues by the end of July 2017 our Office convened Mr. W.R. to appear before us on 27 July 2017 in order to inform him of the situation. Indeed he was present before us on that day and informed us that he had received a letter from the Ministry of Social Security, National Solidarity and Environment and Sustainable Development in Mauritius informing him that he had been awarded the sum of Rs 8469.46 interest included. Later on, on the same day Mr. W.R. confirmed that his bank account had been credited with that sum. He was satisfied.



APPENDIX D

STATISTICAL SUMMARY OF COMPLAINTS

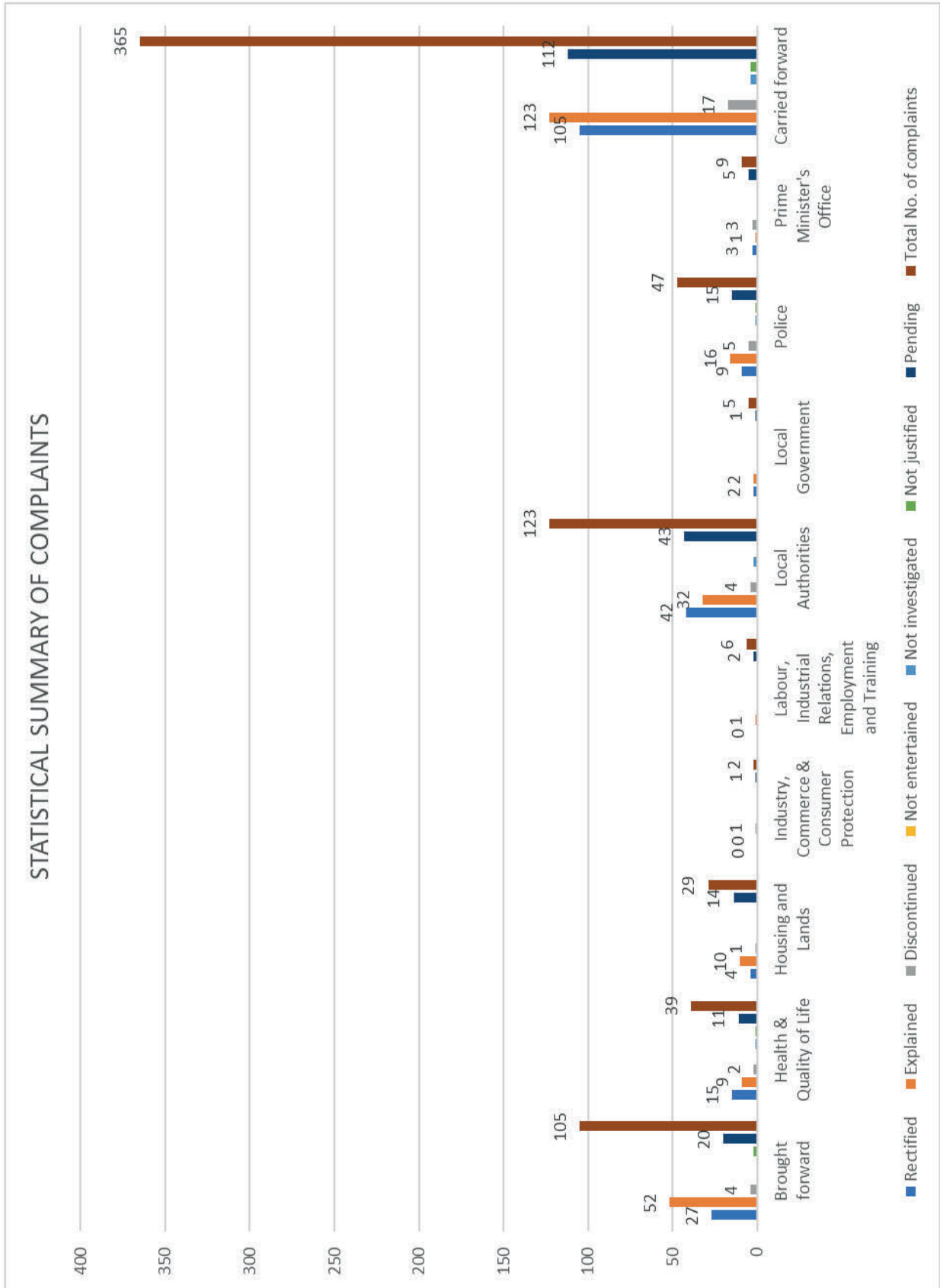
Authority concerned	Rectified	Explained	Discontinued	Not Entertained	Not Investigated	Not Justified	Pending	Total No. of Complaints
Accountant-General	1	-	-	-	-	-	-	1
Agro-Industry and Food Security	-	4	1	-	-	-	2	7
Arts and Culture	-	3	-	-	-	-	1	4
Civil Service and Administrative Reforms	5	9	-	-	-	1	4	19
Defense & Rodrigues	1	-	-	-	-	-	1	2
Education & Human Resources, Tertiary Education & Scientific Research	10	23	2	-	-	-	9	44
Energy & Public Utilities	2	4	1	-	-	-	-	7
Environment, Sustainable Development and Disaster and Beach Management	4	2	-	-	-	-	1	7
Finance & Economic Development	1	3	-	-	-	1	1	6
Financial Services, and Good Governance	3	3	-	-	-	-	1	7
Gender Equality, Child Development and Family Welfare	-	1	-	-	-	-	-	1
Carried forward	27	52	4	-	-	2	20	105





Authority concerned	Rectified	Explained	Discontinued	Not Entered-	Not Investigated	Not Justified	Pending	Total No. of Complaints
Brought forward	27	52	4	-	-	2	20	105
Health & Quality of Life	15	9	2	-	1	1	11	39
Housing and Lands	4	10	1	-	-	-	14	29
Industry, Commerce & Consumer Protection	-	-	1	-	-	-	1	2
Labour, Industrial Relations, Employment and Training	3	1	-	-	-	-	2	6
Local Authorities	42	32	4	-	2	-	43	123
Local Government	2	2	-	-	-	-	1	5
Police	9	16	5	-	1	1	15	47
Prime Minister's Office	3	1	-	-	-	-	5	9
Carried forward	105	123	17	0	4	4	112	365

