



SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

TUESDAY 16 OCTOBER 2018

CONTENTS

ELECTION OF DEPUTY SPEAKER

ANNOUNCEMENTS

PAPERS LAID

QUESTIONS (*Oral*)

MOTION

STATEMENT BY MINISTER

BILLS (*Public*)

ADJOURNMENT

THE CABINET

(Formed by Hon. Pravind Kumar Jugnauth)

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Mrs Fazila Jeewa-Daureeawoo	Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Tourism
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Health and Quality of Life
Hon. Prithvirajsing Roopun	Minister of Arts and Culture
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Social Security, National Solidarity, and Environment and Sustainable Development
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Maneesh Gobin	Attorney General, Minister of Justice, Human Rights and Institutional Reforms
Hon. Jean Christophe Stephan Toussaint	Minister of Youth and Sports
Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives

Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Social Integration and Economic Empowerment
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries and Shipping
Hon. Sodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training
Hon. Purmanund Jhugroo	Minister of Housing and Lands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance

PRINCIPAL OFFICERS AND OFFICIALS

Madam Speaker	Hanoomanjee, Hon. Mrs Santi Bai, GCSK
Deputy Speaker	Lesjongard, Georges Pierre
Deputy Chairperson of Committees	Jahangeer, Hon. Ahmad Bashir
Clerk of the National Assembly	Lotun, Mrs Bibi Safeena
Deputy Clerk	Ramchurn, Ms Urmeelah Devi
Clerk Assistant	Gopall, Mr Navin
Clerk Assistant	Seetul, Ms Darshinee
Hansard Editor	Jankee, Mrs Chitra
Serjeant-at-Arms	Pannoo, Mr Vinod

MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 27 of 2018

Sitting of Tuesday 16 October 2018

The Assembly met in the Assembly House, Port Louis at 11.30 a.m.

The National Anthem was played

(Madam Speaker in the Chair)

ELECTION – DEPUTY SPEAKER

The Prime Minister: Madam Speaker, in accordance with the provisions of Section 32 of the Constitution and Standing Order 7 of the Standing Orders and Rules of the National Assembly, I move that hon. Georges Pierre Lesjongard, Second Member for Constituency No. 14 - Savanne and Black River, be elected Deputy Speaker of the House.

The Deputy Prime Minister rose and seconded

Madam Speaker: Is there a counterproposal? There has been no counterproposal. I declare hon. Georges Pierre Lesjongard elected Deputy Speaker of this Assembly and I offer him my sincere congratulations.

Mr G. Lesjongard (Second Member for Savanne & Black River): Thank you, Madam Speaker. I wish to express my heartfelt thanks to the hon. Prime Minister and Leader of the House for entrusting me with the responsibilities of this high office. My thanks also go to my colleague Members of Parliament for their support.

I wish to reassure all Members that I will discharge my duties in all fairness and impartiality and uphold the dignity and decorum of this august Assembly.

Thank you, Madam Speaker.

ANNOUNCEMENTS

FRENCH NATIONAL ASSEMBLY – *GROUPE D'AMITIE FRANCE-MAURICE - VISIT*

Madam Speaker: Honorables membres, j'ai le plaisir de vous faire part de la présence parmi nous ce matin d'une délégation du Groupe d'Amitié France-Maurice de l'Assemblée Nationale Française dirigée par l'honorable Madame Sophie Mette, députée du Mouvement Démocrate de la Gironde et présidente du Groupe d'Amitié.

La délégation comprend les membres suivants –

1. l'honorable Jean-Pierre Pont, député de la République en Marche du Pas-de-Calais, vice-président du groupe;
2. l'honorable Lénaïck Adam, député de la République en Marche de la Guyane, membre du groupe;

3. l'honorable Éric Straumann, député du mouvement les Républicains du Haut-Rhin, membre du groupe.

La délégation est accompagnée de Madame Anne-Cécile Blauwblomme-Delcroix, Secrétaire administratif du groupe. Sont également présents dans la galerie, Son Excellence Monsieur l'ambassadeur Emmanuel Cohet et Monsieur Dominique Gautier, Premier Conseiller de l'ambassade de France.

