

OFFICE OF THE OMBUDSMAN

OMB. 13/04 Vol. XXX I

30 June 2005

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

Your Excellency,

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

In accordance with such provisions therefore, I have the honour, pleasure and privilege to present to you the 31st Annual Report of the Ombudsman. It concerns the discharge of my functions during the year 2004.

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

Yours respectfully,

**(Soleman M. HATTEEA)
Ombudsman**

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ANNUAL REPORT OF THE OMBUDSMAN

JANUARY – DECEMBER 2004

Year under review

This is the 31st Annual Report of the Ombudsman. It concerns the discharge of my functions during the year 2004.

After a substantial increase in the number of new complaints registered in the preceding year, 2004 has witnessed a drop from 458 to 364. However, the number of rectified cases has increased from 114 in 2003 to 130 in 2004. Therefore, although the number of cases dealt with during the year under review was 634 compared to 718 in 2003, the percentage of rectified cases has risen from 15.87% in 2003 to 20.50% in 2004.

We also investigated in 37 cases on our own motion i.e. following press articles in which we considered it desirable to inquire and in the absence of any complaint made to us. I am pleased to report that remedial action by the various authorities concerned has been taken in 17 of these cases. A brief account of 13 selected cases is to be found further below.

We also registered a slight increase in the number of copies of complaints addressed to other bodies/institutions (173 as against 157 in 2003) and in the number of letters dealing with matters which do not fall within our jurisdiction (261 as against 256 in 2003). Although such cases do not concern our office directly yet we select such cases as merit some attention on our part and follow them through until final determination.

Statistics for 2004

Cases pending as at 31 December 2003	270
Case intake in 2004	364
Cases dealt with in 2004	634
Cases rectified	130
Cases partly rectified	3
Cases not justified	50
Cases explained	165
Cases discontinued	37
Cases not entertained	1
Cases not investigated	5
Cases pending as at 31 December 2004	243

Rodrigues

I proceeded to Rodrigues only once in 2004 (3 to 7 May), accompanied by the Secretary of the Office.

The number of persons who called on us for assistance during that visit was 46. Although only 4 files were opened there and then, the total number of complaints from Rodrigues at the end of the year under review was 50.

In terms of money, an amount of Rs 79,740.54 was disbursed by the Rodrigues Administration for payment to four complainants who were found to have been short-paid or not paid at all certain benefits to which they were found to be entitled after our investigation.

Own -motion cases

Hereunder is a list of cases which we investigated on our own initiative and a brief indication of the result achieved in each case.

<i>Case No.</i>	<i>Ministry/Authority concerned</i>	<i>Nature of problem</i>	<i>Result/action taken</i>
C/289/02	Public Utilities	No water available to inhabitants of locality (Terre Rouge) during the day for a number of years due to its	Tanker services used to ease situation. Pipelaying and connection works

<i>Case No.</i>	<i>Ministry/Authority concerned</i>	<i>Nature of problem</i>	<i>Result/action taken</i>
		high elevation	completed in December 2003.
C/220/03	Health and Quality of Life	Obstruction of footpath by vegetable sellers operating in deplorable unsanitary conditions (Surinam)	Structure removed and trading activities stopped.
C/237/03	Public Utilities	Poor supply of water to villagers since forty years (Palmar)	Pipelaying works along a distance of 700 metres completed in March 2004. Water supply substantially improved.
C/366/03	Local Government etc.	Untarred road poses numerous problems to inhabitants and other road-users (Roche Terre)	Road tarred by District Council in March 2004.
C/378/03	Police	Unpaid compensation etc. to low-ranked police officers	(i) Corporal allowance restored (ii) Promotion of corporals effected (iii) Increment for 25 years service in same grade paid (iv) Night duty allowance paid to eligible officers (v) Car loan facilities given to eligible officers.
C/56/04	Health and Quality of Life	Stagnation of water in canal constitutes health hazard (Terre Rouge)	(i) Larvicide sprayed in canal (ii) Sanitary Notice issued on Central Water Authority to have the canal cleaned within a delay of 10 days (iii) Sanitary Notice complied with (iv) Follow up visits confirm canal clean. No further

<i>Case No.</i>	<i>Ministry/Authority concerned</i>	<i>Nature of problem</i>	<i>Result/action taken</i>
			nuisance noted.
C/57/04	Health and Quality of Life	Stagnant water alongside wall of primary school represents health hazard for school children (Quartier Militaire)	(i) Larviciding undertaken on three different days (ii) Sanitary Notice served on District Council (iii) Proper drain with appropriate concrete cover slabs provided along boundary wall. Nuisance abated completely.
C/78/04	Local Government etc.	Poor state of road. Inhabitants exasperated (Triolet)	Road works effected by District Council.
C/109/04	Local Government etc.	Road in deplorable state. No action by authorities. (Cap Malheureux)	Remedial measures taken by District Council.
C/114/04	Environment	Garbage in vicinity of airport a real eyesore - Hawkers operating without licence	Illegal structure pulled down and refuse carted away.
C/122/04	Local Govt. etc.	Stagnation of water and absence of street lighting (Camp Carol)	Remedial action taken by National Development Unit and District Council respectively.
C/142/04	Local Govt. etc.	Road flooded during rainfall (Montagne Longue)	Absorption pit constructed by District Council.
C/178/04	Local Govt. etc.	Poor maintenance of road and lack of adequate drains (Riviere du Rempart)	Drains constructed by District Council.

It is obvious that whilst most of the cases which we investigate are of benefit only to the complainants, own-motion cases tend to benefit a large

number of people e.g. a whole neighbourhood or a group of persons.

Equity and the Ombudsman

In a world which is fraught with so many uncertainties and so much hardship it is becoming more and more imperative that the Ombudsman should be in a strong position to defend the citizens of his country with force and without fear in the face of adversity.

Certain complaints received at our office throw in the open a deep feeling of frustration, victimisation, exclusion, etc. by aggrieved citizens whenever they are confronted with an administration which is reticent to rid itself of its rigidity when dealing with them, with the result that sometimes a too strict application of the law/policy gives rise to unfair results. Whenever the Ombudsman is seized of such cases it is for him to parry, as it were, such results by making a move in the right direction.

The law is only the law and our law-makers may sometimes not realise the consequences of a particular law when applied in a given set of circumstances. Next we have the policies and practices adopted by successive administrations/governments in numerous fields, which are applied regardless of the results which they may produce. Do we therefore need to have different laws and policies for the strong, for the weak, for the vulnerable or indeed for

those who suffer at the hands of bureaucrats? The answer is clearly no. What is the solution then, when the Ombudsman is faced with complaints from citizens alleging that they are suffering from prejudice or are the victims of injustice as a result of decisions taken by different officers/authorities in the exercise of their administrative functions? My humble reply is that he must try his level best to counterbalance the rigour of such decisions and correct any dysfunction of government bodies or agencies. The citizen against the force of the State is no match. The Ombudsman's role therefore is to protect the rights of the citizen against the might of the State. His mission has been appropriately described as that of a messenger of equity, the highest order of the law.

I shall therefore say a few words about equity and the power of the Ombudsman to act/make recommendations in equity.

The notion of equity is not always easy to discern. Being equitable does not mean, as some people may tend to believe, treating everyone equally. It is being fair to a person according to the nature of that person's problem and the surrounding circumstances – giving to every complainant his due.

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".

Apart from overseeing the actions/decisions of the administration in law, the Ombudsman is also empowered to and indeed often does intervene in equity. Such power is given to the Ombudsman by section 100(1)(d) of the Constitution of Mauritius, whenever he considers that a decision is unjust or manifestly unreasonable. This provision opens the door for the Ombudsman to act in equity and makes it possible for the Ombudsman to temper the full rigour of the law by "humanising" it. It reads as follows -

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)
- (b)
- (c)
- (d) otherwise unjust or manifestly unreasonable.

Whenever such is the case and further where the Ombudsman is of the view that -

- (a) the matter should be given further consideration;
- (b) an omission should be rectified;
- (c) a decision should be cancelled, reversed or varied;
- (d) any practice on which the act, omission, decision or recommendation was based should be altered;
- (e) any law on which the act, omission, decision or recommendation was based should be altered;
- (f) reasons should have been given for the decision; or
- (g) any other steps should be taken,

he is empowered by section 100 (2) of the Constitution to make a recommendation accordingly.

The vigilance of the Ombudsman has a healthy and salutary effect on the public administration as well, making it more sensitive to public opinion and more responsive to demands of fairness and justice.

Public officers themselves will find it gratifying to carry out their duties, not only in compliance with legal or administrative provisions but also with due regard to the plight of the individual.

In other words the Ombudsman strives, with the cooperation of public

officers, to bring about an administration with a human face.

This notion of equity is closely linked to the particular situation in which a complainant finds himself. However, an intervention in equity must be properly balanced. It must be made on the merits of the case and it must not affect the rights of third parties. At the same time it must not create any precedent.

It goes without saying that it is not possible for me to give satisfaction to each and every complainant, inasmuch as in numerous cases the inescapable conclusion, after a thorough examination of such cases, is that there has been no maladministration. Whenever such is the case I inform the complainant of my findings, but not without helping him/her to understand the reason behind the decision. This is of vital importance because the need to understand is crucial for the complainant who at least has the satisfaction that his/her complaint has been looked into by an independent institution.

The independence of the Ombudsman institution is a matter of fundamental importance. It means that the Ombudsman is independent of the government of the day, of any ministry, department or other agency or authority.

Inasmuch as public perception about the Ombudsman's independence is vital to the credibility of the institution, I can confidently and comfortably say that, in the exercise of my duties, I have always been free from any sort of outside pressure and at complete liberty to deal with complaints referred to me in accordance with the Constitution.

The Ombudsman has no other role or function than that which is conferred upon him by the provisions of the Constitution.

VIIIth International Ombudsman Institute Conference

The International Ombudsman Institute (I.O.I.) is the world body of Ombudsman and regroups the ombudsman community the world over. It is a non-profit organisation whose objects include the promotion of the concept of ombudsman and its development throughout the world.

The I.O. I. holds an international conference every four years and, as much as possible, in different regions of the world.

In 2004 the I.O.I. held its VIIIth International Ombudsman Institute Conference in Quebec City, Canada, from 7 to 10 September. The theme of the Conference was "Balancing the obligations of citizenship with the recognition

of individual rights and responsibilities – The role of the Ombudsman". It was a resounding success , drawing 430 participants from 77 countries.

The Ombudsman of Mauritius is a voting member of the I.O.I. Although invited to attend, I was, unfortunately, unable to make it to Quebec City on that occasion but I have been able to follow the event through "Newsletter", a publication of the I.O.I.

Whilst emphasis has again been laid on the independence, impartiality, accessibility and credibility of ombudsman offices in order to maintain and develop the confidence of citizens and public authorities in the ombudsman institution, the Conference sought to promote new ideas and facilitate debate focusing on the existing concerns of ombudsman. In the concluding part of its Final Communiqué the Conference stated that "The need to seek balance between the recognition of the importance of both individual rights and collective security in an age of globalization and privatisation of many public services requires that the Institute take a leadership role in informing governments and the public of the challenges these represent to the maintenance of civil society, of good governance responsive to the needs of people as citizens and the protection of fundamental human rights."

Distinguished visitor from the African Union

Our office was deeply honoured by the visit of an ex-colleague of mine

and who now holds the position of Commissioner for Social Affairs at the African Union.

I have named Mrs. Bience Philomina Gawanas, former Ombudswoman of Namibia. She was in Mauritius in December 2004 to attend the African Union Ministerial Conference on Drug Control. During her stay she made it a point to call on me.

I was glad to gauge from our discussion that her experience in the field of ombudsmanship was of great help in her new job dealing with social affairs.

Acknowledgements

I would like to thank the Supervising and other Officers of the various Ministries/Departments whose actions I have had to investigate during the year under review for their cooperation in helping to find solutions, wherever possible, to the problems of those persons who chose to lodge their complaints before me.

As usual my staff have also been cooperative throughout the year and also very helpful in the preparation of this report.

Finally my thanks also go to my colleagues throughout the world for their respective annual reports and other information of importance and concern

to ombudsman generally.

Appendices

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

It is to be noted however that the provisions of the Constitution (Amendment) Act (No. 19 of 2003) have not been reproduced in Appendix A inasmuch as the said Act has not yet been proclaimed, awaiting the coming into operation of the entire Local Government Act 2003.

The Constitution (Amendment) Act (No. 19 of 2003) confers upon the Ombudsman the power to investigate actions taken by the Rodrigues Regional Assembly or any officer thereof and local authorities or any officer thereof. It must however be added that the Ombudsman has always exercised jurisdiction over matters of alleged maladministration in Rodrigues.

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

wilfully gives false or misleading information to the Ombudsman.

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

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

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

Attention is drawn to the fact that sometimes a particular ministry falls under different appellations e.g. Ministry of Finance and Ministry of Finance and Economic Development. This is due to the fact that, in its wisdom, the government of the day decides to make changes in the attribution of responsibilities falling under certain ministries.

For the purposes of this report however, the appellation at the time of opening of files has been maintained.

June 2005

**(S.M. HATTEEA)
Ombudsman**

APPENDIX A

CHAPTER IX - THE OMBUDSMAN

96. Office of Ombudsman

(1) There shall be an Ombudsman, whose office shall be a public office.

(2) The Ombudsman shall be appointed by the President, acting after consultation with the Prime Minister, the Leader of the Opposition and such other persons, if any, as appear to the President, acting in his own deliberate judgment, to be leaders of parties in the Assembly.

(3) No person shall be qualified for appointment as Ombudsman if he

is a member of, or a candidate for election to, the Assembly or any local authority or is a local government officer, and no person holding the office of Ombudsman shall perform the functions of any other public office.

(4) The offices of the staff of the Ombudsman shall be public offices and shall consist of that of a Senior Investigations Officer and such other offices as may be prescribed by the President, acting after consultation with the Prime Minister.

97. Investigations by Ombudsman

(1) Subject to this section, the Ombudsman may investigate any action taken by any officer or authority to which this section applies in the exercise of administrative functions of that officer or authority, in any case in which a member of the public claims, or appears to the Ombudsman, to have sustained injustice in consequence of maladministration in connection with the action so taken and in which -

(a) a complaint under this section is made;

(b) he is invited to do so by any Minister or other member of the Assembly; or

(c) he considers it desirable to do so of his own motion.