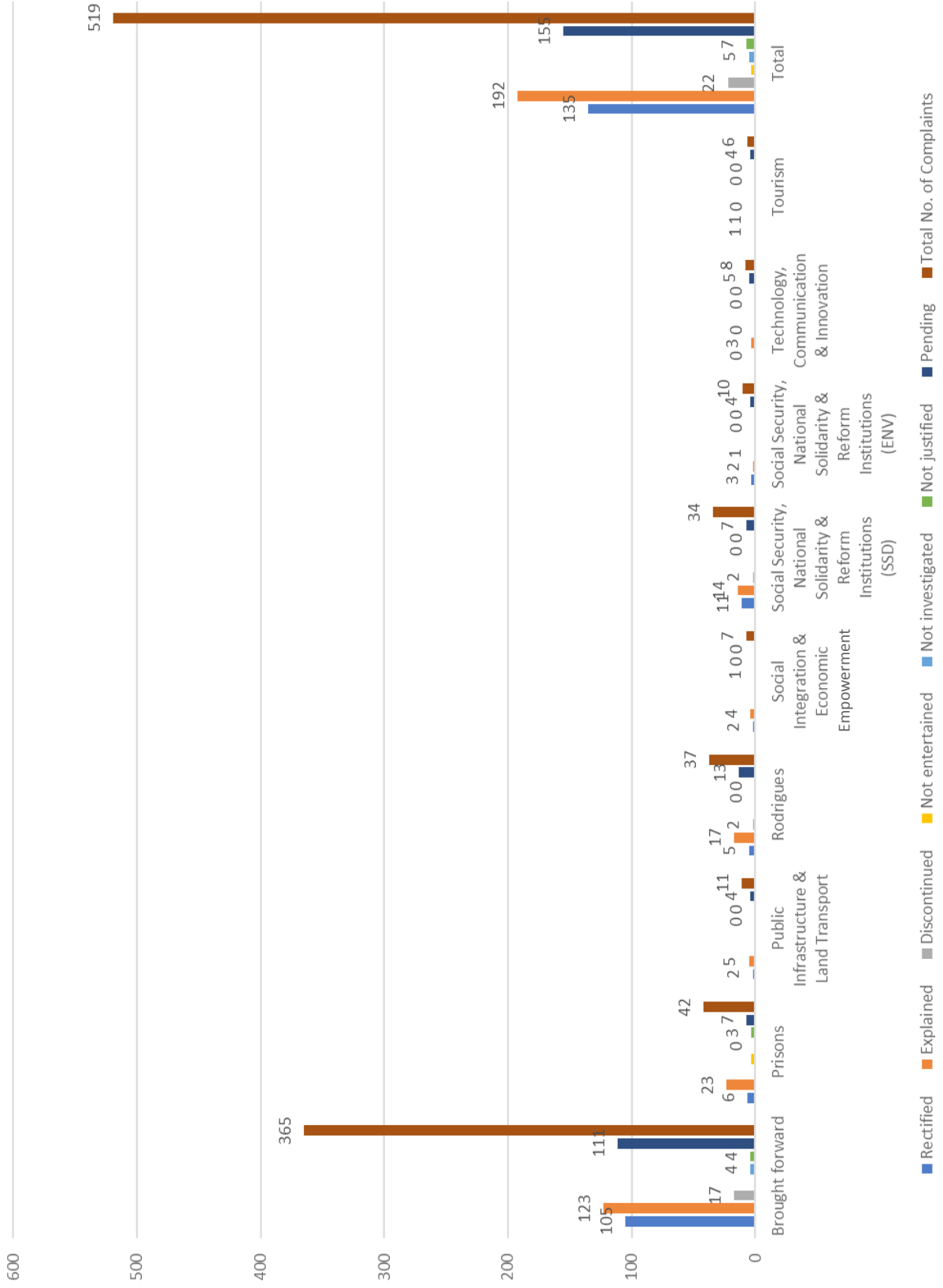
STATISTICAL SUMMARY OF COMPLAINTS





Authority concerned	Rectified	Explained	Discontinued	Not Entertained	Not Investigated	Not Justified	Pending	Total No. of Complaints
Brought forward	105	123	17	0	4	4	111	365
Prisons	6	23	-	3	-	3	7	42
Public Infrastructure and Land Transport	2	5	-	-	-	-	4	11
Rodrigues	5	17	2	-	-	-	13	37
Social Integration and Economic Empowerment	2	4	-	-	1	-	-	7
Social Security, National Solidarity and Reform Institutions (Social Security Division)	11	14	2	-	-	-	7	34
Social Security, National Solidarity and Reform Institutions (Environment & Sustainable Development Division)	3	2	1	-	-	-	4	10
Technology, Communication and Innovation	-	3	-	-	-	-	5	8
Tourism	1	1	-	-	-	-	4	6
TOTAL	135	192	22	3	5	7	155	519

STATISTICAL SUMMARY OF COMPLAINTS





No.	Subject of Complaint	Result
ACCOUNTANT GENERAL		
C/7/2017	Adjustment of pension not effected.	Rectified
AGRO-INDUSTRY AND FOOD SECURITY		
C/11/2017	Request by complainant for an explanation regarding the death of his bull not attended to.	Explained
C/24/2017	Request for extension of leave without pay not acceded to.	Discontinued
C/191/2017	Request to stop de-rocking exercise not entertained.	Explained
C/196/2017	No action taken since almost two years in respect of complainant's application for a plot of State land for a farming project.	Explained
C/243/2017	Lease of State land approved by Ministry not finalized since nearly one year.	Pending
C/265/2017	Complainant dissatisfied with services provided by the Mauritius Cane Industry Authority.	Explained
C/285/2017	No reply received by complainant from the Irrigation Authority regarding refund of monies deducted from his account.	Pending
ARTS AND CULTURE		
C/184/2016	Allowances wrongly stopped.	Explained
C/186/2017	Injustice caused by Ministry not to appoint complainant as Officer in Charge of National Library.	Explained
C/189/2017	Abuse of authority in the allocation of parking slots.	Explained
C/280/2017	No reply received by complainant in respect of her request for explanation regarding her interdiction.	Pending
CIVIL SERVICE AND ADMINISTRATIVE REFORMS		
C/179/2016	Complainant avers that there is a series of malpractices prevailing at the IT Security Unit.	Pending
C/195/2016	Denial of a fresh duty-exemption certificate.	Explained
C/222/2016	Anomaly in salary.	Rectified
C/223/2016	Request for waiving of bond agreement rejected.	Explained
C/230/2016	Non-payment of ad hoc allowance to complainant.	Explained
C/241/2016	Non-payment of responsibility allowance.	Rectified
C/3/2017	Complainant contests the deduction of her late arrivals from her balance of vacation leave.	Explained

No.	Subject of Complaint	Result
CIVIL SERVICE AND ADMINISTRATIVE REFORMS – CONTINUED		
C/4/2017	Application for refund of Course and Examination fees rejected.	Explained
C/5/2017	No reply to complaint lodged against an Officer of the Public Officers' Welfare Council.	Explained
C/27/2017	Application for additional increment credit rejected.	Explained
C/29/2017	Request for extension of leave without pay, etc. not approved.	Explained
C/43/2017	Non-payment of incremental credit for additional qualifications.	Rectified
C/66/2017	Application by complainant, a Management Support Officer, for temporary transfer to Rodrigues to accompany husband on latter's tour of service not considered since six months.	Rectified
C/99/2017	Objection to change Scheme of Service	Pending
C/104/2017	Incremental credit for additional qualifications not approved.	Explained
C/119/2017	Application for incremental credit for higher qualifications rejected.	Rectified
C/170/2017	No reply received by complainants regarding their request for the reinstatement of certain posts.	Pending
C/221/2017	Payment of incremental credit refused to complainant.	Pending
C/273/2017	Complainant claims refund in cash of vacation leave not taken.	Not justified
DEFENCE AND RODRIGUES		
C/86/2017	Transfer of foreign detainee to her country of origin unduly delayed.	Rectified
C/228/2017	Request by foreign national for a transfer to his home country to serve the remaining part of his sentence.	Pending
EDUCATION AND HUMAN RESOURCES, TERTIARY EDUCATION & SCIENTIFIC RESEARCH		
C/238/2014	Complainant not adequately remunerated as per PRB Report 2013, etc.	Explained
C/58/2015	Salary of Deputy Head Masters/Teachers reduced by one increment.	Explained
C/109/2016	No reply to complainant's request for vital information about his pensionable service and other related issues.	Pending
C/116/2016	Application for award of incremental credit for additional qualification ignored.	Rectified
C/151/2016	No allowance paid to complainant for her services during the past years till now.	Rectified
C/160/2016	No overtime or any allowance paid to watchmen.	Explained
C/196/2016	No responsibility allowance paid to complainant for performing additional duties.	Rectified