En votre nom et en mon nom personnel, je souhaite à l'honorable madame Sophie Mette et sa délégation un agréable et fructueux séjour chez nous.

Je vous remercie.

OBITUARY – POONITH, MR SURESH CHANDRA

The Prime Minister: Madam Speaker, it is with deep regret that we have learnt of the demise on Tuesday 04 of September 2018 at the age of 75 of Mr Suresh Chandra Poonith former Member of Parliament.

Mr Poonith was born on 19 May 1943 at l'Espérance. He attended the Aryan Vedic School for his primary education and the Adventist College for his secondary education. During his career, he was a Secondary School teacher and he had also been an active, responsible and constructive Trade Unionist. Mr Poonith stood as candidate for the first time in the 1976 General Election as a Member of the MMM Party in Constituency No.13, Rivière des Anguilles and Souillac, and he was returned Second Member for the said Constituency.

He also stood as candidate for the 1982 General Election under the banner of the MMM/PSM Alliance in Constituency No.12, Mahebourg and Plaine Magnien, and he was returned Second Member to serve the said Constituency. In 1983, Mr Poonith joined the newly created MSM Party under the leadership of Sir Anerood Jugnauth. He actively participated in the 1983 General Election in Constituency No. 12, Mahebourg and Plaine Magnien under the banner of the MSM/Labour Party Alliance and was returned Third Member for the said Constituency. As an hon. Member of this august Assembly, he was respected for his positive attitude towards all hon. Members as well as for the quality and pertinence of his interventions.

His adherence to the Parliamentary values and to the observance of the decorum of the House while championing the cause of his Constituency and serving the nation made of him a valuable contributor to the upholding of the national interest.

Madam Speaker, may I request you to kindly direct the Clerk to convey the deep condolences of the Assembly to the bereaved family.

The Leader of the Opposition (Mr X. L. Duval): Madam Speaker, I associate myself with the tribute made by the hon. Prime Minister to late Mr Suresh Chandra Poonith, former Member of the National Assembly and I also request the Clerk to convey the condolences of the Opposition to the bereaved family.

Madam Speaker: Hon. Members, I associate myself to the tribute paid to late Mr Suresh Chandra Poonith, former Member of the National Assembly by the hon. Prime Minister and the hon. Leader of the Opposition and I direct the Clerk to convey to the bereaved family the deep condolences of the Assembly.

PAPERS LAID

The Prime Minister: Madam Speaker, the Papers have been laid on the Table.

A. **Office of the President**

The Annual Report of the Ombudsperson for Children for period 01 July 2017 to 30 June 2018.

B. **Prime Minister's Office**

- (a) Certificate of Urgency in respect of the following Bills (In Original):
 - (i) The Acquisitive Prescription Bill; (No XII of 2018) and
 - (ii) The Code Civil Mauricien (Amendment) Bill (No XIII of 2018)
- (b) The Annual Report 2016/2017 of the Board of Investment.
- (c) Mauritius in Figures 2017.
- (d) The Gambling Regulatory Authority (Personal Management Licence) Regulations 2018. (Government Notice No. 98 of 2018)
- (e) The Economic Development Board (Film Rebate Scheme) Regulations 2018.
(Government Notice No. 99 of 2018)
- (f) The Economic Development Board (Amendment of Schedule) (No. 2) Regulations 2018. (Government Notice No. 100 of 2018)
- (g) The Freeport (Amendment of Schedule) Regulations 2018.
(Government Notice No. 101 of 2018)
- (h) The Public Procurement (Amendment No. 2) Regulations 2018.
(Government Notice No. 102 of 2018)