(2) This section applies to the following officers and authorities -

(a) any department of the Government;

(b) the Police Force or any member thereof;

(c) the Mauritius Prison Service or any other

service maintained and controlled by the

government or any officer or authority

of any such service;

(d) any authority empowered to determine the

person with whom any contract or class of

contracts is to be entered into by or on behalf

of the Government or any such officer or authority;

(e) such other officers or authorities as may be

prescribed by Parliament:

Provided that it shall not apply in relation to any of the following officers

and

authorities

-

(i) the President or his personal staff;

(ii) the Chief Justice;

(iii) any Commission established by this
Constitution or its staff;

(iv) the Director of Public Prosecutions or

any person acting in accordance with
his instructions;

- (v) any person exercising powers delegated
to him by the Public Service Commission or
the Disciplined Forces Service Commission,
being powers the exercise of which is subject to
review or confirmation by the Commission by which
they were delegated.

(3) A complaint under this section may be made by an individual, or by
any body of persons whether incorporated or not, not being -

- (a) an authority of the Government or
a local authority or other authority or
body constituted for purposes of the
public service or local government; or
- (b) any other authority or body whose
members are appointed by the President
or by a Minister or whose revenues consist
wholly or mainly of money provided from
public funds.

(4) Where any person by whom a complaint might have been made under subsection (3) has died or is for any reason unable to act for himself, the complaint may be made by his personal representative or by a member of his family or other individual suitable to represent him; but except as specified in this subsection, a complaint shall not be entertained unless made by the person aggrieved himself.

(5) The Ombudsman shall not conduct an investigation in respect of any complaint under this section unless the person aggrieved is resident in Mauritius (or, if he is dead, was so resident at the time of his death) or the complaint relates to action taken in relation to him while he was present in Mauritius or in relation to rights or obligations that accrued or arose in Mauritius.

(6) The Ombudsman shall not conduct an investigation under this section in respect of any complaint under this section in so far as it relates to -

- (a) any action in respect of which the person aggrieved has or had a right of appeal, reference or review to or before a tribunal constituted by or under any law in force in Mauritius; or
- (b) any action in respect of which the person

aggrieved has or had a remedy by way
of proceedings in any court of law:

Provided that -

- (i) the Ombudsman may conduct such an investigation notwithstanding that the person aggrieved has or had such a right or remedy if satisfied that in the particular circumstances it is not reasonable to expect him to avail himself or to have availed himself of that right or remedy; and
- (ii) nothing in this subsection shall preclude the Ombudsman from conducting any investigation as to whether any of the provisions of Chapter II has been contravened.

(7) The Ombudsman shall not conduct an investigation in respect of any complaint made under this section in respect of any action if he is given notice in writing by the Prime Minister that the action was taken by a Minister in person in the exercise of his own deliberate judgment.

(8) The Ombudsman shall not conduct an investigation in respect of any complaint made under this section where it appears to him -

(a) that the complaint is merely frivolous or vexatious;

(b) that the subject-matter of the complaint is trivial;

(c) that the person aggrieved has no sufficient interest in the subject-matter of the complaint; or

(d) that the making of the complaint has, without reasonable cause, been delayed for more than 12 months.

(9) The Ombudsman shall not conduct an investigation under this section in respect of any matter where he is given notice by the Prime Minister that the investigation of that matter would not be in the interests of the security of Mauritius.

(10) In this section, "action" includes failure to act.

98. Procedure in respect of investigations.

(1) Where the Ombudsman proposes to conduct an investigation under section 97, he shall afford to the principal officer of any department or authority concerned, and to any other person who is alleged to have taken or authorised the action in question, an opportunity to comment on any allegations made to the Ombudsman in respect of it.

(2) Every such investigation shall be conducted in private but, except as provided in this Constitution or as prescribed under section 102, the procedure for conducting an investigation shall be such as the Ombudsman considers appropriate in the circumstances of the case; and without prejudice to subsection (1), the Ombudsman may obtain information from such persons and in such manner, and make such enquiries, as he thinks fit, and may determine whether any person may be represented, by counsel or attorney or otherwise, in the investigation.

99. Disclosure of information.

(1) For the purposes of an investigation under section 97, the Ombudsman

may require any Minister, officer or member of any department or authority concerned or any other person who in his opinion is able to furnish information or produce documents relevant to the investigation to furnish any such information or produce any such document.

(2) For the purposes of any such investigation, the Ombudsman shall have the same powers as the Supreme Court in respect of the attendance and examination of witnesses (including the administration of oaths and the examination of witnesses abroad) and in respect of the production of documents.

(3) No obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to persons in the public service imposed by any law in force in Mauritius or any rule of law shall apply to the disclosure of information for the purposes of any such investigation, and the State shall not be entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings.

(4) No person shall be required or authorised by virtue of this section to furnish any information or answer any question or produce any document relating to proceedings of the Cabinet or any committee of Cabinet, and for the

purposes of this subsection, a certificate issued by the Secretary to the Cabinet with the approval of the Prime Minister and certifying that any information, question or document so relates shall be conclusive.

(5) The Attorney-General may give notice to the Ombudsman, with respect to any document or information specified in the notice, or any class of documents or information so specified, that in his opinion the disclosure of that document or information, or of documents or information of that class, would be contrary to the public interest in relation to defence, external relations or internal security; and where such a notice is given nothing in this section shall be construed as authorising or requiring the Ombudsman or any member of his staff to communicate to any person for any purpose any document or information specified in the notice, or any document or information of a class so specified.

(6) Subject to subsection (3), no person shall be compelled for the purposes of an investigation under section 97 to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before the Supreme Court.

100. Proceedings after investigation.

(1) This section shall apply in every case where, after making an investigation, the Ombudsman is of the opinion that the action that was the subject-matter of investigation was -

- (a) contrary to law;
- (b) based wholly or partly on a mistake of law or fact;
- (c) unreasonably delayed; or
- (d) otherwise unjust or manifestly unreasonable.

(2) Where in any case to which this section applies the Ombudsman is of the opinion -

- (a) that the matter should be given further consideration;
- (b) that an omission should be rectified;
- (c) that a decision should be cancelled, reversed or varied;
- (d) that any practice on which the act, omission, decision or recommendation was based should be altered;
- (e) that any law on which the act, omission, decision or recommendation was based should be reconsidered;

(f) that reasons should have been given for the decision; or

(g) that any other steps should be taken,

the Ombudsman shall report his opinion, and his reasons, to the principal officer of any department or authority concerned, and may make such recommendations as he thinks fit; he may request that officer to notify him, within a specified time, of any steps that it is proposed to take to give effect to his recommendations; and he shall also send a copy of his report and recommendations to the Prime Minister and to any Minister concerned.

(3) Where within a reasonable time after the report is made no action is taken which seems to the Ombudsman to be adequate and appropriate, the Ombudsman, if he thinks fit, after considering any comments made by or on behalf of any department, authority, body or person affected, may send a copy of the report and recommendations to the Prime Minister and to any Minister concerned, and may thereafter make such further report to the Assembly on the matter as he thinks fit.

101. Discharge of functions of Ombudsman

(1) In the discharge of his functions, the Ombudsman shall not be subject to the direction or control of any other person or authority and no proceedings

of the Ombudsman shall be called in question in any court of law.

(2) In determining whether to initiate, to continue or discontinue an investigation under section 97, the Ombudsman shall act in accordance with his own discretion, and any question whether a complaint is duly made for the purposes of that section shall be determined by the Ombudsman.

(3) The Ombudsman shall make an annual report to the President concerning the discharge of his functions, which shall be laid before the Assembly.

102. Supplementary and ancillary provision.

There shall be such provision as may be prescribed for such supplementary and ancillary matters as may appear necessary or expedient in consequence of any of the provisions of this Chapter, including (without prejudice to the generality of the foregoing power) provision -

- (a) for the procedure to be observed by the Ombudsman in performing his functions;
- (b) for the manner in which complaints under section 97 may be made (including a requirement that such complaints should be

- transmitted to the Ombudsman through the intermediary of a member of the Assembly);
- (c) for the payment of fees in respect of any complaint or investigation;
- (d) for the powers, protection and privileges of the Ombudsman and his staff or of other persons or authorities with respect to any investigation or report by the Ombudsman, including the privilege of communications to and from the Ombudsman and his staff; and
- (e) the definition and trial of offences connected with the functions of the Ombudsman and his staff and the imposition of penalties for such offences.

THE OMBUDSMAN ACT

APPENDIX B

1. **Short title**

This Act may be cited as the Ombudsman Act.

2. **Oaths of office.**

(1) Before performing the duties of their respective offices, the Ombudsman and the Senior Investigations Officer shall take an oath before a Judge that they will faithfully and impartially perform the duties of their offices and that they will not, except in accordance with Chapter IX of the Constitution and this Act, divulge any information received by them in the exercise of their

duties.

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

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

3. Procedure.

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

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

4. Action by department not affected by investigation.

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

5. Privilege of communication.

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

6. Offences.

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

(2) Subject to Chapter IX of the Constitution, any person who is requested by the Ombudsman or by any member of his staff, acting in the exercise of his duties, to furnish any information or to produce any document

and who wilfully fails to furnish the information or to produce the document, shall commit an offence.

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

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

7. Expenses and allowances.

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

8. Administrative expenses.

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

9. Regulations.

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

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

APPENDIX C

SELECTED COMPLAINTS

**AGRICULTURE, FOOD TECHNOLOGY AND NATURAL
RESOURCES**

C/77/2003

Land conversion permit issued to complainant

One S.C. wrote to complain about the absence of a reply to his application for the conversion of a plot of land from "agricultural" to "residential" made more than fourteen months before.

My inquiry revealed that the complainant had submitted his application

for a land conversion permit in respect of land of an extent of 3895.68m² at Camp Ithier in December 2001. The land was to be allocated to his son for residential purposes.

The application was examined by the Land Conversion Committee but as the site was partly built-up it was decided to refer the matter to the Commissioner of Police as it was suspected that the complainant had committed a breach of the Sugar Industry Efficiency Act by illegally constructing on agricultural land.

As the police inquiry was being delayed I took up the matter directly with the Commissioner of Police, requesting him to expedite matters and to forward his report to the Ministry, with copy to me.

Indeed a month later I was informed by the Commissioner of Police that the Director of Public Prosecutions had advised prosecution against S.C. for breaches of the Sugar Industry Efficiency Act and the Town and Country Planning Act.

Finally S.C. was given an absolute discharge by the court for developing land without necessary land conversion permit but was sentenced to pay a fine under the other count.

I pressed the Ministry to know what they proposed to do in the light of the judgment and I was immediately informed that the Ministry had favourably considered the conversion of an extent of 633.15m² out of the extent applied for. A month later the land conversion permit was issued.

I believe S.C. must have been satisfied as I did not hear from him again.

C/420/2003

Complainant gets land conversion permit

In November 2003 complainant averred that he had applied to convert his land from "agricultural" to "residential" since seven years but had not yet obtained a reply.

However my inquiry revealed that an appropriate application was only made in December 2000 and that on 9 July 2001 a reply was made to the complainant to the effect that his application had been rejected as the site was found to be within the boundary of the Northern Plains Irrigation Project Stage II. Upon a request by the complainant's Land Surveyor to reconsider the application the Ministry observed that construction on the site was in progress,

in violation of the Sugar Industry Efficiency Act. The matter was therefore referred to the Police.

I had to follow up the matter as the Police inquiry took some time but in the end the Ministry informed me that the land was found within the limits of permitted development and that it had favourably considered the application for conversion. A land conversion permit was consequently granted to the complainant.

CIVIL STATUS

C/253/2004

Civil status document set right

The provisional decree of divorce of the complainant was made permanent and her marriage dissolved in May 2004.

After having received a certified copy of the Supreme Court order she proceeded to the Civil Status Office to request a certified extract of her birth entry and of her marriage entry. She even showed the court order to the civil status officer dealing with her request. She was asked to come back a week later.

For the purposes of this summary I shall deal with the extract of marriage entry only.

So when the complainant called again to collect the extract of her marriage entry she was surprised to note that there was no mention at all of her divorce on the extract. She was there and then told that divorce orders from the court took a long time to process. She was not happy with the situation and complained to me.

I immediately queried the Registrar of Civil Status about this case and I was told that the court order relating to the dissolution of the complainant's marriage was forwarded to the Civil Status Office on 27 August 2004 whereas the extract that was remitted to the complainant was drawn up on 24 August 2004.

I informed the complainant accordingly and requested her to make a fresh application whereupon a proper copy would be issued to her. She did exactly that but yet again there was no annotation of her divorce although the extract was dated 12 October 2004, i.e. more than six weeks after the court order was received at the Civil Status Office.

Furious about the situation, the complainant wrote to me again. I must say I was also taken aback. When I checked again with the Registrar of Civil Status I was told that it was through "inadvertence" of the Civil Status Officer that this had occurred. In the same breath the Registrar forwarded to me a proper extract for onward transmission to the complainant and at the same time offered her apologies for what happened informing me that she would sermon the officer responsible for this.

The complainant finally received the extract she had applied for through the services of my Office.

CUSTOMS DEPARTMENT

C/117/2004

Customs duty refunded

A company which was involved in the manufacture of curry powder had received a consignment of coriander seeds from Madagascar on 28 September 2003 and the goods were cleared on 2 October 2003 after duty had been paid.

When the container was opened at the warehouse of the company it was found that all the 411 bags of coriander seeds were wet and consequently unfit for human consumption. The company immediately called the Ministry of Health and Quality of Life for a verification and indeed the goods were condemned and destroyed.

On 23 October 2003 the company wrote to the Comptroller of Customs claiming refund of customs duty paid as the goods had never been put on the market for sale. Relevant certificates were annexed to the letter.

As at 14 April 2004 the company had not received any reply whatsoever from the Customs Department nor had it been contacted by that Department and it therefore sought my intervention in the matter.

I sought the explanation of the Comptroller on 19 April 2004 with a reminder on 13 May 2004 and finally, on 28 May 2004, the company informed me that it had been reimbursed the total amount paid as duty and thanked us for our quick intervention.

EDUCATION AND SCIENTIFIC RESEARCH

C/409/2003

Computation of retiring benefits rectified

One week before retiring from the public service, Miss P.R., a primary school teacher who joined the Ministry of Education and Scientific Research as Extra Teaching Assistant on 7 June 1975, informed me that her length of service had been wrongly computed for purposes of calculation of her lump sum and passage benefits. According to her, her services as ETA had not been taken into consideration for the said computation.

As this complaint referred to an issue that dated back more than twenty-five years searches had to be carried out at the Voucher Room of the Ministry and it was indeed found that the lady was employed to give extra teaching assistance in Government primary schools from 7 July 1975 to December 1978. She subsequently joined the Teachers Training College in January 1979 to follow the Teachers Training Course until October 1980. As she had been referred in one subject at the examination she was again called upon to serve as Extra Teaching Assistant from 12 January 1981. Thereafter she was appointed Teacher/Senior Teacher of oriental languages with effect from 1 August 1981 and confirmed in her appointment on 1 February 1984.

Necessary action was taken by the Ministry to submit duly amended dates and a fresh computation of passage benefits to the Accountant General. By then the complainant had already retired from the service but the revised retiring benefits were approved and paid into her bank account.