No.	Subject of Complaint	Result
EDUCATION AND HUMAN RESOURCES, TERTIARY EDUCATION & SCIENTIFIC RESEARCH – <i>continued</i>		
C/216/2016	Complainant’s employment as Assistant Lecturer/Lecturer since 7 years not regularized.	Explained
C/235/2016	Long service increment denied to complainant.	Discontinued
C/242/2016	Complainant, an Educator, not satisfied with allocation of class to her.	Rectified
C/1/2017	Anomaly in salary	Rectified
C/2/2017	Request by Educator for permanent posting not considered.	Explained
C/8/2017	Unfair class allocation.	Discontinued
C/9/2017	Request for action to be stayed regarding the filling of a vacancy for the post of Head, SEN Resources Centres.	Rectified
C/23/2017	Non-recognition of complainant’s qualification – Diploma in diamond grading and assortment.	Pending
C/32/2017	Complainant, a Secondary Teacher Prevocational, contests her transfer and alleges she has been victim of conspiracy.	Explained
C/33/2017	Complainant’s request for transfer not considered.	Explained
C/41/2017	Complainant who is registered with the Procurement Section of the Ministry not provided with any contract.	Explained
C/46/2017	Complainant denies that his son who sat for the HSC Exams 2014 did not proceed with Stage 2 Appeal as averred by Cambridge.	Explained
C/54/2017	Prejudice caused to the grade of School Superintendent.	Explained
C/55/2017	No refund effected in respect of first aid courses offered by certain companies.	Rectified
C/69/2017	Responsibility allowance denied to complainant although she made a request for same since three months.	Rectified
C/75/2017	Maintenance works at State Secondary School not undertaken since years.	Rectified
C/83/2017	Award for incremental credit for additional qualification not approved.	Explained
C/93/2017	Complainant not appointed as supply teacher.	Explained
C/108/2017	Instances of mismanagement at school.	Explained
C/111/2017	Request by Educator for transfer from one school to another not entertained.	Explained
C/116/2017	Retention of students’ certificates.	Explained
C/125/2017	Recommendation made in PRB 2003 not taken in consideration in respect of a last batch of Deputy Head Masters appointed prior to PRB 2008.	Explained

No.	Subject of Complaint	Result
EDUCATION AND HUMAN RESOURCES, TERTIARY EDUCATION & SCIENTIFIC RESEARCH – <i>continued</i>		
C/143/2017	Non-payment of increment in connection with higher qualifications.	Explained
C/145/2017	Request by Union for recognition not granted.	Pending
C/149/2017	Request for inquiry into nature of after hours classes.	Explained
C/153/2017	No reply to query regarding status of school children.	Explained
C/169/2017	Request for change of actingship not acceded to.	Pending
C/176/2017	New proposals for Deputy Head Masters and proposal for introduction of a Voluntary Retirement Scheme for superfluous Head Masters.	Pending
C/179/2017	Request by complainant to be given the opportunity to opt for promotion in the grade of Deputy Rector or Senior Educator.	Explained
C/181/2017	University student not allowed to retake two modules.	Explained
C/182/2017	Request by complainant to consider the absence of his daughter from school as justified as the latter went on pilgrimage.	Explained
C/209/2017	Complainant contests assignment of duties of Assistant Director to another Officer who is her junior.	Explained
C/247/2017	Open University students awaiting their final results since nearly two years.	Rectified
C/248/2017	Non-payment of responsibility allowance.	Pending
C/255/2017	Caretaker considers his transfer from one school to another as unjustified and arbitrary.	Pending
C/258/2017	No payment of arrears of travel grant effected since three years.	Pending
ENERGY AND PUBLIC UTILITIES		
C/86/2016	Complainant being charged higher tariff for the supply of water.	Explained
C/122/2016	Illegal tampering with river causes disastrous floods.	Rectified
C/45/2017	Complainant contests payment of electricity bills.	Discontinued
C/70/2017	Trenches poorly reinstated following installation of domestic water supply in front of complainant's property.	Rectified
C/106/2017	Complainant contests claim by the CEB for loss of revenue due to illegal tampering.	Explained
C/110/2017	Complainant deprived of electric supply.	Explained
C/139/2017	Refusal by the Central Electricity Board to supply electricity.	Explained



No.	Subject of Complaint	Result
ENVIRONMENT, SUSTAINABLE DEVELOPMENT AND DISASTER AND BEACH MANAGEMENT		
C/90/2016	Unfair treatment at workplace.	Explained
C/180/2016	Sewage water entering complainant's backyard thus giving rise to odour and other nuisances.	Rectified
C/244/2016	Illegal breeding of dog gives rise to unhygienic conditions. No action taken by authorities concerned.	Rectified
C/6/2017	Report of environmental nuisance caused by a plot of wasteland ignored.	Rectified
C/44/2017	Soil erosion and landslide. No action taken by authorities concerned.	Explained
C/56/2017	No action taken regarding report of sanitary problem caused by complainant's neighbour.	Pending
C/109/2017	Great inconvenience caused by illegal cabinet workshop to nearby inhabitants.	Rectified
FINANCE AND ECONOMIC DEVELOPMENT		
C/214/2015	Wrongful retention of complainant's car imported by him.	Pending
C/247/2016	No reply from the Mauritius Revenue Authority to complainant's request for a liquor licence.	Explained
C/21/2017	Complainant disagrees with increase in tax payable.	Explained
C/78/2017	Complainant contests the "fines, levies and penalties" imposed on him by the Mauritius Revenue Authority.	Explained
C/102/2017	Proper assignment of duties not effected.	Not Justified
C/216/2017	Claim for refund of tax paid on exempt income.	Rectified
FINANCIAL SERVICES AND GOOD GOVERNANCE		
C/16/2017	No reply received by complainant regarding the fate of his and his wife's savings from the authorities concerned.	Explained
C/25/2017	No payment received from the National Property Fund Ltd on investment in the Super Cash Back Gold Scheme.	Rectified
C/26/2017	No payment received from the National Property Fund Ltd on investment in the Super Cash Back Gold Scheme.	Rectified
C/49/2017	No payment received from the National Property Fund Ltd on investment in the Super Cash Back Gold Scheme.	Rectified
C/184/2017	Complaint against the reduction of the number of funded positions at the Ministry.	Explained

No.	Subject of Complaint	Result
FINANCIAL SERVICES AND GOOD GOVERNANCE – CONTINUED		
C/226/2017	No reply received by policy holder following a Court judgment concerning the liquidation of a private company.	Explained
C/276/2017	No refund obtained by complainant from the National Property Fund Ltd.	Pending
GENDER EQUALITY, CHILD DEVELOPMENT AND FAMILY WELFARE		
C/179/2014	Complainant disagrees with Ministry's decision to put him on sick leave instead of injury leave.	Explained
HEALTH AND QUALITY OF LIFE		
C/47/2013	Undue delay in prescription of scheme of service causes prejudice to complainants.	Rectified
C/25/2015	Delay in obtaining a reply from Ministry causes hardship, prejudice and loss to complainant's business.	Explained
C/46/2015	Non-payment of mileage allowance since more than three years.	Discontinued
C/186/2015	Religious structure in an abandoned state. Request for its restoration ignored.	Pending
C/198/2015	No reply to complainant's letter regarding health aspect.	Rectified
C/106/2016	Fees not paid to complainant, a member of Departmental Tender Committees.	Pending
C/132/2016	Irrational decision of the Ministry in respect of complainant's study leave without pay.	Explained
C/183/2016	No reply to complainant's application for leave without pay for study purposes nor any reply to her request for extension of her vacation leave.	Rectified
C/243/2016	Request by complainant for home assistance by Community Nurse to his wife who has difficulty to walk rejected.	Rectified
C/248/2016	Harassment and discrimination at workplace.	Discontinued
C/13/2017	Complainant's parcel seized by customs agents and not returned to her.	Rectified
C/17/2017	Nuisances caused by five dogs within the building where complainant and her family live.	Rectified
C/18/2017	No reply to complainant's request to revoke his transfer from one hospital to another, which he considers as abrupt and unfair.	Explained
C/30/2017	Request for information made by private company not attended to.	Rectified
C/35/2017	Application for award of Incremental Credit for additional qualification turned down.	Explained