- (i) The Banking (Compoundable Offences) (Amendment) Regulations 2018. (Government Notice No. 106 of 2018)
- (j) The Financial Intelligence and Anti-Money Laundering Regulations 2018.
(Government Notice No. 108 of 2018)
- (k) The Limited Partnerships (Fees) (Amendment) Regulations 2018.
(Government Notice No. 109 of 2018)
- (l) The Limited Liability Partnerships (Fees) (Amendment) Regulations 2018. (Government Notice No. 110 of 2018)
- (m) The Foundations (Amendment of Schedule) Regulations 2018.
(Government Notice No. 111 of 2018)
- (n) The Financial Intelligence and Anti-Money Laundering (Amendment) Regulations 2018. (Government Notice No. 122 of 2018)

C. **Ministry of Energy and Public Utilities**

The Annual Report of the Mauritius Renewable Energy Agency (MARENA) for the period 26 December 2015 to 30 June 2017.

D. **Ministry of Local Government and Outer Islands**

Ministry of Gender Equality, Child Development and Family Welfare

- (a) The Municipal Town Council of Beau Bassin – Rose-Hill – Names of Public places (Amended) regulations 2018. (Government Notice No. 96 of 2018)
- (b) The Municipal Council of Vacoas-Phoenix (Fees for Outline Planning Permission and Building and Land Use Permit) (Amendments) Regulations 2018. (Government Notice No.103 of 2018)

- (c) The Local Government (Prescribed Forms) Regulations 2018.
(Government Notice No.123 of 2018)

E. **Ministry of Technology, Communication and Innovation**

The Financial Statement for the Independent Broadcasting Authority for the 18-months period ended 30 June 2017. (In Original)

F. **Ministry of Public Infrastructure and Land Transport**

- (a) The Road Traffic (Amendment No. 2) Regulations 2018.
(Government Notice No. 97 of 2018)
- (b) The Road Traffic (Registration of Motor Vehicles and Trailers)
(Amendment) Regulations 2018. (Government Notice No.115 of 2018)

G. **Ministry of Education and Human Resources, Tertiary Education Education and Scientific Research**

- (a) The Annual Report of the Rabindranath Tagore Institute for January 2016 to June 2017.
- (b) The Annual Report of the Private Secondary Schools Authority for the year 2015.
- (c) The Annual Report of the Open University of Mauritius for the period 01 January 2016 to 30 June 2017.
- (d) The Annual Report 2016/2017 of the Human Resource Development Council.
- (e) The Annual Report of the University of Technology, Mauritius for the period

01 July 2009 to 31 December 2010.

H. **Ministry of Tourism**

The Annual Report of the Tourism Employees Welfare Fund for the period 01 January 2016 to 30 June 2017.

I. **Ministry of Health and Quality of Life**

(a) The Audited Financial Statements of the Mauritius Institute of Health for the 18-month period ended 30 June 2017.

(b) The Medical Council (Medical Institutions) (Amendment No. 3) Regulations 2018. (Government Notice No. 95 of 2018)

J. **Ministry of Arts and Culture**

The Annual Report and Financial Statements of the National Library for the period 01 January 2016 to 30 June 2017.

K. **Ministry of Agro Industry and Food Security**

(a) The Cane (Specification of Varieties) (Amendment) Regulations 2018. (Government Notice No. 121 of 2018)

(b) The Annual Report of the Sugar Investment Trust for the year ending 30 June 2017.

L. **Ministry of Industry, Commerce and Consumer Protection**

- (a) The Consumer Protection (Importation and Sale of Second-hand Motor Vehicles) (Amendment) Regulations 2018. (Government Notice No. 92 of 2018)
- (b) The Consumer Protection (Control of Sale of Imported Live Animals for Home Slaughter) (Amendment) Regulations 2018. (Government Notice No. 93 of 2018)
- (c) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 25) Regulations 2018. (Government Notice No. 94 of 2018)
- (d) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 26) Regulations 2018. (Government Notice No. 107 of 2018)
- (e) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 27) Regulations 2018. (Government Notice No. 117 of 2018)
- (f) The Annual Report of the Mauritius Standards Bureau for the 18-month period ended 30 June 2017.
- (g) The Consumer Protection (Price and Supplies Control) (Amendment of Schedule) (No. 3) Regulations 2018. (Government Notice No. 124 of 2018)
- (h) The Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 4) Regulations 2018. (Government Notice No. 125 of 2018)
- (i) The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 28) Regulations 2018. (Government Notice No. 126 of 2018)

M. **Attorney General's Office and Ministry of Justice, Human Rights and Institutional Reforms**

The Report of the Director of Audit on the Financial statements of the Law Reform Commission for the 18-month period ended 30 June 2017.