Asked to confirm whether she had received the extra amount of money the complainant made no reply. Her case however stands as rectified.

C/123/2004

Officer granted car loan facilities

N.A.C. joined the Technical School Management Trust Fund (TSMTF) on 10 July 1995. He was then informed that the TSMTF offered a special car loan scheme to Trainers even if the salary of the officer was less than the travel grant salary point.

Many of his colleagues who had joined the TSMTF at more or less the same time had benefitted from this advantage.

In November 2003 N.A.C. submitted an application for car loan and the application was forwarded to the Ministry of Education and Scientific Research for approval. Four months later his application was still under consideration and so he felt he was being unfairly treated. He therefore sought my intervention.

The Ministry explained that in 1992 Government decided to authorise the implementation of a special car loan scheme to officers of the Lycée Polytechnique, Flacq, as an exceptional measure in order to avoid any risk of disruption in the effective functioning of the Lycée at that time. Teachers had to travel long distances and were encountering transport problems in those

days. Some of them also had to work after normal school hours. The scheme was thus approved pending the publication of the 1993 Pay Research Bureau (PRB) Report.

N.A.C. had joined the TSMTF (a para-statal body responsible for the Lycée and two other institutions) in 1995 i.e. after the publication of the 1993 PRB Report. It provided for officers not entitled to travel grant to be eligible for a car loan, subject to the approval of the Supervising Officer. It also provided that officers who are called upon to perform official travelling by car from time to time on a regular basis may be granted loan facilities, subject to the approval of the Supervising Officer.

In the case of N.A.C. his Supervising Officer had only stated that he does not perform industrial visits. The matter was therefore referred to the Ministry of Civil Service Affairs and Administrative Reforms to determine whether N.A.C. was entitled to car loan under the 1992 Scheme or under 1993 PRB Report.

Finally it was decided that N.A.C. should be granted car loan facilities under the 1993 PRB Report.

Within another six weeks therefore the case of N.A.C. was resolved.

C/213/2004

Complainant's diploma recognised

Mrs. H. joined the Ministry of Health in 1973 as Student Nurse and completed the following courses subsequently -

- (i) Certificate in General Nursing in 1976
- (ii) Certificate in Post Basic Orthopaedic in 1984
- (iii) Certificate in Midwifery in 1986
- (iv) Advanced Diploma in Health Sciences Education
with Midwifery as elective from the University of
South Africa in 2003.

She submitted all relevant documents to the National Accreditation and Equivalence Council (NAEC) in December 2003 for the recognition of her Advanced Diploma and applied for the post of Midwifery Nurse Educator at the Ministry of Health and Quality of Life on 26 January 2004.

At the end of July 2004 the NAEC had not yet processed her application for recognition and she feared missing out on the opportunity of a forthcoming promotion exercise.

The matter was immediately taken up with the parent ministry i.e. the Ministry of Education and Scientific Research. Their version was that Mrs. H. had submitted her application at the end of February 2004 but the case was not processed as the certified copy of her certificate was missing. Mrs. H. produced it on 28 April 2004.

According to the National Accreditation and Equivalence Council Act the Council is required to meet at least four times a year but in view of the increased demand for recognition/equivalence the Council was then meeting once every month. The Council agreed to process the case of Mrs. H. at the end of August 2004 and the lady was even informed of that by letter.

Indeed the Council met on 31 August 2004 and held that the Advanced University Diploma from the University of South Africa would be recognised. That decision was ratified at the end of September 2004 and Mrs. H. accordingly informed.

She wrote again in October 2004 to thank us for our intervention, otherwise it is not known how long more the decision would have been delayed.

C/227/2004

Complainant allocated seat to follow PGCE course

J.M.R. was appointed Education Officer in the civil service in January 1999 and confirmed in his post one year later. He is now Head of Department of Chemistry in a State Secondary School and had applied for a part-time P.G.C.E. Course (Science with Chemistry) conducted by the Mauritius Institute of Education.

The course had just started when he wrote to me to complain that his junior had been selected to follow the course and he was left out.

According to the advertisement published by the Mauritius Institute of Education it was stated that "Seniority in the relevant field of study will be the determining criterion for selection".

Further, according to the complainant, the junior who was chosen to follow the course was a Mathematics teacher and therefore not relevant to teaching Chemistry.

The complainant was therefore bitterly disappointed and requested me to have his Seniority right restored. He was prepared to join the course, albeit a little late.

I immediately took up the matter with the Ministry of Education and Scientific Research and within a week J.M.R. was allocated a seat to follow the course.

J.M.R. confirmed having been selected and added that "I am hereby informing you that justice has been done I am greatly thankful to you for having contributed for that very positive response".

HEALTH AND QUALITY OF LIFE

C/16/2003

Noise and smell nuisances considerably abated

In January 2003 I was in presence of a complaint from certain inhabitants of Morcellement Les Guibies, Pailles, protesting against "the acute and continued NOISE and unbearable SMELL" emanating from X Company. The petition which was signed by close to 250 persons averred that not much had been done by the authorities to tackle their problems.

My investigation revealed that the problems have been there for a long time – in fact since 1989! The management of the company was aware of these problems and had already taken certain steps, namely -

- (i) reduction of working hours from 24 to 16,
- (ii) erection of a high boundary wall,
- (iii) isolation of the reception bay, drag conveyor etc.,
- (iv) reduction of stock on the premises.

Furthermore the management of the company had informed the Ministry of Health and Quality of Life that an expert was looking into the problems.

A standing committee was also set up by the Ministry of Environment in order to follow up the matter and I subsequently dealt with that Ministry. The following further measures were found to have been taken by the company -

- (a) a peripheral wall was built all around the factory,
- (b) sound attenuators were placed on compressors,
- (c) conveyors were lined with vescoline (noise absorbent),
- (d) the reception bay where raw materials were unloaded was enclosed and provided with plastic curtains to avoid dust nuisance, and
- (e) doors of stores of raw and finished products were always kept closed to reduce odour nuisance.

A further site visit by officers of the Ministry of Environment disclosed that other measures had been taken by the company, amongst which -

- (a) a replacement of the compressor, and
- (b) the construction of isolating chambers which are equipped with filters to reduce dust emission.

Further monitoring by me and the Ministry of Environment revealed that the company transferred its wood-grinding machines to other premises.

All in all I was satisfied with the measures taken by the company and completed in December 2003 as well as the manner in which officers of the Ministry of Environment handled this complaint.

What a relief to the inhabitants after so many years!

C/38/2004

Complainant's appointment confirmed

J.J.D.S. was appointed Electro-Cardiogram Technician with effect from 25 January 1999, on twelve months probation. In January 2000, before he had completed his probation period, his Ministry was informed by the Police that he was an accused party in a case of rape. Consequently he was not confirmed in his appointment and, according to him, he continued to draw the starting basic salary of an ECG Technician.

In June 2003 the Ministry was informed by the Police that the case against J.J.D.S. had been dismissed but until 30 January 2004, date of his letter of complaint to me, he had not yet been confirmed in his appointment. I therefore took up his case with the Ministry.

It came out that the complainant produced a copy of the judgment to the Establishment Section of his Ministry but this was not accepted as the Ministry wanted a duly certified copy. Finally it was the Ministry itself that sought a certified copy of the court proceedings from the Court and it was only on 4 February 2004 that it obtained same and transmitted it to the Public Service Commission.

Finally J.J.D.S. was confirmed in his appointment with effect from 25 January 2000 i.e. exactly one year after his original appointment and he wrote to say " I would like to thank you very much for your intervention in my behalf. I owe you a lot. I am really fully satisfied".

C/52/2004

Complainant refunded cost of air tickets

Mr. V.B.'s complaint was to the effect that he had not yet been refunded by the Ministry the cost of air tickets in respect of his son who had to undergo an operation to his eyes in South Africa.

He averred that the tickets should have been paid for before his son was flown to South Africa but as the matter was being delayed for too long he had to send the boy before receiving any reply.

Enquiry revealed that, according to the current scheme, financial assistance is provided to a patient for overseas treatment where -

- (i) a Medical Committee under the Chairmanship of a Regional Health Director and comprising two Specialists in the appropriate field, recommend that the investigation and treatment are not available locally, and
- (ii) a social enquiry report concludes that the patient does not have the financial means to proceed abroad for further investigation and treatment.

Financial assistance up to a maximum of Rs 200,000/- is granted to all eligible patients who decide to go to a health institution of their choice abroad.

In the present case, following an application for financial assistance made by V.B. in favour of his son who was found to be eligible for treatment abroad, a sum of ZAR 21000 was transferred by the Ministry to the institution in South Africa. The treatment cost ZAR 19,774.78 and an unspent balance was to be refunded to the Ministry. On that occasion the patient was granted a free ticket.

The problem of V.B. arose on the occasion of a second application for financial assistance in favour of the same boy regarding a malignant glaucoma.

Again the same procedure was followed and another transfer of ZAR 15,500 made to the hospital by the Ministry.

But in this case the Ministry informed V.B. that his son would not be granted a free air ticket because the unspent balance in respect of the first operation had not yet been refunded to the Ministry. However V.B. was reassured that as soon as this was done he would be refunded the cost of tickets.

Finally the hospital in South Africa refunded unspent balances for both operations.

After he had written to me V.B. was requested by the Ministry to submit the original receipt for the air tickets and within a month V.B. was refunded the sum of Rs 14602/-

C/95/2004

Payment for purchase of tyres effected

following Ombudsman's intervention

A trading company which was the sole distributor of a certain brand of tyres lodged a complaint before me on 26 March 2004 for non-payment of tyres supplied to the Ministry on three Store Forms.

A meeting with, a letter and a reminder to officials of the Ministry produced no result.

When I queried the Ministry about the situation I was informed that payment in respect of one Store Form had already been effected since August 2003 whereas another Store Form had been cancelled because there were three tyres that had been purchased in excess of the 200 units approved by the Central Tender Board and a fresh Store Form had to be subsequently drawn up to allow for payment and this was done in April 2004. Lastly payment in respect of the third Store Form, again where there was a problem of excess purchase, would be processed for payment.

Finally, all outstanding payments were effected at the beginning of June 2004 to the satisfaction of the company.

C/251/2004

Detainee operated after complaint to Ombudsman

Detainee D.P. averred in his letter of complaint that he was suffering from haemorrhoid and that his operation was being delayed for too long and for reasons unknown.

According to D.P., in April 2004 he attended J. Nehru Hospital in Rose Belle where he was examined by a Medical Officer who told him that a telegram would be sent to the Prisons Administration for his operation. Indeed the telegram was forwarded and on 5 June 2004 he attended hospital but there he was told that the operation had been postponed. No reason was given.

He got another appointment on 12 August 2004 for his operation but once again he was sent back without having been operated. Again no reason was given.

He solicited my intervention as he claimed that he was suffering a lot.

The matter was immediately taken up with the Ministry of Health and Quality of Life. Their version was that D.P. was first examined on 25 May

2004 and was convened on 1 June 2004 for surgery (haemorrhoidectomy) but D.P. did not turn up. Then on 12 August 2004 he attended at the Outpatient Department and was examined. Finally he was operated on 17 September 2004 and discharged four days later.

Asked whether he was feeling better he did not make any reply. His case stands as having been rectified.

HOUSING AND LANDS

C/54/2003

**Sale of bungalow on Pas Geometriques authorised
following Ombudsman's intervention**

Mrs. L.M.O.M. wrote to complain about the absence of a reply from the Ministry of Housing and Lands in respect of an application made on her behalf since seven months by her Notary for the transfer of a lease of Pas Géométriques to her name. She was proposing to buy a bungalow standing on that State land from Mr. C.H.

The Ministry informed me that as the lessee of the State land on which the bungalow stands had not yet settled all payments due in respect of the lease, it did not propose to consider the application until and unless all arrears of rent are settled. The Ministry even added that it would initiate legal action against the lessee for the recovery of the unpaid rent.

After I had reproached the Ministry for not having informed the Notary of the situation it wrote to the Notary simply to say that it did not propose to approve the transfer for the time being. I was surprised that no reason was given in the letter and made it known to the Ministry as I was of the view that,

in the name of transparency, the Notary should have been made aware of the reason. I also held the belief that if this was known a solution to the problem would be found thus avoiding any unnecessary court action.

My belief turned out to be founded because the next thing I heard from the Ministry was that the lessee i.e. Mr. C.H. had settled all arrears of rent and finally authorisation for the sale was given and Mrs. M was informed by the Ministry through her Notary.

I wish to add that this is a simple matter which has taken close to two years to settle whereas this should never have been the case had the officer(s) of the Ministry been more inspired.

C/229/2003

Complainant gets plot of State land for residential purposes finally

M.Y. wrote to me on 23 June 2003 informing me that since September 2000 he is waiting for a final reply to his application for a building site lease over a plot of State land in Port Louis.

My inquiry with the Ministry of Housing and Lands revealed that M.Y. had applied for a plot of State land for residential purposes in the Port Louis area on two occasions, namely on 3 April 1991 and 5 May 1999.

On 15 September 2000 a letter of intent was issued to him informing him that Government had in principle agreed to grant him a 20-year building site lease over a portion of State land at J. Street in Port Louis of an approximate extent of 200 square metres, subject to his being found eligible.

In the meantime a socio-religious society, which was the lessee of an adjoining plot of State land of an extent of 1358 square metres, applied for the lease of the remaining part of the State land, over which it had encroached and which included the plot that was ear-marked for Y.M. The illegal occupation

of the land by the said society was regularised in June 2003, which meant that the plot originally reserved for M.Y. was no longer available. However, an alternative site was identified comprising of six lots, one of which had already been leased to a lady who was found to be eligible. After inquiry into the means and ability to pay rental of M.Y. and indeed the determination of the appropriate rental, Government decided to offer one lot from the new site to M.Y. with effect from 16 January 2004 up to 30 June 2060. Another letter of intent to that effect was issued to M.Y. and the latter informed me that that he had accepted the offer "with great pleasure".

The matter was thus settled to the satisfaction of the complainant after a very long wait.

C/330/2003

**Compensation for land compulsorily acquired paid to
complainants after more than two years**

The gist of the complainants' case was that they had not yet been paid compensation for their land which had been compulsorily acquired by Government on behalf of the Central Water Authority more than three years before, although they had agreed to the amount of compensation offered by Government. The complainants did not disclose the amount agreed upon but I had it from the Ministry of Housing and Lands that, after negotiations with the owner, agreement was reached on the sum of Rs 250,000/- plus interests in full and final satisfaction. That was in April 2002.