No.	Subject of Complaint	Result
HEALTH AND QUALITY OF LIFE – CONTINUED		
C/52/2017	Unjustified/unfair change in posting.	Rectified
C/58/2017	Regular noise nuisance caused by Day Care Centre.	Explained
C/61/2017	Harassment at work averred by complainant.	Not justified
C/62/2017	Absence of water dispenser for breast cancer patients at the Chemotherapy Department, Victoria Hospital.	Rectified
C/71/2017	Application for health clearance for a dormitory not yet attended to.	Rectified
C/72/2017	Complainant’s name removed from official list of Health Care Assistants for monitoring ambulance services.	Not Investigated
C/74/2017	Averment of medical negligence resulting into the death of complainant’s mother.	Explained
C/82/2017	Non-payment of appropriate allowance.	Pending
C/101/2017	Non-recognition of the diploma of the complainant’s son.	Explained
C/107/2017	Complainant not appointed as driver.	Rectified
C/113/2017	Request to increase workforce of “In Attendance Service” not considered.	Rectified
C/123/2017	Non-payment of inducement allowance to doctor posted in Rodrigues on a tour of duty.	Rectified
C/129/2017	Unjustified change in posting.	Rectified
C/135/2017	Complainant disputes the warning administered to her by the Senior Chief Executive.	Explained
C/136/2017	Request for information in respect of complainant’s mother’s death.	Rectified
C/150/2017	Complainant, a retired Public Officer, short-paid acting allowances etc.	Pending
C/178/2017	No community physicians attending health centres in certain villages, etc.	Explained
C/193/2017	Rejection of complainant’s application for registration as Specialist in Obstetrics and Gynaecology.	Pending
C/212/2017	Complainant not paid higher duties and night allowances.	Pending
C/234/2017	Complainant avers misconduct and humiliation towards his person by colleagues.	Pending
C/235/2017	Request by complainant, a Public Officer, to stay action regarding his transfer.	Pending
C/253/2017	Arbitrary suspension as Pharmacist by Pharmacy Board.	Pending
C/278/2017	Salary and bonus not yet paid to complainant.	Pending

No.	Subject of Complaint	Result
HEALTH AND QUALITY OF LIFE – CONTINUED		
C/284/2017	Request by complainant, a Ward Manager, to be posted in Rodrigues on family and humanitarian grounds not considered for the time being.	Pending
HOUSING AND LANDS		
C/117/2013	Application for plot of State Land for construction of a religious centre not yet determined after several years.	Discontinued
C/134/2016	Approval of application for lease of a plot of State land for religious purposes unduly delayed.	Pending
C/162/2016	No compensation paid following compulsory acquisition of land by Government since two years.	Explained
C/175/2016	Industrial Site lease held by complainant wrongly cancelled.	Explained
C/182/2016	No reply from Ministry to complainant's protest regarding ownership of a plot of land.	Pending
C/198/2016	Sixty-three-year-old woman sleeping outside her house from which she has been expelled for inability to refund loan.	Rectified
C/219/2016	Lease agreements in respect of State land not finalized since more than ten years.	Pending
C/19/2017	Application for a plot of State land for residential purposes rejected for no fair reason.	Explained
C/36/2017	Roof of house has collapsed. Family expecting government assistance.	Explained
C/39/2017	Application for plot of State land by complainant's mother since nine years. No response received.	Explained
C/59/2017	Fourteen families have access problems to the sites leased to them by Government.	Explained
C/130/2017	Illegal claim of rent by Ministry.	Pending
C/134/2017	Application for registration as Land Surveyor not attended to since more than two years.	Pending
C/146/2017	Complainant's request to regularize his occupation of State land denied.	Pending
C/160/2017	Lease not yet finalized although complainant has been paying for same since three years.	Rectified
C/167/2017	Deed of sale of State land not yet signed.	Rectified
C/177/2017	Delay in issuing lease agreement in respect of a new Campement Site Lease.	Rectified



No.	Subject of Complaint	Result
HOUSING AND LANDS – CONTINUED		
C/185/2017	Application for a plot of State land not considered since nearly a year.	Explained
C/210/2017	Complainant's house completely destroyed by fire ten years ago. No assistance from Ministry concerned for a plot of State land.	Explained
C/244/2017	No reply to application for State land lease.	Explained
C/245/2017	Government housing unit sold to complainant is in a dangerous condition due to absence of pillars and presence of "amiante" (asbestos).	Pending
C/246/2017	Housing unit sold by Government to complainant is in a dangerous condition, due to the absence of pillars and the presence of "amiante".	Pending
C/259/2017	Lands offered to complainants too small. Proposal by Ministry to allocate alternative sites. No further development.	Pending
C/261/2017	Complainant not invited to sign lease agreement in his name since more than three years	Pending
C/262/2017	No further action taken regarding housing unit proposed to complainant who has paid all the fees.	Explained
C/275/2017	No reply received since three years by complainant regarding her request for a transfer of State land.	Pending
C/281/2017	Building site lease refused to complainant after approval for same had been given.	Pending
C/282/2017	Lease of State land denied to complainant.	Pending
C/283/2017	No further action taken following signature of lease agreement.	Pending
INDUSTRY, COMMERCE AND CONSUMER PROTECTION		
C/231/2016	No reply from Ministry regarding complaint filed.	Discontinued
C/174/2017	No response to complainant's query regarding recruitment for the post of Director at the Mauritius Standards Bureau.	Pending
LABOUR, INDUSTRIAL RELATIONS, EMPLOYMENT AND TRAINING		
C/246/2016	No further action taken by complainant's employer to pay him his wages, etc. notwithstanding intervention by the Labour Office.	Rectified
C/15/2017	No action taken by Labour Office regarding report made by complainant.	Rectified
C/100/2017	Workers not paid bonus for two years, December salary not paid, etc.	Rectified
C/147/2017	Application for Workfare Programme not entertained.	Explained
C/199/2017	Complaint against Ministry for disclosing information about complainant to his employer.	Pending

No.	Subject of Complaint	Result
LABOUR, INDUSTRIAL RELATIONS, EMPLOYMENT AND TRAINING – CONTINUED		
C/257/2017	Complainant avers that the rights of his spouse have been violated by the Mauritius Examinations Syndicate.	Pending
LOCAL AUTHORITIES		
LA/C/8/2015	Flooding problem reported to Council on three occasions. No action taken yet.	Pending
LA/C/23/2015	Construction of a grotto against complainant's wall. No action taken by the Council or other authorities.	Discontinued
LA/C/46/2015	Complainants contest the fact that their entrance has been declared public, etc.	Pending
LA/C/64/2015	Tree alongside canal represents a danger to complainant's house.	Explained
LA/C/66/2015	Pavement non-existent or only half-completed, poor state of road, etc.	Pending
LA/C/68/2015	Complaint against operation of mechanical garage not heeded.	Explained
LA/C/19/2016	Commercial activity poses all sorts of problems in the neighbourhood.	Rectified
LA/C/27/2016	Illegal construction put up by complainant's neighbour. Procedures not followed. Still he has been granted a building and land use permit by Council.	Explained
LA/C/45/2016	Flooding problems. No action taken by authorities concerned.	Explained
LA/C/63/2016	Serious noise problem caused by Metal and Aluminium Workshop	Explained
LA/C/68/2016	Lane in a deplorable state. No action taken by Council notwithstanding representations made by inhabitants.	Rectified
LA/C/74/2016	Bakery operating without licence. No action taken by authorities concerned.	Explained
LA/C/75/2016	Pavement not constructed as per purchase agreement of land.	Pending
LA/C/78/2016	Illegal construction of boundary wall and metal gate along public road obstructing access to pavement.	Explained
LA/C/79/2016	No proper attention given to complainant's request for a lighting point in front of his gate.	Rectified
LA/C/80/2016	Inconvenience caused by illegal workshop. No action taken by authorities concerned.	Explained
LA/C/81/2016	Letter addressed to Chief Executive regarding various problems and inconveniences encountered by inhabitants not considered since more than three months.	Explained
LA/C/82/2016	No action taken by Council following report by complainant that he has been denied road access to his house by his neighbour.	Explained