N. **Ministry of Business, Enterprise and Cooperatives**

The Annual Report 2013 of the ex-Small and Medium Enterprises Development Authority (ex-SMEDA).

O. **Ministry of Ocean Economy, Marine Resources, Fisheries and Shipping**

- (a) The Merchant Shipping (Maritime Training Provider) Regulations 2018. (Government Notice No. 112 of 2018)
- (b) The Merchant Shipping (Weight Verification of Containers) Regulations 2018. (Government Notice No. 113 of 2018)
- (c) The Merchant Shipping (Port State Control) Regulations 2018. (Government Notice No. 114 of 2018)
- (d) The Fisheries and Marine Resources (Extension of Net Fishing Season) Regulations 2018. (Government Notice No. 116 of 2018)
- (e) The Annual Report of the Seafarers' Welfare Fund for the period 01 January 2016 to 30 June 2017.

P. **Ministry of Housing and Lands**

The Annual Report and Financial Statements of the National Housing Development Company Ltd for year ended 31 December 2016.

Q. **Ministry of Civil Service and Administrative Reforms**

- (a) The Civil Establishment Order 2018.
(Government Notice No. 104 of 2018)
- (b) The Civil Establishment (Rodrigues Regional Assembly) Order 2018.
(Government Notice No. 105 of 2018)

R. **Ministry of Financial Services and Good Governance**

- (a) The Financial Services (Authorized Company) Rules 2018.
(Government Notice No. 118 of 2018)
- (b) The Financial Services (Consolidated Licensing and Fees) (Amendment) Rules 2018. (Government Notice No. 119 of 2018)
- (c) The Captive Insurance (Pure Captive Insurance Business) (Amendment) Rules 2018. (Government Notice No. 120 of 2018)

ORAL ANSWERS TO QUESTIONS**COMMISSION OF INQUIRY ON DRUG TRAFFICKING –
RECOMMENDATIONS**

The Leader of the Opposition (Mr X. L. Duval) (*by Private Notice*) asked the hon. Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the “Rampant/Explosive Proliferation of Psychoactive Substances” in Mauritius and Rodrigues, as noted at paragraph 2.16 of the Report of the Commission of Inquiry on Drug Trafficking in Mauritius, he will state if he has discussed this state of affairs with the drug enforcement agencies and, if so, indicate the outcome thereof.

The Prime Minister: Madam Speaker, I wish to inform the House that the Government Programme 2015-2019 enunciates that a Commission of Inquiry on Drug Trafficking will be set up and Government shall pursue a relentless fight against drug traffickers. This Government has kept its promise and today, we are in the presence of the report which will boost up our fight against drug traffickers.

It is relevant to point out that the World Health Organisation, in the context of management of substance abuse, defines psychoactive substances as, I quote –

“Substances that, when taken in or administered into one’s system, affect mental processes, for example cognition or affect. This term and its equivalent, psychotropic drug, are the most neutral and descriptive term for the whole class of substances, licit and illicit, of interest to drug policy.”

Madam Speaker, the Commission of Inquiry, to remind the House, was appointed by this Government on 14 July 2015, to inquire into and report on all aspects of drug trafficking in Mauritius, including “the availability of new types of drugs, including synthetic and designer drugs in Mauritius” and “the operational effectiveness of the various agencies involved in the fight against drug trafficking”. Thus, paragraph 2.16 of the Report of the Commission of Inquiry, referred to by the hon. Leader of the Opposition is one of the findings of the Commission.

Madam Speaker, the issue of drugs forms part of my daily discussions with the Commissioner of Police and other Drug Enforcement Agencies, and emphasis is always laid on additional effective measures that should be enforced to curb down proliferation of drugs and other illicit substances.