As the complainants had, in November 2002, expressed the wish to appoint Mr. S as Notary for purposes of the drawing up of the deed of acquittance, the Office of the Solicitor General was informed accordingly. However that Office informed the Ministry in April 2003 that, according to searches made at the Mortgage Office, the information appearing in the Notice of Acquisition regarding ownership of the land was incomplete and therefore the deed of acquittance could not be finalised.

In the circumstances, the Central Water Authority, at the request of the Ministry, submitted the necessary corrigendum to the Notice of Acquisition and same was published in the Government Gazette on 31 January 2004 and in two dailies on 7 February 2004.

After following the procedure for transcription etc. the Ministry appointed Notary S to draw up the deed of acquittance and submitted same to the Solicitor General's Office for purposes of vetting on 15 August 2004.

Subsequently, when the complainants obtained information to the effect that the file had been sent to the Accountant General's Office for payment but still they had not yet been paid, I had to follow up the matter with the Accountant General. Finally, on 19 November 2004, a sum of Rs 310,781.60 was paid to the office of the Notary in favour of the complainants.

The latter confirmed that payment had indeed been effected and added "We appreciate and salute the great work done by you and your team again thanks a lot".

C/59/2004

Renewal of campement site lease approved

By letter dated 19 February 2004 one A.L.M. wrote to seek my help in a matter concerning the renewal of a campement site lease over State land as he said that he had exhausted his efforts via the normal channel.

His story was that the renewal was requested since 2002 but despite all his visits at and phone calls to the Ministry of Housing and Lands no one there would give him a positive response. It would appear that in May 2003 he even called on the then Permanent Secretary who told him that the application was in order and that it would be approved shortly. But ten months down the line he was still waiting.

The official version was that the application which dated back to September 2002 had been made by a different person, one A.B., and that it was only in June 2003 that the complainant informed the Ministry that A.B. was empowered to act on his behalf and produced a Power of Attorney to that effect.

Some ten days after I had taken up the case with the Ministry the complainant was informed through his representative that Government had approved the renewal.

On 14 March 2004 the complainant confirmed that the matter had been successfully resolved.

C/180/2004

**Widow gets new building site lease after
having waited for four years**

Following an application made by her, Widow S.P. was informed by the Ministry on 6 July 2000 that Government had approved in principle, subject to her being found eligible, the grant of a building site lease over a plot of State land, as from 2 July 2000 to expire on 30 June 2019 on terms and conditions that would be communicated to her in due course.

In the same letter she was requested to submit certain documents and informed that should she qualify she would be required to enter into an agreement with Government.

In a letter addressed to the Permanent Secretary of the Ministry four years later and copied, inter alia, to me, she averred that several times she has been told that the deed was not yet ready until one day, in March 2004, when she was informed that the lease had been given to someone else and that her file was lost.

I decided to inquire into the matter and it was found that among the documents requested by the Ministry there were her salary receipt and a Statement of Applicant Form duly filled in, which the lady had not yet submitted. Reminders to that effect were sent to her. The Ministry however denied that the plot of land earmarked for her had been given to someone else or that her file had been lost.

In its letter to me the Ministry stated that it was waiting for the above missing documents in order to process her case. It proposed to send another reminder to her.

This time it was the complainant who denied having received any reminders but all the same she repaired to the Ministry again and submitted the missing documents.

After confirming having received the documents, the Ministry finally cancelled the previous approval and granted to Widow S.P. a new building site lease for a new period running from 15 October 2004 to 30 June 2060.

C/206/2004

Subdivision of land authorised after having been rejected

Mrs. L. had purchased a plot of land at Plaine des Papayes in 1997. However, as her husband was the owner of a plot of land at Coromandel, they decided to sell part of the land at Plaine des Papayes in order to finance the construction of their house at Coromandel, where they had decided to live.

In April 2003 she had been issued with a Zoning Certificate by the Ministry to the effect that the land situated at Plaine des Papayes was in a Residential Zone. But when she handed over the said Zoning Certificate to the Notary Public the latter informed her that he could still not draw up the deed of sale as the previous owner of that land had subdivided the plot of land twice in the same year and consequently she required a morcellement permit.

She therefore applied for a morcellement permit in respect of the land at Plaine des Papayes but some nine months later she was informed that her application had been turned down on the ground that the land fell within the Northern Plains Irrigation Project. Within 10 days she appealed against that decision but as she received no acknowledgement of her letter after two months she sought my intervention in the matter.

It was indeed strange that land which was certified as falling in a Residential Zone one year earlier had now been found to form part of the Irrigation Project.

Fortunately for Mrs. L., less than one month after I had taken up the matter with the Ministry, I was informed that the site had been included within the settlement boundaries following a rezoning exercise.

Another month later Mrs. L. was issued with a letter of intent recommending her application for a subdivision of her land at Plaine des Papayes for residential purposes.

An injustice has therefore been remedied.

INCOME TAX DEPARTMENT

C/102/2004

Complainant gets refund of tax

By letter dated 19 March 2004 the Commissioner of Income Tax informed one Mr. D.L. that his tax liability for year of assessment 2002/2003 had been adjusted and claimed payment of the sum of Rs 15243 on or before 21 April 2004. One of the reasons invoked by the Commissioner was that the "Premium on personal pension scheme has been disallowed as policy is in your spouse's name".

On 1 April 2004 the said D.L. informed me that he had been married for nearly twelve years under the system of "communauté de biens" and that his wife had no revenue and was entirely under his charge. He therefore could not understand the reason invoked by the Commissioner, the more so as that item had always been allowed during previous years.

My inquiry simply revealed that D.L. had wrongly filled in his 2003/2004 return and did not claim deduction for his dependent wife. All the same the necessary adjustment was made and a refund of tax of Rs 3,145 was effected, although I hasten to add that there had been no maladministration.

D.L. expressed his entire satisfaction.

LABOUR, INDUSTRIAL RELATIONS AND EMPLOYMENT

C/26/2004

Complainant issued with Job-Contractor permit
following Ombudsman's intervention

Complainant B.J. submitted before me that he had applied to the Permanent Secretary, Ministry of Labour and Industrial Relations and Employment for a permit to work as a Job-Contractor, as provided in section 40(2) of the Labour Act, but had received no reply although thirteen days had gone by. He averred that he was the only bread-winner in his family consisting of himself, his spouse and children and, as he could not undertake any job-contracting, he was suffering prejudice. He wished I would press the Permanent Secretary to expedite matters.

Following my intervention a meeting with the complainant was convened by the Permanent Secretary and I was informed that a reply would be made to the complainant within a week. Unfortunately this was not to be and again the complainant wrote to me about the delay.

When I queried the Permanent Secretary again I was made aware that the Ministry required evidence, from the company which the complainant would

be working for, that the company had been dealing in construction works since its incorporation. This was done and after verification the complainant was issued with his Job-Contractor permit.

The complainant confirmed that he had indeed received his permit and added: "I seize this opportunity to thank you whole-heartedly for your energetic intervention on my behalf. Without the intervention of your noble office I would have been in a punching-ball situation not to mention the prejudice I would have been made to suffer"

LOCAL GOVERNMENT AND SOLID WASTE MANAGEMENT

C/115/2004

Drainage problem to be taken care of

In April 2004 Mr. A.B. and another person complained about water accumulation coming from the street onto their premises during rainfall, causing congestion of sewers. A complaint made to the Citizens Advice Bureau of the locality produced no result.

The matter was taken up with the appropriate Ministry which in turn raised the matter with the District Council which informed that the slope of the road along the street where the complainants lived was enough to allow discharge of rain water to an existing drain along another road. The Council averred that there was no accumulation of water as such on the road but all the same requested the National Development Unit (NDU) to look into the matter.

At my request the NDU reported that it was first proceeding with the implementation of drain projects which had already been approved by the Land Drainage Coordination Committee for the current financial year and for which budgetary provisions had already been earmarked.

As regard the present complaint it would be taken care of in drain projects for the following year.

Upon being informed of the situation the complainants wrote back to state that they were fully satisfied.

POLICE

C/417/2003

Police withdraws objection to issue of trade licence

Mrs. N.R.'s complaint was as follows -

- (i) she is the holder of a development permit to construct a restaurant issued by the Moka-Flacq District Council, having satisfied all the requirements for the construction and the operation of a restaurant;
- (ii) she put up the building and the District Council requested the Police, Health and Fire Services for necessary clearances in connection with the issue of a trade licence;
- (iii) whereas clearances were given by the Health and Fire Services, the Police objected on the ground that the President of a religious society had strongly objected to the issue of the licence on the ground that it would operate in the vicinity of a temple;
- (iv) her building was situated at about 66 metres from the temple.

She therefore averred that the reason given by the Police was a lame one as she had produced a letter from the President and members of the society to the effect that they had no objection to the issue of the licence. She therefore

requested that the Police be asked to reconsider their stand.

I queried the Police about the matter and their reply was that they had objected because -

- (a) the place of worship had been there for a long time and was at a distance of 49.90 metres from the premises to be used as restaurant;
- (b) those in charge of the place of worship had strongly objected to the issue of the licence; and
- (c) there was no sufficient parking.

It however appeared that, after the Police enquiry into the matter, a new parking had been put up at the rear of the premises.

At my request the Police interviewed the "objectors" again.

Finally the Police informed me that they had no objection to the grant of the licence and they informed the District Council accordingly.

Prejudice to a person who had made a lot of investment has thus been averted.

C/20/2004

Provisional driving licence issued to ex-criminal

In a letter dated 12 January 2004 addressed to me, one H.O. complained that he had applied for a learner's licence to drive private cars at Coromandel Police Station but several months have gone by without his receiving any reply.

Before writing to me he had repaired to Coromandel Police Station but he was referred to Rose Hill Police Station where he was told that all his papers had been sent to the Traffic Branch at Line Barracks, Port Louis. He therefore went to the Traffic Branch where he was told that he would receive a letter by post. Two months later he had not received any correspondence from the Traffic Branch. Hence his letter to me.

The version of the Police was that as H.O. had a heavy record of convictions mainly for drug offences his application has been delayed pending clearance regarding his conduct. However as his last conviction dated back to June 1997 it was probably felt that he had turned over a new leaf and his application was approved – indeed H.O. averred that this licence was important to him inasmuch as he had been offered a job as driver and in the

event he did not obtain his driving licence he would be in danger of losing that opportunity.

In another letter dated 28 January 2004 H.O. himself informed me that he was issued his licence on that very day.

I must say that I am particularly pleased with the decision of the Commissioner of Police inasmuch as a hardened criminal has been given the chance to earn his living in a decent manner and thus reintegrate himself in society.

C/77/2004

Complainant recruited as Trainee Police Constable

Whilst he was still working as a legal clerk in a shop the complainant applied to join the Mauritius Police Force, went through different tests successfully and ultimately was offered a post of Police Constable by letter requesting him to assume duty on 27 May 2002 at the Police Training School.

However, one week before he was due to assume duty, he was convened at the Police Executive Department where he was verbally told that he could not join the Force as there was a police case against him.

The version of the Commissioner of Police was that the complainant was involved in a case of forgery on 18 April 2002 and was arrested on 1 May 2002 and subsequently bailed out on the next day. On 23 September 2003 the Director of Public Prosecutions had advised no further action against the complainant and therefore the case against him was struck out.

His letter of complaint to me was dated 15 March 2004 date on which he had still not been requested to assume his duty. The explanation of the

Commissioner of Police was that the other recruits of his batch had already been trained and posted to different units of the Force. It was not now possible to arrange for the training of one recruit only. The Commissioner went on however to state that it was proposed to enlist the complainant along with another batch of trainees in a near future and that the matter had already been submitted to the Disciplined Forces Service Commission. It was also intimated to me that the complainant had been called at the Personnel Division of the Force and informed accordingly.

In a further letter dated 21 June 2004 the complainant informed me that he had received a letter from the office of the Commissioner of Police informing him that his case was under consideration and he added that "I am fully satisfied by your prompt investigation, firm recommendations and positive response. You have really redressed the injustice and secured my rights and future".

He however asked me to follow up his case until his enlistment as he feared "being boycotted". He was finally enlisted as Trainee Police Constable on 17 November 2004.

C/248/2004

Detainee's personal belongings returned to him

In October 2003 K.D. was convicted by the Intermediate Court for larceny and sentenced to a period of three years penal servitude. In the course of the trial some of his personal belongings had been produced in court as exhibits and, after pronouncing the sentence, the Magistrate had ordered that these be returned to him.

Almost a year later K.D. had not received his belongings and he therefore requested my intervention.

According to the Police it was the Head Clerk of the Intermediate Court who should have done the needful but had not done so. He was made aware by me of the detainee's complaint and within days the Head Clerk informed me that the needful had been done.

The belongings consisted of a jacket, a pair of spectacles, a mobile phone, a credit card and the detainee's National Identity Card.

PRISONS

C/126/2004

Detainee gets new mattress and new pillow

Ever since his admission to jail in March 2002, detainee JMJ has been asking the Prison Administration for a mattress and a pillow to sleep but never any heed has been paid to his request. He has therefore decided to solicit my intervention.

Some time after receiving my letter the Commissioner of Prisons informed me that a new mattress and a new pillow had been issued to the detainee.

I would like to say here that there is a maxim which says that criminals are sent to jail as a punishment and not for punishment. It consequently follows that the deprivation of liberty to which a prisoner is subjected should not be taken to mean that he should be denied access to other basic necessities, which to my mind, has been the case for JMJ. Fortunately such an injustice has been remedied.

I most certainly hope that in future I shall not receive complaints of this nature against the Prison Administration.

C/257/2004

Detainee's health problem attended to

Detainee S.G. was not satisfied with the treatment meted out to him for his chest problem. He also informed me that he was H.I.V. infected.

I called for a report from the Commissioner of Prisons and according to the report received it was stated that the detainee has been examined by two Prison Medical Officers at Beau Bassin Prison on several occasions for his chest problem. Nothing abnormal was detected nor was there any indication for an X-ray. However since he was an H.I.V. case he was to be seen by the visiting Physician.

Finally, upon my intervention he was referred to J. Nehru Hospital where he was seen by a Physician and given adequate treatment.

On being interviewed less than a month later the detainee admitted that he had no chest problem any more.

PUBLIC UTILITIES

C/108/2003

Retired officer authorised to purchase duty-free car

An ex-high-ranking officer of a para-statal body was entitled to a duty-free certificate for the purchase of a car on retirement, according to his conditions of service. Three years after his retirement he was still running after the authority and its parent Ministry for his certificate, although the board of the authority had recommended his case to the said Ministry.

The Ministry's version was that the complainant's case was a complex one and it had not been possible to reach a decision in the matter. I informed the Ministry that the complexity of the case did not justify such a long delay and that I was expecting a decision soon.

The Ministry then informed me that the matter had to be taken up with the Ministry of Finance and it was decided that the authority would effect the necessary disbursement to cover the duty element for the new car to be purchased by the complainant.