No.	Subject of Complaint	Result
LOCAL AUTHORITIES – CONTINUED		
LA/C/83/2016	Street in a deplorable state since years.	Pending
LA/C/84/2016	Lorry depot operating without permit. Source of inconvenience to inhabitants. No action taken by authorities concerned.	Rectified
LA/C/85/2016	Road has become an eye sore on account of illegal dumping. Matter reported to various authorities since three years. No action taken so far.	Rectified
LA/C/1/2017	Illegal operation of mechanical workshop in a purely residential area. Inconvenience caused to neighbourhood.	Discontinued
LA/C/2/2017	Illegal operation of a “salon de coiffure” where drug and alcohol consumption is taking place. No action taken by authorities concerned.	Explained
LA/C/3/2017	Illegal construction put up by complainant’s neighbour. She looks forward to stronger action by the Council.	Explained
LA/C/4/2017	Illegal occupation of space in parking area. No action taken by Council.	Explained
LA/C/5/2017	Illegal conversion of two private plots of land into two parking lots by unlicensed company operating illegally.	Pending
LA/C/6/2017	Absence of drain causes flooding along main road.	Explained
LA/C/7/2017	Beach kiosk in a deplorable state.	Rectified
LA/C/8/2017	Obstructed drain causes flooding after heavy rainfall.	Rectified
LA/C/9/2017	Noise caused by high-capacity electric motors is a source of great inconvenience to complainant.	Explained
LA/C/10/2017	Debris obstructing use of pavement by, and likely to cause injury to, pedestrians.	Rectified
LA/C/11/2017	No action taken regarding report made by complainant about his neighbour’s defective sewerpipe which causes him problems.	Explained
LA/C/12/2017	Old mattress left by unknown person against complainant’s wall not collected by Municipal workers.	Explained
LA/C/13/2017	Accumulation of waste at the site of a future dam.	Rectified
LA/C/14/2017	Untarred road causes a lot of problems to inhabitants living along the said road, etc.	Discontinued
LA/C/15/2017	Pothole on road represents danger to road users.	Rectified
LA/C/16/2017	Illegal construction and sale of alcoholic drinks by complainant’s neighbour. No action taken by authorities concerned.	Explained
LA/C/17/2017	Seepage of wastewater from complainant’s neighbour’s premises onto her premises. No action taken by authorities concerned.	Explained

No.	Subject of Complaint	Result
LOCAL AUTHORITIES – CONTINUED		
LA/C/18/2017	Illegal construction being put up by complainant's neighbour. No action taken by authorities concerned.	Explained
LA/C/19/2017	Constant water accumulation on road causes inconvenience to users thereof.	Explained
LA/C/20/2017	No action taken regarding numerous pleas to replace street bulb. Fears of burglars and drug addicts roaming around.	Rectified
LA/C/21/2017	Encroachment on common lane by complainant's neighbour. Matter reported to Council but no action has been taken.	Pending
LA/C/22/2017	Abandoned lands are a source of various nuisances.	Explained
LA/C/23/2017	Road constantly flooded by wall put up illegally. Great inconvenience caused to users thereof. No action taken.	Explained
LA/C/24/2017	Containers found on open drain and other wastes on plot of land.	Rectified
LA/C/25/2017	Bakery business is a source of various problems in a residential area.	Explained
LA/C/26/2017	Problems caused by complainant's neighbour's shop.	Pending
LA/C/27/2017	Noise nuisance reported to Council on several occasions. No action taken.	Rectified
LA/C/28/2017	Refusal by Council to accept payment of complainant's trade fees in respect of his hall.	Explained
LA/C/29/2017	Children's playground in a deplorable state.	Discontinued
LA/C/30/2017	Loud noise emanating from multi-purpose hall. No action taken to stop same.	Rectified
LA/C/31/2017	No action taken following a request to fix concrete slabs at bus stop.	Rectified
LA/C/32/2017	Construction of supermarket causing inconveniences to road users.	Pending
LA/C/33/2017	Construction materials and other debris dumped on State land.	Rectified
LA/C/34/2017	Old bridge may not be able to support the weight of heavy vehicles. New bridge required.	Pending
LA/C/35/2017	Illegal extension to existing building being carried out by complainant's neighbour. No action taken by authority concerned.	Pending
LA/C/36/2017	Water overflowing from effluent pits.	Pending
LA/C/37/2017	Water accumulation during heavy rainfall. Great inconvenience to road-users.	Explained
LA/C/38/2017	Illegal use of bare land as a depot for containers and ceramic wares.	Pending
LA/C/39/2017	Complainants aggrieved by Council's decision to grant an application for construction.	Not investigated



No.	Subject of Complaint	Result
LOCAL AUTHORITIES– CONTINUED		
LA/C/40/2017	Request made to Council since years for resurfacing of lane not considered.	Explained
LA/C/41/2017	No action taken in respect of report of farming being carried out in front of complainant’s house.	Pending
LA/C/42/2017	Complaint regarding an enclosure wall being put up by complainant’s neighbour without permit not seriously taken by Council.	Rectified
LA/C/43/2017	Drainage system not appropriate. Great inconvenience to inhabitants. No action taken by authorities concerned.	Pending
LA/C/44/2017	Illegal parking of heavy duty vehicles next to complainant’s premises causes great inconvenience. Complaint to Council not yet considered.	Pending
LA/C/45/2017	Changing room of stadium frequented by drug addicts.	Rectified
LA/C/46/2017	No information received from Council regarding nuisances caused by illegal construction reported by complainant.	Rectified
LA/C/47/2017	No action taken regarding complaint of illegal construction by complainant’s neighbour.	Rectified
LA/C/48/2017	Accumulation of water on the road causes numerous problems to inhabitants and other users of the road.	Pending
LA/C/49/2017	Water accumulation on road causes great inconvenience to users thereof.	Pending
LA/C/50/2017	Bareland next to school and houses turned into a “dépotoir sauvage”.	Rectified
LA/C/51/2017	Vehicle wrecks on bare land.	Rectified
LA/C/52/2017	Illegal dumping in green space.	Rectified
LA/C/53/2017	All types of debris on public beach. No action taken.	Rectified
LA/C/54/2017	Illegal dumping on plot of land behind football ground.	Pending
LA/C/55/2017	Used tyres and other wastes dumped on abandoned land near school.	Rectified
LA/C/56/2017	Wastes dumped by road side.	Rectified
LA/C/57/2017	No action taken in respect of a report regarding the operation of an illegal Child Day Care Centre.	Pending
LA/C/58/2017	Uncovered drain poses problem to pedestrians.	Explained
LA/C/59/2017	Application for Building and Land Use Permit not approved.	Not investigated
LA/C/60/2017	Road in pitiful state. No action taken by authorities concerned.	Pending
LA/C/61/2017	Plot of land in a deplorable state. Toboggan and swing for children inaccessible.	Rectified

No.	Subject of Complaint	Result
LOCAL AUTHORITIES – CONTINUED		
LA/C/62/2017	No action taken following complainant's objection regarding on-going construction without observing statutory set back.	Explained
LA/C/63/2017	Illegal construction put up by complainant's immediate neighbour. No heed paid to complainant's objection.	Explained
LA/C/64/2017	Damaged bus-stop has fallen down. Not reinstated in its position since three months.	Rectified
LA/C/65/2017	No action taken by the Council regarding waste water problem caused by complainant's neighbour.	Pending
LA/C/66/2017	Complainant, a Health Inspector, avers he is the victim of the Chief Health Inspector on many issues	Pending
LA/C/67/2017	Excessive noise caused by factory next to complainant's house. No action taken by authorities concerned.	Pending
LA/C/68/2017	Aluminium workshop operating illegally in residential area.	Pending
LA/C/69/2017	No action taken in respect of report of noise nuisance emanating from a hall.	Pending
LA/C/70/2017	Fencing around football pitch about to fall down and may cause injury.	Pending
LA/C/71/2017	Environmental problems caused by hardware shop: dust, noise, etc. No action taken by authorities concerned.	Pending
LA/C/72/2017	Lane leading to a worship place littered with all sorts of waste.	Pending
LA/C/73/2017	Illegal operation of workshop causing nuisance to the neighbourhood.	Explained
LA/C/74/2017	Thick vegetation around bus shelter may give rise to proliferation of mosquitoes, etc.	Rectified
LA/C/75/2017	Children's playground in a deplorable state.	Rectified
LA/C/76/2017	Application for a Building and Land Use Permit (BLUP) not attended to since two months.	Pending
LA/C/77/2017	Potholes on road cause great inconvenience to users thereof.	Rectified
LA/C/78/2017	A lorry load of waste illegally dumped on road.	Rectified
LA/C/79/2017	Illegal metallic structure put up by complainant's neighbour causes great inconvenience to the former. No action taken by Council.	Pending
LA/C/80/2017	Illegal construction of wall in the middle of a "public" road. No action taken by Council.	Explained
LA/C/81/2017	Electronic waste deposited at the entrance of village is an eyesore and attracts mosquitoes, etc.	Rectified
LA/C/82/2017	Refuse along main road is an eyesore and attracts stray dogs.	Rectified