I wish to stress that many of the recommendations contained in the Report of the Commission of Inquiry had already been implemented either before the setting up of the Commission or during the period it was conducting its exercise.

Madam Speaker, the various measures that were initiated by the Police to prevent and control entry of illicit drugs including synthetic drugs in Mauritius and to curb abuse thereof were extensively enumerated in the reply to Parliamentary Question B/52 of 27 March 2018.

Madam Speaker, let me inform the House that all enforcement agencies including ADSU, MRA, FIU, ICAC, Ministry of Defence and Rodrigues, Ministry of Health and Quality of Life, Ministry of Education and Human Resources, Tertiary Education and Scientific Research, amongst others, are working relentlessly and as a team in the fight against proliferation of illicit drugs in all its forms.

Additionally, to control proliferation of illicit drugs, the MRA Customs has already acquired –

1. A Fast Interceptor Boat;
2. Low bed mobile scanner;
3. Vessel Tracking System;
4. Scanners in the Port and Airport;
5. Tools like portable contraband buster, fiberscope and trace detector, and
6. Drones.

Additionally also, a joint team comprising MRA Customs, Police and Mauritius Ports Authority is already patrolling the Port area.

Moreover, action has been initiated for the following –

1. Acquisition of whole body scanner at the airport to detect stuff or swallowed drugs;
2. Drugs Loo to facilitate disposal of swallowed drugs;
3. Enzyme Multiplied Immunoassay Technique – EMIT urine test for detection of traces of dangerous drugs in urine;
4. Acquisition of more scanners for fast and efficient control of all incoming passengers;

5. Acquisition of an additional Fast Interceptor Boat and rapid hull Interceptor Boats;
6. Acquisition of other technological tools such as portable contraband buster, fiberscope, handheld mini Z Scanners, handheld narcotics analyser and trace detectors;
7. Additional sniffer dogs to reinforce the existing team from 12 to 24 by 2021 which will be imprinted for detection of precursor chemicals and other drugs, one of them will be at Rodrigues;
8. Upgrading of CCTV Camera network in the Port area in collaboration with Cargo Handling Corporation Ltd and Mauritius Ports Authority, and
9. Palletised cargo scanner at PATS warehouse, Ground 2 Air and at Yu Lounge.

In order to define and control the entry of equipment which could be used for the manufacture of synthetic drugs, Customs is already administering the provision and restriction of goods under national legislations.

The Forensic Science Laboratory has on its part already set up several units for specialised service provision, including a Drugs Unit as well as a Research Development Unit. These units are manned by fully trained scientists to handle drugs.

Since June 2017, an Inter-Agency Cooperation Working Group comprising the ICAC, the FIU, the Police, the FSC, the GRA, the Mauritius Prisons Service, the Integrity Reporting Service Agency and the MRA, has been set up upon the initiative of the Director General of ICAC primarily to facilitate the sharing of information among these agencies.

Adequate and specialised training in drug detection has already been given to all law enforcement officers, and Drug Identification Test kits have also been provided.

Import of precursor items is now being controlled by the Ministry of Health and Quality of Life through the establishment of a quota system. Both direct and indirect precursors are listed in the Dangerous Drugs Act. Direct precursors are parts of registered pharmaceutical products and therefore they are subject to double control. The Ministry of Health and Quality of Life in collaboration with other partners such as FSL are presently working on the scheduling of a new list of synthetic drugs to exercise better control.

Sniffer dogs of the MRA have been trained to detect a wider range of drugs including synthetic substances and selected currencies. These dogs are now being trained to detect tobacco and cigarettes.

Madam Speaker, the Ministry of Education and Human Resources, Tertiary Education and Scientific Research is actively engaged, together with partner institutions in the implementation of activities to address the drug demand reduction and drug use prevention in schools.

As preventive and control measures dealing with the issue of drug abuse, the Ministry of Education and Human Resources, Tertiary Education and Scientific Research is adopting a zero-tolerance policy in regard to drug issues in schools. In this regard, strict control measures have been introduced at the level of classes and school compounds.