Finally the authority requested the complainant to provide details of the car he proposed to purchase to find out whether it was in line with the type of car to which he was entitled. This was done and the matter was finalised.

C/195/2004

Family supplied with electricity after 15 years

The pathetic condition of a poor family living in Roche Terre as described in a press article on 5 July 2004 captured my attention.

According to that article that family of three who used to live in a house made of iron sheets but now in a concrete house put up after enormous sacrifice, have been without electricity for the last fifteen years. They have neither telephone nor television. The son, aged 14, has to study in candle light and six candles are required every night to enable him to do so. All "démarches" undertaken at the Central Electricity Board (C.E.B.) have remained without success.

At my behest the Ministry of Public Utilities requested the C.E.B. to look into the matter urgently. As the Ministry received no reply to its request I took up the matter directly with the General Manager in October 2004. I finally received a reply from that institution, first of all apologizing for its delay in replying as it was under the impression that the Ministry had communicated to me on this issue, and then explaining that existing procedures had to be followed before taking any action.

The Ministry also wrote to explain that, according to the C.E.B., electricity would be supplied to that family but an extension of the electricity network would have to be effected as their house was far from the existing C.E.B. network. The cost of extension was estimated by the C.E.B. at Rs 9760/- plus a processing fee of Rs 1000/-

Two options were offered to the family -

- (i) a non-refundable contribution representing 50% of the revised capital cost to be incurred, or
- (ii) an interest-free loan of the total cost refundable in three equal yearly instalments.

Finally the C.E.B. itself informed me that the family had paid the sum of Rs 10760 and that works had been completed and the house supplied with electricity as from 29 December 2004.

At long last there was light at the end of the tunnel and in their home for this family!

REGISTRAR GENERAL

C/21/2004

Registration duty reduced

The complainant, a police constable, had served three tours of duty in Rodrigues where he acquired a second-hand car on which he fully paid registration fee in Rodrigues itself.

When he was posted back to Mauritius he brought along the said car as personal effect. When he went to register the car he was asked to pay the sum of Rs 30000 as "first registration" whereas the car ought to have been registered as an eight-year old car. Although he paid up he averred that it was a wrong decision and required my intervention.

After an exchange of correspondence with the Registrar General a meeting was held at my Office where she made the point that any imported vehicle, irrespective of age, is registered in Mauritius for the first time in accordance with Section 3 of the Registration Duty (Amendment) Act 2003 and Part VI of the First Schedule to that Act and that "first registration in Mauritius" means any motor vehicle or trailer registered under that Act for the first time in Mauritius.

I pointed out to her that as Mauritius includes the Island of Rodrigues the law may have been wrongly interpreted, whereupon the Registrar General agreed to seek advice from the State Law Office.

Indeed following advice received to the effect that Mauritius includes Rodrigues, it was decided that duty on the registration of the car should be levied on the life of the vehicle from the date of its original registration.

In the light of that decision a sum of Rs 21000/- was refunded to the complainant.

RODRIGUES

C/227/2003

Lease agreement in respect of State land finalised

On 17 June 2003 Mr. R.C. of Rodrigues informed me that more than three months before he had received a letter of intent in respect of a plot of State land in Rodrigues for which he had applied for residential purposes. Upon receiving such letter he paid his rental for the year.

As he was a married man with two children he had decided to contract a housing loan with the M.H.C. in order to put up a house for him and his family. All his documents had been deposited with the M.H.C. except the lease agreement which still had not been drawn up.

Although he repaired to the Cadastral Office in Rodrigues several times nobody paid any heed to his queries.

I took up the matter with the Island Chief Executive immediately and after three reminders I was informed by the latter that the lease agreement of R.C. had been finalised.

Upon one of our trips to Rodrigues a few months later the complainant was convened to a meeting for a follow up of his case. This time it was he who did not pay any heed to our request.

Having not heard from him since it can be safely assumed that he has obtained satisfaction.

C/353/2003

**Complainant receives revised retiring benefits and
cash in lieu of vacation leave not enjoyed**

On 16 September 2003 S.R. of Rodrigues informed me that he had retired from the public service since 6 July 2003 but had only received his lump sum whereas other retiring benefits due to him, like sick leave, passage benefits and vacation leave had not been paid. When he contacted the officers who were preparing his papers he was moved from pillar to post but in the end he did not receive his due and therefore solicited my help.

My inquiry revealed that upon retirement S.R. was awarded a gratuity of Rs 225,000 and passage allowance of Rs 8136.10. Moreover, on 26 September 2003 he was awarded the sum of Rs 37,849.91 representing cash allowance in lieu of sick leave. As regard vacation leave there was a little problem inasmuch as S.R. had proceeded on pre-retirement leave after the scheduled date.

During my investigation and after searches had been made an amount of Rs 6576.45, which had been short-paid to S.R., towards pension and gratuity, was paid to him on 13 April 2004 but the issue of vacation leave still had to be

resolved. Indeed S.R. was due to proceed on 92 days vacation leave prior to retirement with effect from 5 April 2003 but he worked up to 22 May 2003 because the letter addressed to him on 9 January 2003 by the Rodrigues Administration was not issued in time. According to the Departmental Head of the appropriate Commission this was due to shortage and change in posting of staff.

All the same the Island Chief Executive had to seek the approval of the Ministry of Civil Service Affairs and Administrative Reforms for the payment in cash in lieu of 48 days vacation leave to S.R. who had worked during the period he should have been on pre-retirement leave.

Finally in October 2004 the complainant himself informed me that he had received payment for the 48 days vacation leave not enjoyed by him.

C/19/2004

Complainant handed over his lease agreement

According to S.P.M. the authorities in Rodrigues were not willing to issue his lease agreement in respect of State land for residential purposes notwithstanding the fact that he had received a letter of intent from the said authorities and paid the necessary rental. His version was that he had been told that he was no longer eligible.

He produced the letter of intent, the rent receipt and his building permit. He was now waiting for the lease agreement to be drawn up, without which he would not be able to obtain a loan from the bank.

According to the Departmental Head of the Chief Commissioner's Office the problem arose when it was found out that both S.P.M. and his fiancée were being granted individual leases.

It was explained to me that in view of the scarcity of land in Rodrigues and an ever increasing population, the policy was to limit allocation of State land to one site per household. For this reason, therefore, the procedure was halted in the case of both S.P.M. and his fiancée until the State Land

Committee had reviewed their cases, considering that they were to become one household.

S.P.M. called on us a few months later in Rodrigues and volunteered the information that his application had been finalised and that he would be receiving his lease agreement very soon.

Upon being queried the Departmental Head confirmed that indeed the lease agreement had been finalised and also handed over to S.P.M.

C/162/2004

**Temporary Valve Operator confirmed in his
appointment in a substantive capacity**

L.W.H. was offered appointment on a temporary basis as Valve Operator on 6 September 2002 in Rodrigues. He assumed duty on 16 September 2002.

According to his letter of appointment consideration would be given to his appointment in a substantive capacity at the end of a period of six months, if favourably reported upon. As at May 2004 he had not been so appointed and he therefore requested my intervention.

Inquiry revealed that the Rodrigues Regional Assembly (RRA) came into being on 12 October 2002 and shortly after a problem arose about a Civil Establishment Order for the RRA.

It was only in June 2004 that the National Assembly amended the RRA Act 2001 to confer the status of "public officers" on all RRA employees and immediately afterwards I was informed that immediate action would be taken in respect of all RRA employees, including L.W.H., by the end of July.

Some two months later L.W.H. was indeed appointed in a substantive capacity as Valve Operator (Rodrigues), with effect from 16 September 2002.

I reckon there was no maladministration on the part of the RRA and that action had been taken as soon as circumstances permitted. Even the complainant showed his understanding of the situation.

C/210/2004

Complainant's appointment confirmed

On 24 December 2001 P.L. was offered appointment as Temporary Fisheries Assistant and later, on 11 April 2003, he was appointed Fisheries Assistant.

In order to be confirmed as Fisheries Assistant however he had to fulfill two conditions, namely pass a swimming test under the supervision of a Swimming Coach and secondly he needed to have a service driving licence.

In December 2003 P.L. had fulfilled both conditions but six months later he had not yet been confirmed in his post which in the meantime had been re-styled Fisheries Protection Officer by the Pay Research Bureau.

My inquiry revealed that on account of certain administrative problems arising out of the establishment of the post of Fisheries Protection Officer in the Rodrigues Estimates in an appropriate Civil Establishment Order for Rodrigues, he could not be confirmed in his appointment.

The Civil Establishment (Rodrigues Regional Assembly) Order 2004 was finally gazetted in Government Notice 101 of 2004 on 29 July 2004 and P.L. was confirmed on 4 August 2004 with effect from 12 December 2003.

No further intervention on my part was warranted as there had been no maladministration.

SENIOR CITIZEN WELFARE AND REFORM INSTITUTIONS

C/428/2003

Amount of social aid paid restored

A detainee wrote to me on 21 November 2003 to complain about the reduction of his wife's social aid. He claimed that his wife was jobless and she had to bring up a three-year old child; thus their life had become difficult and, as he still cared for them, he requested my intervention.

The official version of the Ministry was that the detainee was jailed on 15 May 2002 and his wife applied for social aid on 11 June 2002. She was paying a monthly rent of Rs 1800/-. Payment of social aid had been effected at the rate of Rs 1460 monthly up to June 2003 and Rs 1535 from July to September 2003.

In October 2003 the Visiting Officer found that the family had left the house where they were living and had moved to another house. Consequently the detainee's wife was requested to produce her new rent book. As she did not do so her case was reassessed and social aid was reduced to Rs 1015/- monthly as from October 2003.

After I had taken up the case with the Ministry the wife produced her new rent book and the case was reassessed with effect from October 2003 and the sum of Rs 1535 monthly restored.

The detainee was accordingly informed.

Very senior citizen gets his wheelchair after

Ombudsman's intervention

One I.J., an 83-year old person living in Bois Chéri, had broken his leg and was admitted to hospital on 14 January 2004 and discharged on 7 February 2004.

His wife "approached" the Ministry of Social Security, National Solidarity and Senior Citizen Welfare and Reform Institutions at their Rivière des Anguilles Office for a wheelchair but nothing was done.

A complaint was lodged before me on 13 September 2004 by one M.S. a person living in the same village as I.J. and clearly a benefactor who should be praised for his action, in which he explained how his personal "démarches" on behalf of I.J. at the Citizen's Advice Bureau, the "Trust Fund" and the Ministry of Health and Quality of Life had all been in vain.

I requested an immediate explanation from the Ministry of Social

Security, National Solidarity and Senior Citizen Welfare and Reform Institutions and I was informed that the enquiry at their office in Rivière des Anguilles had revealed that no application for wheelchair had been received thereat. I at once asked M.S. to have an official application for wheelchair made by a relative of I.J. and same was done on 22 September 2004 and the wheelchair issued to I.J. on 29 September 2004 at his residence.

At this stage I would like to make an appeal to public officers to show greater concern for people who are in distress and indeed go out of their way to explain to them what is the proper procedure to be followed in order to obtain help from the State. As we have seen in this case the wife "approached" the Ministry's regional office but was not told that she had to put in a written application. Had this been done at the right time the husband would not have had to wait for seven months to obtain a wheelchair.

All the same I wish to thank the Ministry for taking prompt action after my intervention.

C/12/2004

**Licence to operate "Place of Amusement etc." issued
upon Ombudsman's intervention**

Mrs. B.V. had applied to the Tourism Authority for a Tourist Enterprise Licence – Leisure and Entertainment Centre – Owner of place of Amusement – 15 machines, in respect of premises situated at Trois Boutiques, since mid 2003. As at January 2004 she had not received any response to her application. She therefore lodged a complaint before me.

According to the documents submitted by the lady she is already in possession of a Development Permit issued by the Grand Port-Savanne District Council and of clearances from the Government Fire Services Department and the Ministry of Health and Quality of Life.

Together with her application the complainant had also submitted a letter from the President of a religious society whose premises are about 450 metres away, in which it was stated that the society had no objection to the issue of the licence. It would however appear that the Commissioner of Police

had subsequently received a letter from the said society to the effect that the

Managing Committee of the society strongly objected to the issue of the licence and therefore the Commissioner of Police had objected to its issue.

Following my query, the Ministry of Tourism and Leisure requested the President of the society to clarify matters in writing. The latter maintained that the majority of the Executive Committee members had no objection to the grant of the licence. In the light of this clarification the Ministry sought the views of the Commissioner of Police before taking a decision.

Finally the application was approved and before I was officially informed by the Ministry the complainant confirmed having received her licence which was issued on 7 May 2004, and added that "This is to express my utmost gratitude towards your laudable contribution. Without your intervention I would have been penalised unnecessarily".

APPENDIX E

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
<u>Accountant General</u>		
C/98/2003	Complainant avers that interest claimed from him on amount due by him to Government is undue.	Partly rectified
C/392/2003	No reply to representation made concerning increments due to complainant.	Explained
C/92/2004	Complainant not satisfied with computation of his length of service.	Pending
C/347/2004	Retired public officer's pension wrongly computed.	Pending
<u>Agriculture, Food Technology and Natural Resources</u>		
C/125/2002	Encroachment on complainant's land. No reply to complaint made to Ministry.	Not justified
C/168/2002	Application for land conversion permit since more than four years not favourably considered.	Rectified
C/249/2002	Unreasonably long delay in dealing with complainant's application for a land conversion permit.	Pending
C/302/2002	No reply to application for land conversion permit made more than two years ago.	Pending
C/77/2003	No reply to application for land conversion permit made some 14 months ago.	Rectified
C/104/2003	Extra duty allowance not paid to complainant.	Explained

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
<u>Agriculture, Food Technology and Natural Resources</u>		
C/420/2003	Application for land conversion permit submitted since seven years not yet considered.	Rectified
C/43/2004	No reply to application for land conversion permit since more than 5 years.	Rectified
C/103/2004	Ex-employees of Tea Factory redeployed in Ministry since six years not yet appointed.	Not justified
C/105/2004	Soil erosion caused by acts of complainant's neighbour. No action taken by authorities concerned.	Not justified
C/128/2004	No reply to application for land conversion permit since three months.	Pending
C/322/2004	Application for casual leave etc. refused.	Rectified
<u>Arts and Culture</u>		
C/320/2004	No reply to application for refund of mileage.	Pending
<u>Assay Office</u>		
C/277/2004	Complainant avers that jewellery checked by Officers were not on display.	Explained
<u>Civil Service Affairs and Administrative Reforms</u>		
C/224/2004	Pension wrongly computed.	Explained
C/245/2004	Request for refund of 50% annual subscription fees not approved.	Explained

Ministry.