No.	Subject of Complaint	Result
LOCAL AUTHORITIES – CONTINUED		
LA/C/83/2017	Waste materials on public beach.	Rectified
LA/C/84/2017	Heaps of rubbish may prove to be dangerous for health and the environment.	Rectified
LA/C/85/2017	Empty plastic bottles in river obstruct the flow of water and give rise to odour and other nuisances.	Rectified
LA/C/86/2017	Illegal dumping of waste.	Rectified
LA/C/87/2017	Debris littering on public beach.	Rectified
LA/C/88/2017	Flow of canal obstructed by the presence of sand gives rise to numerous nuisances.	Rectified
LA/C/89/2017	Illegal dumping since several years. No action taken by authority concerned.	Rectified
LA/C/90/2017	Illegal activities causing nuisance. No action taken by Council.	Pending
LA/C/91/2017	Traffic signs may prove to be dangerous for vehicles.	Rectified
LA/C/92/2017	Noisome vegetation, branches and illegal dumping obstructing burial place.	Pending
LA/C/93/2017	Vacant stall at market not given to complainant, widow of previous occupier.	Pending
LA/C/94/2017	Application for jewellery licence by complainant. Latter considers that the conditions imposed by the Council amount to an abuse.	Pending
LA/C/95/2017	Council employee being exploited at the Welfare Department.	Pending
LA/C/96/2017	Pavement obstructed by six concrete flower boxes.	Pending
LA/C/97/2017	Operation of aluminium workshop in open air without any Building and Land Use Permit (BLUP). No action taken by Council.	Pending
LA/C/98/2017	Badly damaged pedestrian pavement reported to Council since more than three months. No action taken yet.	Pending
LA/C/99/2017	Obstruction of shop by cake seller. Matter reported to Council several times. No action taken yet.	Pending
LA/C/100/2017	Complainant disputes Council’s request to destroy his shelter for animals.	Pending
LA/C/101/2017	Illegal erection of walls on both sides of street. No action taken by Council.	Pending
LA/C/102/2017	Rubbish dropped by road side.	Pending

No.	Subject of Complaint	Result
LOCAL GOVERNMENT AND OUTER ISLANDS		
C/10/2017	No consideration given to complainant's request for a change in posting on medical grounds.	Rectified
C/94/2017	No reply received by complainant to a letter he addressed to the Ministry.	Explained
C/164/2017	Officer alleges that her transfer is causing her a lot of difficulties. Requests to be transferred back to her original work place.	Rectified
C/241/2017	Discrepancies regarding complainant's contributions to the Statutory Bodies Family Protection Fund.	Explained
C/287/2017	Complainant not satisfied with his transfer.	Pending
POLICE		
C/166/2015	No action taken regarding reports of threatening and obscene messages addressed to complainant.	Explained
C/177/2015	Failure by Police to take action into reports made by complainant.	Pending
C/193/2015	Threats of harm against complainant and his family reported to Police since 9 months. No action taken yet.	Discontinued
C/33/2016	Maladministration in police enquiry.	Explained
C/193/2016	Clearance for the transfer of complainant, a Malagasy national, to her country of origin not yet given.	Rectified
C/194/2016	Clearance for the transfer of complainant, a Malagasy national, to her country of origin not yet given.	Rectified
C/200/2016	No action taken in a case of serious assault on the complainant and his family.	Explained
C/204/2016	No action yet taken into complaint made to the Police more than six months ago.	Discontinued
C/217/2016	No reply from Commissioner of Police to complainant's two letters.	Explained
C/218/2016	No action taken in a case of embezzlement reported to the Police by complainant.	Rectified
C/228/2016	Delay in issuing new passport to complainant who has reported the loss of her old passport to the Police.	Rectified
C/237/2016	Detainee's personal belongings seized upon his arrest not returned to him after his trial and conviction.	Explained
C/240/2016	No action taken yet in respect of road accident which took place six months ago.	Discontinued
C/245/2016	No action taken following report of case of assault to the Police.	Pending



No.	Subject of Complaint	Result
POLICE – CONTINUED		
C/22/2017	Complainant not made aware of several declarations made to the Police.	Explained
C/38/2017	No reply from the Police to a request made by complainant, an Attorney-at-law, for information regarding a vehicle involved in a road accident.	Rectified
C/40/2017	No action taken following report of a case of assault.	Rectified
C/50/2017	Complainant not made aware of the outcome of various declarations made to the Police.	Rectified
C/60/2017	Refusal by Police to record complainant’s declaration, etc.	Pending
C/77/2017	Dereliction of duty by the Police.	Discontinued
C/84/2017	No action taken by the Police concerning complainant’s report of fraud with regard to his property.	Not Justified
C/85/2017	Complainant arrested since more than three years and still awaiting trial.	Explained
C/87/2017	Complainant detained in prison for no valid reason.	Discontinued
C/88/2017	Refusal by Police to record complainant’s statement.	Pending
C/96/2017	Request for release of passport seized by Passport and Immigration Office.	Not investigated
C/97/2017	No action taken following report of problems caused by shop selling alcoholic drinks without any permit.	Rectified
C/105/2017	Complainant not provided with copies of certain documents.	Explained
C/112/2017	No follow up regarding complainant’s complaint against the staff of the P.M.O.	Explained
C/133/2017	Police at station refuses to record complainant’s declaration.	Explained
C/140/2017	No action taken regarding case of false and malicious denunciation in writing.	Explained
C/148/2017	No reply to letter addressed to the Commissioner of Police by complainant.	Pending
C/152/2017	Request by Attorney-at-Law for a copy of his client’s statement not acceded to.	Pending
C/175/2017	Complainant is subject to various harassments. No action taken by authorities to which same have been reported.	Explained
C/187/2017	Disturbance allowance not paid to complainant, a Police Constable.	Explained
C/190/2017	No valid reason provided to complainant for the refusal to issue her child’s passport.	Rectified

No.	Subject of Complaint	Result
POLICE – CONTINUED		
C/192/2017	Complainant not made aware of the outcome of the declaration he gave to the Police two years ago.	Pending
C/195/2017	Complainant, a foreign national, still being detained for more than four years without trial	Pending
C/198/2017	Complainant's request for a copy of his declaration made to the Police rejected.	Explained
C/204/2017	Request by complainant's lawyer to obtain a "peace agreement" signed by person who assaulted complainant ignored by police.	Pending
C/217/2017	No action taken regarding wrongful acts of complainant's neighbour.	Explained
C/220/2017	Complainant has several problems with his neighbours. No action taken by the Police notwithstanding several reports made.	Explained
C/224/2017	Alleged fraud averred by complainant. No action taken by authorities concerned.	Pending
C/232/2017	Disturbance reported to the Police since four months – no action taken yet.	Pending
C/251/2017	Noise nuisance caused by motor-cycles since early morning.	Pending
C/252/2017	No feedback received by complainant who made several complaints to the Police.	Pending
C/266/2017	Complainant's driving licence not returned to him after disqualification period.	Pending
C/279/2017	Interdicted Police Constable's request to be reinstated after dismissal of case against him ignored.	Pending
PRIME MINISTER'S OFFICE		
C/213/2016	Application for Mauritian citizenship made since eight years. No reply so far.	Explained
C/92/2017	Complainant wrongly charged TV licence fee although he does not possess a TV set.	Rectified
C/98/2017	TV licence fee wrongly claimed.	Rectified
C/144/2017	TV licence unduly claimed from complainant who does not have a TV set.	Rectified
C/208/2017	Non-respect of payment terms for Bid Evaluation Fees.	Pending
C/218/2017	Failure by Mauritius Broadcasting Corporation to waive TV licence fee in spite of several requests made by complainant.	Pending
C/225/2017	Delay in dealing with application for citizenship.	Pending



No.	Subject of Complaint	Result
PRIME MINISTER'S OFFICE – CONTINUED		
C/239/2017	No reply to application for assistance under the Prime Minister's Relief Fund.	Pending
C/256/2017	Complainant wrongly charged TV Licence Fee although he has no TV set.	Pending
PRISONS		
C/139/2016	Detainee, a foreign national, requests that the case in which she is to depone as a witness be heard as soon as possible to enable her to apply for transfer to her country of origin.	Pending
C/12/2017	Detainee denied visit by his mother.	Explained
C/20/2017	Certain belongings of detainee not returned to him after his transfer.	Explained
C/31/2017	Misinterpretation of sentence by Prison Administration.	Explained
C/37/2017	Female detainee denied visit by her husband, also a detainee.	Explained
C/42/2017	Detainee's handwritten petition addressed to the Commission on the Prerogative of Mercy not accepted by the Prison Administration.	Explained
C/47/2017	Detainee avers he is not being given adequate treatment and X-ray is being refused.	Explained
C/67/2017	Detainee of muslim faith not allowed to attend mosque, etc.	Explained
C/79/2017	Detainee is not happy with the number of punishments inflicted upon him.	Not justified
C/90/2017	Parcel destined for detainee not collected from the post office by the Prison Administration.	Explained
C/91/2017	Refusal by Prison Administration to collect parcel sent to detainee from abroad.	Explained
C/95/2017	Complainant detained since twenty months on drug-related charges without trial. Higher education pursued by him destroyed. Pleads his innocence.	Not entertained
C/117/2017	Detainee contests punishment inflicted upon him by Prison Administration. Seeks our intervention.	Not entertained
C/118/2017	Request by detainee to intervene in the Prison Board's decision as he contests the punishment inflicted upon him.	Not entertained
C/120/2017	Detainee avers that he has been told that his personal belongings are missing.	Rectified
C/121/2017	Detainee complains about injustice committed with regard to him.	Not justified
C/126/2017	Detainee, serving long-term sentence – his request for certain items ignored.	Not justified

No.	Subject of Complaint	Result
PRISONS – CONTINUED		
C/127/2017	Request by detainee to be transferred from the Eastern High Security Prison to another prison as he feels mentally stressed.	Explained
C/128/2017	Detainee's personal belongings missing upon his transfer from one prison to another.	Explained
C/131/2017	Ill-treatment of complainant's son, a detainee at the Eastern High Security Prison.	Explained
C/132/2017	Detainee avers that he is being unreasonably denied the privilege of working extra hours to earn remission of his sentence.	Pending
C/151/2017	Letter addressed to detainee by a four-year old child suppressed, etc.	Explained
C/154/2017	Cell infested with rats, only one yogurt per week allowed to detainee whose one-year old child lives with her.	Rectified
C/155/2017	Detainee who has her 4-year old son under her care at the Prison complains about presence of rat in her cell and that only one yogurt is allowed per week for purchase.	Rectified
C/156/2017	Detainee's request to change the address of her one-year old child who stays with her in prison not acceded to. Rat in cell. Only one yogurt allowed for purchase per week.	Rectified
C/162/2017	MP3 Player not remitted to detainee.	Explained
C/173/2017	Request by detainee to obtain a vacuum flask (thermos) not entertained.	Explained
C/183/2017	Detainee's National Identity Card reported lost. Claims it is the fault of the administration.	Rectified
C/188/2017	Certain items sent to detainee by post not remitted to him.	Explained
C/197/2017	Request for reinstating the Board of Visitors which has ceased functioning since the last fourteen years.	Explained
C/201/2017	Inadequate medical care averred by detainee.	Explained
C/202/2017	Detainee compelled to have his hair cut in spite of his religious belief.	Pending
C/205/2017	Request for reinstating the Board of Visitors which has ceased functioning since the last fourteen years.	Explained
C/206/2017	Detainee refused a copy of his petition to the Commission on the Prerogative of Mercy.	Explained
C/211/2017	Detainee is being refused special food as prescribed by the doctor.	Explained
C/213/2017	Detainee not served food as prescribed by the doctor.	Pending
C/219/2017	Prison Officer avers that his transfer from one prison to another is punitive.	Rectified



No.	Subject of Complaint	Result
PRISONS – CONTINUED		
C/229/2017	Detainee unable to consume the food served to him. Requests for a nutritionist’s report.	Explained
C/242/2017	Body cream banned for detainees.	Explained
C/263/2017	Detainee not receiving adequate medical care and attention.	Pending
C/269/2017	Personal items bought by detainee from his own private cash seized and not returned to him.	Pending
C/274/2017	Postal order addressed to detainee not remitted to him and returned to sender.	Pending
PUBLIC INFRASTRUCTURE & LAND TRANSPORT		
C/48/2017	Absence of drains causes great inconvenience to inhabitants of locality. No action taken by authorities concerned.	Explained
C/81/2017	Payment of road tax by planter refused.	Explained
C/137/2017	Application for taxi licence made since several years not considered.	Explained
C/161/2017	Unsatisfactory bus service in village. Hardship faced by inhabitants.	Rectified
C/168/2017	Request for bus route for the benefit of the public.	Pending
C/180/2017	No action taken by the National Transport Authority regarding unlicensed taxis (taxi marrons).	Explained
C/200/2017	Blocked drain poses problems to road users.	Rectified
C/236/2017	Complainant contests deduction in her salary.	Pending
C/271/2017	Non-payment of responsibility allowance at Assistant Inspector of Works level.	Explained
C/272/2017	Travelling claim disapproved.	Pending
C/277/2017	Complainant considers his transfer as unfair.	Pending
RODRIGUES		
ROD/C/26/2012	Illegal occupation of private land by Rodrigues Regional Assembly without payment of any compensation.	Pending
ROD/C/26/2013	No compensation paid for acquisition of complainant’s land by the Rodrigues Regional Assembly.	Explained
ROD/C/27/2013	No compensation paid to complainant for acquisition of his land by the Rodrigues Regional Assembly.	Explained
ROD/C/16/2014	Application for an access road to complainant’s property ignored.	Explained
ROD/C/18/2015	Application for housing unit not attended to since years.	Rectified
ROD/C/26/2015	Length of service not correctly computed.	Explained

No.	Subject of Complaint	Result
RODRIGUES – CONTINUED		
ROD/C/14/2016	No action taken by authorities concerned to come in aid to complainant who has seven children and who has been abandoned by her husband.	Explained
ROD/C/17/2016	Complainant's chicken-rearing activity affected by disease. No assistance forthcoming to re-start his project.	Rectified
ROD/C/18/2016	No allowance or overtime paid to complainant.	Rectified
ROD/C/1/2017	Request for transfer of residential land lease not entertained.	Explained
ROD/C/2/2017	Complainant's retiring benefits not properly computed.	Explained
ROD/C/3/2017	Application by complainant for a housing unit for herself and her four children not considered.	Explained
ROD/C/4/2017	Anomaly in lump sum paid to complainant on his retirement from the Service.	Rectified
ROD/C/5/2017	Request by complainant for a housing unit as he lives in dire conditions.	Pending
ROD/C/6/2017	Payment of basic invalidity pension to complainant stopped since six months.	Explained
ROD/C/7/2017	No action taken by Commission following complaint made by complainant in respect of money still due to him by his ex-employer.	Discontinued
ROD/C/8/2017	Application by complainant to get back her Rodrigues Bus Licence not considered.	Discontinued
ROD/C/9/2017	Request for alternative access road to complainant's residence not yet considered.	Explained
ROD/C/10/2017	Complainants contest the decision to reinstate them to the post of Administrative Officers whereas before their interdiction they held the post of Departmental Heads.	Pending
ROD/C/11/2017	Complainant not satisfied with retirement benefits.	Explained
ROD/C/12/2017	Application for State land lease for commercial purposes not considered since twelve years.	Pending
ROD/C/13/2017	No reply to request made by complainant more than a year ago to re-style the post of Patrol Officer as Aviation Security Officer.	Explained
ROD/C/14/2017	Request for cash in lieu of duty-free upon reinstatement following interdiction and dismissal of court case.	Pending
ROD/C/15/2017	Complainant still waiting for a reply to his application for a residential lease made seven years ago.	Explained
ROD/C/16/2017	Anomaly in salary.	Explained