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
<u>Education and Scientific Research</u>		
C/136/2002	Motivation allowance paid to Head Teacher and staff of school suddenly stopped.	Pending
C/158/2002	Application for recognition and equivalence of complainant's certificate not considered.	Pending
C/272/2002	Application to employ third party as Principal of College turned down by Private Schools Secondary Authority in an arbitrary manner.	Pending
C/234/2003	Payment of allowances to certain primary school teachers who have opted to work in ZEP schools (Zone d'éducation prioritaire) stopped.	Rectified
C/255/2003	Salary not commensurate with qualifications held by complainant, etc.	Pending
C/407/2003	Incremental credits denied to complainants.	Pending
C/409/2003	Lump sum and other benefits wrongly computed.	Rectified
C/412/2003	Non-payment of unused pre-retirement leave.	Explained
C/422/2003	Anomaly in salary.	Rectified
C/429/2003	Deduction of salary in connection with absences to attend course at University of Mauritius.	Rectified
C/450/2003	Request for responsibility allowance for performing additional work turned down.	Pending

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
<u>Education and Scientific Research</u>		
C/7/2004	Complainant – teacher allocated standard IV class but relieved of same after a few days and made to become floating teacher.	Explained
C/13/2004	Wrong deductions from complainant's salary etc.	Partly rectified
C/23/2004	Complainant, a Deputy Head Teacher, not satisfied with the allocation of class to him.	Not justified
C/39/2004	Length of service not properly calculated.	Explained
C/51/2004	Teacher avers he is being harassed by head teacher.	Not justified
C/99/2004	No reply to application for adjustment of salary.	Rectified
C/112/2004	No reply to application for equivalence of degree made since four years.	Rectified
C/123/2004	Application for car loan not yet approved after four months.	Rectified
C/156/2004	Condition of service not respected with the result that complainant has not been promoted.	Not justified
C/159/2004	Complainant's daughter not admitted to school where son is attending.	Discontinued
C/196/2004	Delay by National Accreditation and Equivalence Council in considering complainant's request for incremental award for additional qualification held by him.	Rectified
C/213/2004	Delay by National Accreditation and	Rectified

Equivalence Council in recognising complainant's Advanced Diploma.

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
<u>Education and Scientific Research</u>		
C/227/2004	Complainant not selected to follow PGCE Course whereas his junior has been so allowed.	Rectified
C/244/2004	Education Officer avers he is being humiliated and harassed by the Deputy Rector.	Pending
C/264/2004	Averment that Registration Certificate purportedly issued by Ministry is fake.	Explained
C/275/2004	Complainant who is a Deputy Head Teacher not satisfied with the travel allowance he is drawing.	Pending
C/284/2004	Complainant argues that his daughter who is abroad stands at a disadvantage in respect of application for scholarship.	Explained
C/290/2004	Long delay in processing application for establishing equivalence of complainant's certificate.	Pending
C/292/2004	Long delay in processing application for establishing equivalence of complainant's certificate.	Pending
C/298/2004	Delay in processing application for award of incremental credit.	Pending
C/303/2004	Deduction of two days' wage from salary not justified according to complainant.	Not justified
C/307/2004	Deputy Head Teachers (DHT) feel aggrieved by the fact that other DHTs	Rectified

with shorter length of service have been assigned actingship.

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
<u>Education and Scientific Research</u>		
C/309/2004	Application to purchase 70% duty-free car turned down.	Explained
C/314/2004	Complainant resents not being called for interview following his application for scholarship under the U.K. Commonwealth Scholarships 2005 award.	Explained
C/343/2004	Still awaiting clearance from Ministry for a loan.	Pending
<u>Environment</u>		
C/150/2001	Problems of refuse collection etc.	Discontinued
C/153/2002	Complaint against the running of a garage which causes noise and air pollution and other inconveniences. No action taken by competent authorities.	Pending
C/48/2003	Air pollution etc.	Rectified
C/253/2003	Complainant contests "Stop Order" issued against him.	Rectified
C/424/2003	Application for project to manufacture plastic and other products wrongly rejected.	Not investigated
C/446/2003	Ministry's decision not to issue E.I.A. permit to complainant unfair.	Not justified
<u>Environment and National Development Unit</u>		
C/28/2004	Lack of scavenging service at housing estate.	Rectified

C/171/2004 Complainant victim of several injustices. Discontinued

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Finance and Economic Development

C/179/2004	Assistance for housing awaited from Trust Fund for the Social Integration of Vulnerable Groups.	Explained
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C/336/2004	Allowance not paid to complainant.	Pending
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C/346/2004	Complainant avers he is the victim of injustice etc. as he has not been given the opportunity to be appointed to the post of Investigating Officer at Income Tax Department.	Pending
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C/355/2004	Letter to Ministry claiming refund of duty and tax which according to complainant were not due has remained without reply.	Pending
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Fisheries

C/73/2003	Complainant requests the restitution of his old fisherman's card or a new one.	Explained
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Foreign Affairs International Trade and Regional Cooperation

C/173/2004	Delay in filling vacant posts causes prejudice to complainant.	Discontinued
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Health and Quality of Life

C/84/99	Smell nuisance caused by pigsty.	Pending
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C/251/2000	Application for leave remains without reply.	Pending
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C/309/2002	Noise nuisance caused by complainant's	Pending
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neighbour's workshop.

C/324/2002 Illegal operation of electric motors causing considerable noise and great inconvenience to the complainant and his family. Explained

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Health and Quality of Life

C/16/2003	Environmental problems (noise and smell) caused by enterprise.	Rectified
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C/165/2003	Sanitary nuisance caused by complainant's water drainage.	Rectified
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C/203/2003	Claim for extra duty allowance not acceded to. No reason given.	Pending
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C/220/2003	Obstruction of footpath giving rise to unhygienic conditions	Rectified
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C/257/2003	Complainant's son not getting appropriate medical treatment.	Rectified
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C/323/2003	Noise and odour nuisances etc. caused by workshop next to complainant's house. No action by authorities concerned.	Pending
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C/324/2003	Allowance received not adequate.	Not justified
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C/358/2003	Complainant avers that he should be refunded money spent in private for operation upon his mother which operation should have been done in a public hospital.	Pending
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C/361/2003	Odour and other nuisances caused by cowshed. No action taken by authorities concerned.	Pending
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C/399/2003	Complainants recruited as Community Health Development Motivators but have not received their confirmation letter.	Pending
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C/95/2004 Non-payment for tyres purchased by Ministry. Rectified

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Health and Quality of Life

C/116/2004 Complainant has been registering for employment during last 17 years. Not yet recruited.

Explained

C/124/2004 Complainant not satisfied with medical treatment of his son.

Pending

C/125/2004 Nuisance caused by stagnating water from neighbour's premises. Complainant ill-treated by Sanitary Officer.

Rectified

C/151/2004 Dissatisfied with Prohibition Order under the Food Act.

Not investigated

C/182/2004 Complainant not happy with medical treatment of his daughter.

Not investigated

C/184/2004 Noise pollution.

Not justified

C/199/2004 Sanitary and other conditions prevailing in kitchen poor.

Not justified

C/222/2004 Has attended hospital several times but not yet operated upon.

Discontinued

C/230/2004 Application for emptying of cesspool tank not attended to.

Not justified

C/235/2004 Nuisances caused by complainant's neighbour who manufactures peanuts.

Not justified

C/239/2004 Complainant not appointed as Nursing Administrator (Male). Claims that this has ruined his career.

Not entertained

C/251/2004 Detainee's operation delayed for reason unknown. Is suffering a lot. Rectified

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Health and Quality of Life

C/268/2004 Detainee's operation delayed. Suffering too much. Pending

C/273/2004 Undue delay caused to complainant's wife who had an appointment at the hospital but who was made to wait a long time due to negligence of a public officer. Explained

C/328/2004 Health problems caused by leakage of waste water etc. Pending

C/333/2004 Noise and air pollution caused by cabinet-maker who is allegedly operating without licence. Pending

C/345/2004 Non-payment of overtime, cyclone allowance etc. Not investigated

C/354/2004 Noise, smell and other nuisances caused by cold storage. No action by authorities concerned. Pending

Housing and Lands

C/67/2000 No reply to application for authorisation to subdivide land made more than a year ago. Pending

C/284/2001 Non-renewal of leases by Ministry. Pending

C/321/2001 Offending structures put on State land causing inconvenience to complainant. Pending

C/112/2002 Application to convert hawker's licence Pending

into a beach hawker's licence not attended to.

C/53/2003	Compensation not paid to owners of land nearly three years after its acquisition.	Discontinued
<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>

Housing and Lands

C/54/2003	No reply to application for transfer of lease of 'Pas Geometriques' made since seven months.	Rectified
C/58/2003	Application for land conversion permit not attended to.	Discontinued
C/229/2003	Application for building site lease not yet granted.	Rectified
C/232/2003	Abusive transfers etc.	Discontinued
C/251/2003	Application for land conversion permit not yet considered after nearly five years.	Rectified
C/330/2003	Complainants not yet compensated for land compulsorily acquired by government since three years.	Rectified
C/393/2003	Complainant not yet paid for compulsory acquisition of his land.	Discontinued
C/403/2003	Complainant avers that the proposed excisions by government of two portions of land from a greater plot belonging to him will injuriously affect the remaining part. Proposes one portion only.	Explained
C/404/2003	Application to transfer State land refused - no reason given.	Rectified
C/421/2003	No reply to claim for compensation in respect of land compulsorily acquired by Government.	Explained

C/341/2004 Memorandum of Survey contested by complainant who wrote to Ministry but received no reply. Pending

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Income Tax

C/390/2003	Complainant avers that her deceased father has been wrongly assessed.	Pending
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C/102/2004	Complainant disputes claim by Income Tax Department.	Rectified
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Industry, Financial Services and Corporate Affairs

C/276/2004	No reply since three months to application by complainant to be registered as auditor.	Pending
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Information Technology and Telecommunications

C/387/2003	Belated appointment causes complainant to lose certain benefits.	Explained
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C/293/2004	Complainant not yet confirmed in his post after more than three years.	Pending
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Judicial

C/160/2002	Suitor's money wrongly refunded to complainant's brother.	Pending
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C/448/2003	Deposit as security not yet returned to complainant although case heard and determined.	Rectified
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C/283/2004	No refund of money deposited as surety to prosecute appeal.	Pending
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C/364/2004	Deposit for prosecution of appeal not yet refunded.	Pending
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<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
<u>Labour and Industrial Relations, Employment and Human Resource Development</u>		
C/137/2000	Complainant has been regularly registering for a job for the last 22 years. Still no positive reply.	Discontinued
<u>Labour and Industrial Relations</u>		
C/309/2003	No action taken by Ministry regarding complainant's claim against his employer for gratuity on account of premature retirement.	Pending
<u>Labour Industrial Relations and Employment</u>		
C/26/2004	No reply to application for job-contractor's permit.	Rectified
C/174/2004	Complainants have been registering at employment office for a very long time but have not secured any job.	Explained
<u>Local Government and Rodrigues</u>		
C/94/2002	Poor living conditions of sixteen families in village.	Pending
C/320/2003	Absence of drains causes flooding of premises of some twelve households.	Pending
C/322/2003	Flooding of roads, absence of street lighting, etc.	Pending
C/365/2003	Football pitch converted into parking	Discontinued

for buses.

C/366/2003 Untarred road poses numerous problems to inhabitants. Rectified

C/405/2003 Money due to complainant for works done. Pending

No. **Subject of Complaint**

Result

Local Government and Rodrigues

C/426/2003 No action taken regarding application for tarring of road. Rectified

C/4/2004 Illegal construction put up by complainant's neighbour. Complainant fears his house may be flooded. Explained

C/45/2004 Absence of drains causing heavy flooding. Rectified

Local Government and Rodrigues (National Development Unit)

C/201/2002 Works done not paid for. No response to claim for payment by complainant. Pending

Local Government and Solid Waste Management

C/65/2004 Absence of proper measures leading to road accident etc. Explained

C/78/2004 Poor state of road. Inhabitants exasperated. Rectified

C/109/2004 Poor state of road. Rectified

C/111/2004 Poor state of road. Repairs urgently needed. No action by authorities. Rectified

C/115/2004 Water accumulation causing obstruction and congesting sewers. Explained

C/122/2004 Water stagnation and absence of street lighting. Rectified

C/132/2004 Retiring benefits wrongly computed.	Pending
C/142/2004 Bad state of road.	Rectified

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Local Government and Solid Waste Management

C/166/2004	Some three hundred persons (squatters) living in inhuman conditions.	Pending
C/178/2004	Poor maintenance of road.	Rectified
C/202/2004	Poor state of road.	Discontinued
C/208/2004	Road in a very bad state since 24 years.	Pending
C/209/2004	Road in an abandoned state. Poses problems to users thereof.	Pending
C/246/2004	Application for car loan wrongly turned down.	Pending
C/297/2004	No action by authorities concerned following report by complainant against neighbour who has constructed a building without leaving statutory distance.	Pending
C/301/2004	Deplorable state of road. Nothing done for years.	Pending
C/302/2004	Poor state of road causing pedestrians to walk in mud and inaccessible to vehicles.	Pending
C/319/2004	Complainant contests finding of Medical Board that he is permanently unfit to discharge his duties as Fireman.	Pending
C/357/2004	Dangerous curb representing danger to road-users.	Pending

C/148/2004	Complainant threatened by co-detainees. No action taken by Prison Administration. Request to give a statement to the Police.	Pending
C/150/2004	Catering supervisor not offered approved course in catering despite several requests etc.	Explained

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Police

C/153/2004	Complainant not made aware of the outcome of cases reported by him to the Police.	Rectified
C/187/2004	Complainant suspects foul play in case of his son's disappearance at sea. Hasn't heard from the Police yet.	Pending
C/190/2004	Detainee arrested in connection with importation of drugs since almost two years. Not undergone trial yet.	Explained
C/193/2004	Detainee on remand since ten months without trial.	Rectified
C/204/2004	Prohibition Order against departure in respect of complainant still in force several years after he had been adjudged bankrupt.	Explained
C/211/2004	Complainant avers that Police broke open three doors of his residence and assaulted him.	Explained
C/212/2004	Refusal by Police Officer to record complainant's declaration.	Not justified
C/223/2004	Former "Special Constables" not getting the same treatment as Police Constables.	Explained
C/225/2004	Several months detention without trial.	Explained

C/228/2004 Complainant's identity card and passport secured by the Police during an inquiry into a case of larceny. Items not yet returned to him although trial is over. Explained

C/233/2004 Claim for disturbance allowance not allowed. Pending

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Police

C/234/2004	No action taken following complainant's report to relevant authorities of nuisances caused by his brother/neighbour.	Pending
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C/236/2004	Money secured from complainant upon his arrest not returned to him after trial.	Not justified
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C/248/2004	Personal belongings of convicted detainee not returned to him although case against him disposed of.	Rectified
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C/254/2004	Convicted detainee claims the return of his money which was produced as exhibit during his trial but which has not been forfeited by the court.	Pending
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C/258/2004	Complainant detained since one month on drug charge and avers she is merely a victim of drugs.	Explained
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C/259/2004	Complainant detained since more than three months without trial.	Explained
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C/261/2004	Detained for more than two years in connection with an importation of drugs case without trial.	Explained
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C/263/2004	Complainant who is being detained in connection with several larceny cases has	Pending
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appeared in court for trial on two occasions but case against him not heard yet.