No.	Subject of Complaint	Result
RODRIGUES – CONTINUED		
ROD/C/17/2017	Claim for review of monthly allowance for working beyond normal working hours, etc.	Rectified
ROD/C/18/2017	Responsibility allowance not paid to complainant for a period of one year.	Pending
ROD/C/19/2017	Application for a residential lease made since six years not yet considered.	Pending
ROD/C/20/2017	Request for a small housing unit not considered.	Explained
ROD/C/21/2017	Complainant short-paid allowance for duties performed as driver of Bell loader.	Pending
ROD/C/22/2017	Complainant’s house in dangerous condition.	Pending
ROD/C/23/2017	No reply to application for repairs by complainant who is the beneficiary of a Trust Fund House.	Pending
ROD/C/24/2017	Query by complainant about his lump sum after his retirement from the Service.	Explained
ROD/C/25/2017	Request by Linen Health Officer to proceed incrementally in the salary scale of Senior Linen Health Officer rejected.	Explained
ROD/C/26/2017	Complainant’s house destroyed by fire since six months. No assistance provided to her by the authorities concerned.	Pending
ROD/C/27/2017	Application for a plot of State land for residential purposes not attended to since four years.	Pending
ROD/C/28/2017	Complainants claim for benefits upon their reinstatement not entertained.	Pending
SOCIAL INTEGRATION AND ECONOMIC EMPOWERMENT		
C/153/2015	Rampant poverty and other ills affecting village.	Explained
C/122/2017	Complainant not satisfied with amount being paid to his family as monthly subsistence allowance.	Explained
C/157/2017	Application for registration under the Social Register of Mauritius (SRM) not considered.	Explained
C/171/2017	Allocation for school materials not paid to complainant since seven months.	Rectified
C/214/2017	Request for child allowance	Not Investigated
C/240/2017	Application for subsistence allowance not attended to.	Rectified
C/260/2017	No follow up on complainant’s application for social aid.	Explained

No.	Subject of Complaint	Result
SOCIAL SECURITY, NATIONAL SOLIDARITY AND ENVIRONMENT AND SUSTAINABLE DEVELOPMENT (SOCIAL SECURITY DIVISION)		
C/61/2016	Application for Residential Care Home Licence not considered after nearly two years.	Pending
C/238/2016	Application for Blue Parking Coupon rejected.	Explained
C/250/2016	Non-payment of increment to complainants.	Explained
C/251/2016	Old age pension denied to complainant.	Rectified
C/14/2017	No reply to complainant's request for financial assistance for his ongoing treatment for cancer.	Rectified
C/28/2017	Complainant, a Substitute Messenger, not allowed to work full time.	Explained
C/51/2017	Complainant not called upon to perform the duties for which she has been appointed.	Discontinued
C/53/2017	Request by complainant for child allowance for her daughter aged 14 in order that she may pursue her studies.	Explained
C/63/2017	Application for financial assistance turned down.	Explained
C/64/2017	Complainant's widow's pension stopped.	Rectified
C/68/2017	Delay in reintegrating formerly interdicted Officer.	Rectified
C/73/2017	Family problems reported to Ministry. No assistance provided to complainant who is an elderly person.	Explained
C/76/2017	Almost crippled lady requires a medical bed.	Discontinued
C/80/2017	Officer unable to cope with workload on account of, among other reasons, his health problems.	Rectified
C/89/2017	Social aid refused to detainee's partner.	Rectified
C/103/2017	Payment of social aid stopped for three months.	Rectified
C/114/2017	Payment of Basic Invalid Pension to complainant unjustly stopped.	Rectified
C/124/2017	Pension paid for detainee's children not sufficient.	Explained
C/138/2017	Complainant contests claim for refund of alleged over-payment of orphan pension.	Pending
C/141/2017	Complainant's application for Invalid Basic Pension disallowed.	Explained
C/142/2017	Request for Invalid Basic Pension to be restored.	Explained
C/158/2017	Child not included in social aid payable to complainant.	Rectified
C/163/2017	No hearing aid issued to partially deaf person	Pending
C/165/2017	No reply to application for refund of contribution made by complainant.	Explained



No.	Subject of Complaint	Result
SOCIAL SECURITY, NATIONAL SOLIDARITY AND ENVIRONMENT AND SUSTAINABLE DEVELOPMENT (SOCIAL SECURITY DIVISION) – CONTINUED		
C/215/2017	Application for Basic Invalid Pension denied.	Explained
C/227/2017	Assistance for complainant’s three children attending school denied.	Pending
C/230/2017	Complainant contests deduction from benefits paid to him.	Explained
C/231/2017	Application for refund of contributions disallowed.	Explained
C/233/2017	Application by complainant for the re-issue of a cheque since more than six months not considered.	Rectified
C/250/2017	Sixty-two-year old lady’s wheelchair is broken. Still awaiting for a new one.	Rectified
C/254/2017	Wrong claim made by Ministry against complainant’s widowed mother.	Pending
C/264/2017	Complainant refused allowance to purchase new spectacles.	Explained
C/268/2017	Complainant’s basic invalid’s pension discontinued.	Pending
C/286/2017	Complainant not refunded unutilized sick leave.	Pending
(ENVIRONMENT & SUSTAINABLE DEVELOPMENT DIVISION)		
C/229/2016	Nuisances caused by lorries of cleaning company. No action taken since nearly three months.	Explained
C/249/2016	No action taken in respect of report made since several years regarding rearing of goats which poses a health problem.	Discontinued
C/166/2017	Abandoned land is a source of various nuisances. No action taken by authorities concerned notwithstanding numerous complaints.	Rectified
C/159/2017	Dogs represent a danger to users of Health Track at Signal Mountain.	Pending
C/172/2017	Bench on public beach in a deplorable state and has become an eyesore.	Rectified
C/223/2017	Environmental problems caused by hardware shop – dust, noise, etc. No action taken by authorities concerned.	Pending
C/237/2017	No action taken in respect of report of illegal operation of temple.	Pending
C/238/2017	Nuisance caused by smoke emanating from complainant’s neighbour’s premises.	Pending
C/267/2017	Illegal backfilling of river reserve thus diverting the normal course of the river.	Explained
C/270/2017	Public beach in a deplorable state due to the presence of waste materials.	Rectified

No.	Subject of Complaint	Result
TECHNOLOGY, COMMUNICATION AND INNOVATION		
C/136/2016	Notes of meetings not circulated notwithstanding requests by complainant.	Pending
C/144/2016	Complainant avers that a series of malpractices prevail at the Ministry. No action taken to redress the situation.	Pending
C/164/2016	Complainant's Postgraduate Award application rejected.	Explained
C/167/2016	Date of assumption of duty wrongly reckoned by Ministry.	Pending
C/199/2016	Complainant avers discrimination regarding her release to participate in a public speaking competition.	Pending
C/34/2017	Complainants denied award of Incremental Credit for additional qualifications.	Pending
C/115/2017	No reply made to complainant following report made by him to the ICT Authority.	Explained
C/194/2017	Request for recruitment of Technical Manager (CISD) to be maintained from qualified Senior System Analyst (SSA) of the CISD of the Ministry.	Explained
TOURISM		
C/57/2017	Illegal operation of taxis at hotel reported to authorities concerned. No action taken.	Explained
C/65/2017	No reply to application by complainant to the Tourism Authority for a change of pleasure craft.	Rectified
C/203/2017	No reply to complaint letter addressed by complainant to the Ministry.	Pending
C/207/2017	No action taken regarding report of misuse of block of apartments.	Pending
C/222/2017	No reply to application made by complainant before the latter can proceed with the purchase of a new engine for a speedboat.	Pending
C/249/2017	Tour operator's licence wrongly issued. Prejudice cause to Taxi Owners Association.	Pending