C/267/2004 No action following declaration made by complainant regarding the use of his building by "tenant" for trading without licence. Pending

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Police

C/269/2004	Complainant arrested about a year ago. Still awaiting trial.	Explained
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C/270/2004	Complainant detained since three months without trial.	Rectified
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C/271/2004	On remand for more than a year without trial.	Rectified
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C/272/2004	Detainee on remand for more than a year without trial.	Explained
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C/274/2004	Complainants on remand for 33 months without trial.	Explained
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C/279/2004	Complainant detained for 33 months without trial.	Explained
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C/282/2004	No action taken by Police in forgery case where complainant was victim.	Explained
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C/287/2004	No reply to several applications for driving licence in respect of private cars.	Rectified
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C/289/2004	Detainee appeared twice before Bail and Remand Court but case not called.	Explained
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C/304/2004	No action taken by Police following declaration of breach of the peace by	Explained
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complainant against neighbour.

C/337/2004 Refused documents by Police. Explained

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Police

C/340/2004	Complainant "pressurized" to resign from traineeship in the Police Force.	Pending
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C/342/2004	Complainant subject of frequent transfers in the Police Force etc.	Pending
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C/349/2004	No action following complaint against restaurant owner whose premises are a source of nuisance to complainants, his family and other neighbours.	Pending
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C/351/2004	Non-assistance by Police to enforce court order.	Pending
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C/353/2004	No action taken following declaration made by complainant concerning illegal operation of garage.	Pending
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C/359/2004	Complainant not made aware of action taken by Police following declaration made.	Pending
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Prime Minister's Office

C/433/2003	Delay in receiving reply regarding non-payment of salary to complainant.	Explained
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C/47/2004	Request for study leave without pay be considered as pensionable service not yet	Explained
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considered after more than three and a half years.

C/219/2004 Citizenship refused to applicant from Reunion who is married to Mauritian national. Pending

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Prime Minister's Office

C/329/2004	No reply from Public Complaints Bureau to complaint made.	Discontinued
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Prisons

C/10/2003	Delay in posting detainee's letters etc.	Not justified
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C/129/2003	Detainee not getting appropriate medical treatment. Wishes to be examined by specialist.	Rectified
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C/170/2003	Detainee avers he is not getting appropriate medical treatment and is losing weight.	Explained
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C/284/2003	Detainee avers he was victim of sodomy in his cell. No statement recorded from him yet by the Police.	Rectified
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C/289/2003	Detainee not satisfied with the amount of food served.	Explained
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C/376/2003	Detainee avers that he is being "tortured" because he suffers from H.I.V. etc.	Explained
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C/382/2003	Detainee's right to religious visits cancelled, etc.	Pending
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C/389/2003	Detainee not issued with denture etc.	Pending
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C/414/2003	Psychological pressure made to bear on detainee.	Explained
C/423/2003	Detainee who suffers from skin problem avers he is not getting appropriate medical treatment.	Rectified
C/430/2003	Detainee has several health problems. Not getting appropriate medical care, etc.	Explained

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Prisons

C/437/2003	Detainee threatened by Prison Officer.	Discontinued
C/444/2003	Detainee locked up in Segregation and Protection Unit for no reason.	Not justified
C/449/2003	Detainee not allowed more than one hour exercise per day, not given the required amount of food, etc.	Explained
C/452/2003	Detainee avers he is locked up 24 hours a day. Other conditions of detention unhealthy.	Explained
C/453/2003	No appropriate medical care, etc.	Explained
C/454/2003	Special food prescribed by nutritionist denied to detainee, etc. Other conditions of detention leave much to be desired.	Explained
C/455/2003	Letters written by detainee not sent to addressees.	Explained
C/456/2003	Detainee's request for more food not attended to.	Explained
C/1/2004	Detainee subject of frequent transfers from one prison to another.	Explained

C/3/2004	Foreign detainee denied visit by his brother who travelled to Mauritius to visit him in prison.	Explained
C/8/2004	Lack of facilities and absence of hygienic conditions in Block where detainee is kept.	Explained
C/9/2004	Detainee's private property retained upon his transfer from one prison to another.	Rectified

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Prisons

C/10/2004	Request to appear before Board of Visitors denied, etc.	Explained
C/14/2004	Belongings of detainee taken away from him and not returned.	Discontinued
C/16/2004	Poor quality of food and absence of hygienic conditions in kitchen etc.	Explained
C/22/2004	Foreign detainee denied visits.	Explained
C/24/2004	Threat by Prison Officers to assault detainee.	Discontinued
C/30/2004	Request to be seen by skin specialist refused.	Rectified
C/32/2004	Detainee avers he has health and security problems	Explained
C/34/2004	X-ray ordered by doctor not carried out.	Discontinued
C/36/2004	Detainee's pen broken and taken away by search officers.	Discontinued
C/42/2004	Detainee fears for his security. Requests that he be allowed to stay at the Segregation and Protection Unit.	Rectified

C/50/2004	Not getting appropriate medical treatment. Application to see a specialist turned down.	Rectified
C/55/2004	Request by detainee for assistance from Welfare Officer in connection with divorce petition entered by his wife refused.	Discontinued
C/60/2004	Detainee not satisfied with quality and quantity of food served etc.	Not justified

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Prisons

C/67/2004	Detainee harrassed and threatened by other detainees. Nothing done by the Prison Administration.	Rectified
C/68/2004	Detainee not getting timely and appropriate treatment.	Explained
C/70/2004	Detainee suffers from insomnia. Not satisfied with his medical treatment.	Not justified
C/73/2004	Foreign detainee's request for visit by another foreign detainee turned down.	Explained
C/74/2004	Detainee has various health problems. Avers he is not getting proper treatment.	Explained
C/80/2004	Detainee has eyes problem. Treatment given so far has not produced any improvement. Requests to be seen by an eye-specialist.	Rectified
C/83/2004	Detainee transferred to Segregation and Protection Unit for reason unknown to him.	Explained

C/84/2004	Request for special diet not considered.	Explained
C/87/2004	Detainee avers that his application for dental prosthesis has been refused.	Pending
C/94/2004	Detainee denied visits by mistress who is also detained in the same prison.	Not justified
C/97/2004	Delay by Prison Administration in handing over to detainee postal orders received by him from abroad.	Rectified

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Prisons

C/120/2004	Complainant's health has deteriorated since admission to prison. Not getting appropriate treatment.	Explained
C/126/2004	Request by detainee for a mattress and a pillow not considered.	Rectified
C/129/2004	Detainee denied visit by wife who is also a detainee.	Explained
C/133/2004	Application by detainee to be allocated single cell rejected.	Not justified
C/135/2004	Religious visit for weekly prayer service denied to certain detainees.	Discontinued
C/145/2004	Detainee kept at Phoenix High Security Prison for reason unknown to him.	Explained
C/149/2004	Skin problem not cured. Request for family to buy special medicine, etc.	Explained
C/157/2004	Shortfall in detainee's private cash.	Explained

C/161/2004	Detainee requests for special food as he is suffering from stomach problem.	Not justified
C/164/2004	Detainee denied visits.	Explained
C/167/2004	Detainee claims that his shoes have been removed from his property.	Not justified
C/168/2004	Detainee avers he is not getting appropriate medical treatment.	Explained
C/169/2004	Leave without pay denied to Prison Officer.	Discontinued

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Prisons

C/170/2004	Detainee not satisfied with quality and quantity of food served and requests that he be given money instead.	Explained
C/175/2004	Detainee transferred for no reason from one prison to another. Fears for his security at the new prison.	Explained
C/176/2004	Detainee who is diabetic avers he is not getting appropriate diet food.	Explained
C/177/2004	Detainee avers he has been transferred from one prison to another without any reason, etc.	Explained
C/181/2004	Detainee not getting appropriate food in view of his illness.	Rectified
C/185/2004	Detainee avers he is not getting appropriate medical care and medication.	Discontinued
C/189/2004	Not getting appropriate medical treatment.	Explained
C/191/2004	Detainee doesn't agree with the official amount of earnings on his account.	Explained

C/192/2004	Gift and birthday card addressed to detainee not delivered to him.	Explained
C/194/2004	Request for increase in number of visits etc.	Explained
C/201/2004	Detainee's complaints to Prison Officers not attended to.	Discontinued
C/207/2004	Detainee avers that his life is in danger because of threats made by another detainee who has inflicted wounds and blows against him.	Rectified

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Prisons

C/215/2004	Application for spectacles turned down.	Pending
C/216/2004	Extra-remission duties denied to detainee.	Explained
C/220/2004	Application for spectacles turned down.	Pending
C/226/2004	Detainee denied copy of court ruling concerning his case.	Rectified
C/229/2004	Denied medical care and special food.	Explained
C/231/2004	Detainee's earnings account not correct.	Discontinued
C/237/2004	Detainee not provided with denture. Has difficulty to eat.	Pending
C/238/2004	Anomaly regarding pension.	Explained
C/240/2004	Detainee who is epileptic refused transfer to a single cell.	Explained
C/241/2004	Extra milk denied to detainee.	Discontinued

C/243/2004	Detainee prevented from getting married to foreign female detainee	Not justified
C/247/2004	Detainee transferred to Phoenix Prison more than three months ago. Wants to be transferred back to Central Prison.	Rectified
C/249/2004	Detainee avers that he is being deprived of medical care and he is not getting appropriate food.	Explained
C/250/2004	Detainee's transfer from one prison to another has created problems regarding visits by his old grandmother who is the only person visiting him.	Explained

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Prisons

C/257/2004	Detainee avers he is not being properly treated for his chest problem.	Rectified
C/262/2004	Detainee avers he is not receiving medical attention.	Explained
C/278/2004	Request from "Christian" detainees for facilities to improve services.	Pending
C/285/2004	Detainee avers his request for transfer to another prison is being ignored.	Explained
C/295/2004	Detainee's clothings secured during search not returned to him.	Rectified
C/305/2004	Complainant disagrees with date of his appointment as prison officer.	Pending
C/310/2004	Complainant avers he is not getting appropriate medical treatment.	Pending
C/311/2004	Detainee not satisfied with medical treatment he gets for bone problem. Wishes to be	Rectified

version concerning his balance of earnings.

C/335/2004	Request by detainee to have his personal property brought to the prison where he is presently detained ignored.	Explained
C/344/2004	Detainee not getting appropriate medical attention.	Pending
C/348/2004	"Beastly treatment in prison" reported by ex-prisoner to the Press.	Pending
C/352/2004	Request for special food by detainee turned down.	Pending
C/358/2004	Detainee not getting appropriate medical care and food.	Pending

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Public Infrastructure, Land Transport and Shipping

C/54/2002	Flooding of drain causing great inconvenience to inhabitants in the neighbourhood.	Rectified
C/36/2003	Complainant contests the issue of a building permit which allows construction near road alignment.	Rectified
C/75/2003	Illegal construction put up by complainant's neighbour.	Pending
C/276/2003	Illegal constructions put up by complainant's neighbour. Matter reported to authorities concerned but no action taken.	Rectified
C/368/2003	Dangerous road curve.	Discontinued
C/44/2004	Overcrowded school buses – dangerous for pupils.	Not justified
C/72/2004	Construction company down-graded by	Pending

Ministry.

C/90/2004	Dangerous road intersection.	Pending
C/100/2004	Complainant claims indemnity for injury sustained at work.	Not justified
C/110/2004	Poor state of the road representing danger to road-users.	Rectified
C/143/2004	Bus stop constitutes traffic hazard.	Pending
C/188/2004	Dangerous road curve.	Pending
C/217/2004	Retired public officer not being paid monthly pension.	Not justified

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Public Infrastructure, Land Transport and Shipping

C/218/2004	No action taken in connection with report by complainant against neighbour for putting up building without respecting statutory distance.	Pending
C/266/2004	No action by authority concerned in respect of illegal construction by complainant's neighbour.	Pending
C/288/2004	Application for "taxi" licence wrongly rejected according to complainant.	Not investigated
C/315/2004	No pension paid to complainant who retired after 31 years' service.	Not justified
C/318/2004	Complainant subjected to frequent transfers without good cause.	Pending

Public Utilities

C/289/2002	No water supplied to inhabitants of locality during the day for years.	Rectified
C/108/2003	Complainant still awaiting duty-free certificate for purchase of car since three years.	Rectified
C/237/2003	Poor supply of water to villagers since forty years.	Rectified
C/272/2003	No reply to letter written more than a year ago to Wastewater Management Authority.	Rectified
C/332/2003	Overflowing of drain. No action by appropriate authorities whose officers visited the site.	Rectified
C/440/2003	Poor water supply.	Explained

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Public Utilities

C/53/2004	Frequent cuts in water supply.	Pending
C/195/2004	Family in village without any electric supply for the last fifteen years.	Rectified
C/362/2004	Serious water supply problems for some twenty families in Grand Baie.	Pending

Registrar of Associations

C/443/2003	Refusal of Registrar of Associations to intervene in a particular matter concerning an association.	Explained
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Registrar General

C/21/2004	Complainant disputes registration fee claimed from him in respect of second-hand car he purchased in Rodrigues and imported in Mauritius.	Rectified
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C/155/2004	Additional registration duty claimed from complainant disputed by the latter.	Not justified
C/183/2004	Complainant's sister wrongly claimed registration duty.	Discontinued

Rodrigues

C/113/95	Application for transfer of State land not considered by the administration.	Pending
C/124/95	Complainant who is a lessee of State land is seeking a modification of one condition of the lease. No reply yet.	Explained
C/379/96	Length of service not properly computed.	Pending
C/97/97	Length of service not properly computed.	Pending
<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>

Rodrigues

C/294/97	Complainant received no lump sum or pension upon his retirement from the public service.	Pending
C/423/97	Length of service not properly computed.	Pending
C/71/98	Length of service not properly computed.	Pending
C/74/98	Length of service not properly computed.	Pending
C/177/98	Length of service not properly computed.	Pending
C/253/98	Length of service not properly computed.	Pending
C/339/98	Length of service not properly computed.	Pending
C/357/98	Length of service not properly computed.	Pending
C/358/98	Length of service not properly computed.	Pending

C/444/98	No lump sum or other retiring benefits paid to retired public officer.	Pending
C/23/99	Length of service not properly computed.	Discontinued
C/74/99	Length of service not properly computed.	Pending
C/124/99	Length of service not properly computed.	Rectified
C/131/99	Length of service not properly computed.	Rectified
C/132/99	Length of service not properly computed.	Pending
C/155/99	Length of service not properly computed.	Pending
C/172/99	Length of service not properly computed.	Pending
C/187/99	Application for lease of State land not yet finalised. Nearly six years have gone by.	Pending

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Rodrigues

C/249/99	Length of service not properly computed.	Pending
C/355/99	Application for plot of State land for agricultural purposes not granted.	Pending
C/380/99	No lump sum or pension paid to ex-public officer who retired some 22 years ago.	Pending
C/390/99	Length of service not properly computed.	Pending
C/439/99	Length of service not properly computed.	Pending
C/42/2000	Length of service not properly computed.	Pending
C/149/2000	No pension paid to retired public officer.	Pending
C/157/2000	Length of service not properly computed.	Pending
C/194/2000	Length of service not properly computed.	Pending

C/216/2000	Length of service not properly computed.	Pending
C/258/2000	Length of service not properly computed	Pending
C/267/2000	No reply to application for residential lease renewed yearly.	Pending
C/2/2001	Complainants not made aware of result of Trade Test undergone by them. Others have received their results and have even been promoted.	Pending
C/4/2001	Length of service not properly computed	Pending
C/8/2001	Land dispute at Petit Brulé. Intervention of Rodrigues Administration solicited.	Pending
C/56/2001	Length of service not properly computed.	Pending

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Rodrigues

C/64/2001	Length of service not properly computed.	Pending
C/74/2001	Length of service not properly computed.	Pending
C/79/2001	Length of service not properly computed.	Pending
C/100/2001	Length of service not properly computed.	Pending
C/110/2001	Length of service not properly computed.	Pending
C/115/2001	Length of service not properly computed.	Pending
C/124/2001	Length of service not properly computed.	Pending
C/142/2001	Length of service not properly computed.	Pending
C/143/2001	Length of service not properly computed.	Pending

C/148/2001	Length of service not properly computed.	Pending
C/154/2001	Length of service not properly computed.	Pending
C/158/2001	Length of service not properly computed.	Pending
C/198/2001	Request to transfer residential lease not entertained.	Rectified
C/228/2001	Application for transfer of lease of State land not considered.	Pending
C/230/2001	Length of service not properly computed.	Discontinued
C/245/2001	Length of service not properly computed.	Pending
C/256/2001	Complainant's salary not adjusted following report of ad hoc Committee into "alleged anomalies".	Pending

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Rodrigues

C/258/2001	Application for lease of agricultural land made since about six years. Case not yet finalised.	Pending
C/260/2001	Drainage problem at Port Mathurin.	Explained
C/269/2001	Length of service not properly computed.	Pending
C/271/2001	No reply to application for lease of State land for residential purposes made more than five years ago.	Pending
C/282/2001	Length of service not properly computed.	Pending
C/287/2001	Length of service not properly computed.	Pending
C/299/2001	Length of service not properly computed.	Pending

C/312/2001	Widow of late public officer avers she receives no pension after death of husband.	Pending
C/317/2001	Length of service not properly computed.	Pending
C/323/2001	Application for State land for residential purposes since more than six years not yet considered.	Pending
C/324/2001	Length of service not properly computed.	Pending
C/329/2001	Length of service not properly computed.	Pending
C/17/2002	No reply to application for State land for residential purposes made four years back.	Discontinued
C/71/2002	Length of service not properly computed.	Pending
C/80/2002	Length of service not properly computed.	Pending

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Rodrigues

C/105/2002	Application for plot of State land made by religious society for running of religious classes not yet considered after two years.	Discontinued
C/114/2002	Application for commercial lease made seven years ago. Not yet considered.	Pending
C/163/2002	Request for transfer of ownership of building onto complainants' names not considered after more than four months.	Pending
C/171/2002	Obstruction of road by complainant's neighbour.	Pending
C/178/2002	Plot of State land already leased to	Pending

complainant now being subject of a lease to a third party.

C/281/2002	Length of service not properly computed.	Pending
C/287/2002	Length of service not properly computed.	Pending
C/292/2002	PRB recommendation not applied in Rodrigues.	Not justified
C/300/2002	Length of service not properly computed.	Explained
C/320/2002	Length of service not properly computed.	Explained
C/35/2003	Length of service not properly computed.	Pending
C/115/2003	Length of service not properly computed.	Explained
C/116/2003	Length of service not properly computed.	Pending
C/117/2003	Land leased to complainant trespassed upon by her son with the complicity of the Cadastral Office.	Pending

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Rodrigues

C/120/2003	Length of service not properly computed.	Pending
C/121/2003	No reply to application for State land made some years back.	Rectified
C/122/2003	Length of service not properly computed.	Pending
C/123/2003	Length of service not properly computed.	Pending
C/130/2003	Application for lease granted but lease document not yet issued after more than three and a half years.	Explained
C/131/2003	Allowance not paid since nine years.	Pending

C/133/2003	Allowance not paid.	Pending
C/134/2003	Complainant made to work during period he was supposed to be on pre-retirement leave.	Rectified
C/139/2003	Anomaly in lump sum received by complainant on retirement.	Pending
C/141/2003	Length of service not properly computed.	Pending
C/149/2003	Subsidy on diesel not paid.	Pending
C/150/2003	Length of service not properly computed.	Explained
C/157/2003	Application for rehabilitation of house destroyed during cyclone not yet attended to.	Pending
C/162/2003	Application for house to the Trust Fund for the Integration of Vulnerable Groups not considered.	Discontinued
C/176/2003	Length of service not properly computed.	Explained

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Rodrigues

C/199/2003	Length of service not properly computed.	Pending
C/215/2003	Allowance for performing higher duties stopped.	Rectified
C/216/2003	Lump sum not yet paid to heirs of deceased public officer.	Pending
C/227/2003	Lease agreement in respect of State land for residential site not yet issued to complainant.	Rectified
C/230/2003	Application for house since three years.	Explained

C/248/2003	Allowance not paid.	Rectified
C/268/2003	Application for the adjustment of public holidays still not attended to.	Pending
C/270/2003	Detainee's house where his family lives destroyed during cyclone. No help received from concerned authorities.	Not justified
C/278/2003	Request for assistance from Trust Fund for the Social Integration of Vulnerable Groups not attended to.	Explained
C/279/2003	Request for assistance from Trust Fund for the Social Integration of Vulnerable Groups not attended to.	Explained
C/280/2003	Request for assistance from Trust Tund for the Social Integration of Vulnerable Groups not attended to.	Explained
C/281/2003	Request for assistance from Trust Tund for the Social Integration of Vulnerable Groups not attended to.	Explained

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Rodrigues

C/286/2003	Length of service not properly computed.	Pending
C/293/2003	Delay in processing application for building permit.	Pending
C/294/2003	Request for assistance from Trust Tund for the Social Integration of Vulnerable Groups not attended to.	Explained
C/295/2003	Request for assistance from Trust Tund for the Social Integration of Vulnerable Groups not attended to.	Explained

C/298/2003	Length of service not properly computed.	Pending
C/318/2003	Complainant's post declared vacant on account of prolonged absences. Nothing paid to him.	Not justified
C/326/2003	Length of service not properly computed.	Discontinued
C/337/2003	Shortage of senior staff at night.	Explained
C/338/2003	Sick leave allowance not paid to retired complainant.	Not justified
C/339/2003	Lease agreements not yet issued to complainant.	Pending
C/340/2003	Complainant avers that her civil status documents have not been returned to her by the Administration.	Pending
C/341/2003	Allowance for working extra hours not paid.	Rectified
C/343/2003	Length of service not properly computed.	Pending
C/344/2003	Vacation leave short paid.	Explained

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Rodrigues

C/345/2003	Complainant still awaiting reply to application for extension of lease of State land after one year.	Pending
C/346/2003	Favouritism regarding allocation of new car for driving purposes to freshly recruited driver.	Explained
C/347/2003	Sick leave allowance not paid to retired complainant.	Not justified
C/348/2003	No reply to application for State land made	Explained

since 3 years.

C/349/2003	Complainant's pension not correct.	Not justified
C/350/2003	Inducement allowance wrongly calculated.	Rectified
C/352/2003	Social aid granted to child decreased. Hardship case.	Explained
C/353/2003	Retiring benefits, except lump sum, not yet paid to retired officer.	Rectified
C/355/2003	Allowances not paid to hospital servants/ attendants.	Rectified
C/356/2003	No reply to request for transfer of land.	Pending
C/360/2003	No assistance from the administration in connection with complainant's damaged house.	Discontinued
C/375/2003	No reply to application for State land for commercial purposes since four years.	Explained
C/381/2003	No reply yet to application for residential lease made since six years.	Explained

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Rodrigues

C/383/2003	Acting allowance not paid.	Pending
C/386/2003	Length of service not properly computed.	Explained
C/427/2003	Length of service not properly computed.	Pending
C/435/2003	Benefits not paid to complainant.	Pending
C/442/2003	Request by complainant for benefits after having left his post without notification.	Not justified

C/458/2003	Length of service not properly computed.	Pending
C/11/2004	No allowance paid to complainant, who is a Prison Officer, for extra hours put in.	Rectified
C/18/2004	Request for information regarding complainant's length of service not attended to.	Pending
C/19/2004	Residential lease not yet finalised after long lapse of time.	Rectified
C/29/2004	Retired officer's pension stopped after three months.	Explained
C/37/2004	Request for information regarding length of service.	Rectified
C/61/2004	Encroachment on complainant's land by Government.	Pending
C/66/2004	Length of service not properly computed.	Pending
C/76/2004	Application for residential lease not yet finalised in spite of letter of intent issued a year ago.	Rectified
C/79/2004	Complainant not satisfied with lump sum received.	Explained
<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
<u>Rodrigues</u>		
C/86/2004	Allowance shortpaid.	Pending
C/88/2004	No benefits paid to retired public officer.	Pending
C/89/2004	Application for pledging of leasehold rights on State land not entertained.	Pending
C/96/2004	Application for residential lease since three years not yet considered.	Pending

C/107/2004	Length of service not properly computed.	Explained
C/118/2004	Complainant who is an Information and Communication Technology teacher made to stay longer than necessary at school.	Rectified
C/119/2004	Complainant not satisfied with the amount of refund from the National Savings Fund.	Pending
C/130/2004	Application for plot of land for residential purpose made more than six years ago not finalised.	Pending
C/131/2004	Non-payment of mileage credit to retired Head Teacher.	Pending
C/136/2004	No pension or lump sum paid to complainant after 24 years service.	Not justified
C/137/2004	No payment received in respect of overtime performed since more than six years.	Explained
C/138/2004	Salary unpaid since January 2004 i.e. for the last four months.	Pending
C/139/2004	No reply to application for lease of State land made in 1998.	Pending
C/140/2004	Length of service not properly computed.	Pending

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Rodrigues

C/141/2004	Length of service not properly computed.	Not justified
C/144/2004	Overflowing of public bin causes problems to nearby inhabitants.	Rectified
C/147/2004	Complainant not appointed as Driver Heavy Vehicles in spite of his long experience.	Explained
C/152/2004	Complainant, a watchman, worked on public	Pending

holidays but not remunerated.

C/154/2004	Lump sum not paid to complainant's heirs.	Not justified
C/160/2004	Non-payment of incentive allowance to teachers.	Rectified
C/162/2004	Complainant not confirmed in his post one year after temporary appointment.	Rectified
C/163/2004	Complainant not satisfied with retiring benefits paid to him.	Pending
C/172/2004	Length of service not properly computed.	Pending
C/197/2004	Complainant avers that his transfer is arbitrary.	Pending
C/198/2004	Length of service not properly computed.	Explained
C/200/2004	No lump sum paid to complainant's deceased father, an ex public officer.	Explained
C/210/2004	Complainant not confirmed in his post in spite of having passed swimming test and obtained Service Driving Licence.	Rectified

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Rodrigues

C/214/2004	Protectives (raincoats and boots) not provided to complainants who are Youth Centre Attendants.	Pending
C/221/2004	Anomaly in salary.	Pending
C/242/2004	Length of service not properly computed.	Pending

C/252/2004	Retiring benefits wrongly computed.	Explained
C/255/2004	No reply to application for State land since five years.	Pending
C/256/2004	Claim for pension by surviving spouse of ex-public officer turned down.	Pending
C/281/2004	Allowance stopped for reason unknown.	Pending
C/291/2004	Passage benefits not paid to retired public officer.	Not justified
C/296/2004	Length of service not properly computed.	Explained
C/300/2004	No reply to application for lease of land made six years ago.	Explained
C/308/2004	Application for residential lease of State land not yet processed after several years.	Explained
C/350/2004	Overtime not offered to complainant.	Pending
C/356/2004	Allowance denied to complainant.	Pending
C/361/2004	No allowance paid for performance of higher duties.	Pending

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Shipping, Rodrigues and Outer Islands

C/360/2004	Wrong refusal by Ministry to issue seaworthiness certificate.	Pending
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Social Security, National Solidarity and Senior Citizen Welfare and Reform Institutions

C/419/2003	Complainant's right leg amputated. Still not paid invalid's pension.	Explained
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C/428/2003	Pension of detainee's wife reduced.	Rectified
C/25/2004	Pension denied to old lady.	Not justified
C/85/2004	Application for financial assistance in favour of complainant's daughter not entertained.	Not justified
C/113/2004	No contribution paid to the National Pension Scheme by complainant's ex-employer on his behalf.	Not justified
C/158/2004	Carer's allowance in respect of disabled child stopped since nine months.	Explained
C/165/2004	Complainant awarded basic retirement pension for a limited period only.	Explained
C/260/2004	Request for wheel-chair for handicapped person not considered.	Rectified
C/265/2004	Widow's pension stopped.	Pending
C/280/2004	Complainant claims having suffered financial prejudice through the fault and negligence of officers of the Ministry.	Pending

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
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Social Security, National Solidarity and Senior Citizen Welfare and Reform Institutions

C/294/2004	Examination fees not refunded and school pass not delivered.	Pending
C/299/2004	Request by prisoner for social aid for his wife and family refused.	Pending
C/313/2004	Complainant does not agree with the duties	Pending

he is again called upon to perform whereas other officers have not performed such duties.

C/339/2004 Complainant not getting social aid to provide for her two children whose father has abandoned them.	Pending
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Tourism and Leisure

C/12/2004 No reply to application for Tourist Enterprise Licence in respect of a leisure and entertainment centre.	Rectified
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C/104/2004 Mileage allowance not refunded.	Explained
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C/134/2004 Ticketing Office built by Government not in operation yet.	Explained
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C/286/2004 Restaurant licences not renewed. Hardship caused to complainant.	Rectified
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