Heads of schools have been advised to be in the front line and act as role models for our students; they should establish links between the home, the school and the community in respect of children suffering from social, emotional and behavioural problems. Individual and group counselling is being provided in a focused manner.

The Ministry is also working in collaboration with the UNODC for –

- (a) the elaboration and validation of a Drug Use Prevention Curriculum for 12-16 year old students;
- (b) the conduct of a Drug Prevention Programme at the level of secondary schools, and
- (c) training of Trainers programmes for Heads of schools, educators, resource persons, health workers and NGOs of both Mauritius and Rodrigues.

In addition, the Ministry of Education has in collaboration with institutions such as *Brigade pour la Protection des Mineurs*, ADSU, Ministry of Health sensitised over 200,000 students of primary and secondary schools over the period 2015 to date.

The Ministry is leaving no stone unturned to combat this scourge at all levels and a concerted approach has been adopted among stakeholders and every step is being taken to maintain a safe and supportive environment at school.

Madam Speaker, I am also informed that in response to the proliferation of psychoactive substances, the Ministry of Health and Quality of Life has, since 2016, after the closure of NATReSA, been conducting an extensive sensitisation campaign against drug

targeting mainly the youth, both school children and non-school children, as well as communities, workplaces and the public at large. During the last 3 years and as at today, 83,754 students have been reached.

38,384 individuals have also been reached at community level and a further 16,587 employees have been reached at workplaces.

With regard to treatment and rehabilitation Programme, the Ministry of Health and Quality of Life is implementing the Harm Reduction programme mainly the Methadone Substitution Therapy and the Needle Exchange Programme as well as a Suboxone/Naltrexone-based Detoxification Programme. The Ministry of Health and Quality of Life also supports NGOs in the Codeine based programme, again targeting people with Substance Use Disorder.

The number of beneficiaries of the Methadone Substitution Therapy Programme is over 4,500.

Moreover, the Ministry of Health and Quality of Life has recently embarked on a Rehabilitation Programme for young people under 18 with addiction issues at Long Mountain Hospital on a residential basis. For the first time, such a unit has been set up and is operational since two weeks.

It is to be noted that a Rehabilitation Centre is already operational at Mahebourg Hospital for those above 18 years of age.

These centres are being run by a multidisciplinary team consisting of psychiatrists, psychologists, social workers, nurses and representatives of NGOs.

In addition, the Ministry of Health and Quality of Life has also set up an Addiction Unit in all five Health Regions under the care of a Multidisciplinary team.

We are also decentralising treatment to the Primary Health Care settings to provide psychosocial support.

I can assure the House that the Ministry of Health and Quality of Life will pursue its endeavours to reinforce these measures.

Madam Speaker, our fight does not end with the control of entry or consumption of illicit drugs only. As a Government, we are addressing the issue holistically and not only through a repressive approach.

That is why we are discouraging our citizens from an abusive use of tobacco and alcohol which are also considered as psychoactive substances, and side by side we are encouraging our youth and the population at large to indulge in sports activities. The recent launching of a National Sport and physical activity policy goes in this direction.

The drug problem in our country is a national issue and I have always put this issue above party politics.

Madam Speaker, let me reassure the House that I am determined, more than ever before, to continue cleaning the rot that has set in because of years of inaction. We are devoting all the necessary resources to step up our relentless battle against drug trafficking in a sustainable manner. In our crusade against drug trafficking, as long as I am Prime Minister, there will be no retreat no surrender, come what may.

Madam Speaker: Hon. Leader of the Opposition!

Mr X. L. Duval: Madam Speaker, if I can sum up actions of Government up to now ‘Too little, too late’, and I will illustrate this very carefully. Madam Speaker, I would like to ask the hon. Prime Minister, since he speaks to his drug enforcement agencies regularly, is he aware of the tremendous surge in availability of drugs in Mauritius, as we speak? Can he tell us what are the extremely low prices for drugs currently being practised on the streets of Mauritius? Can he tell us what are the prices now?

(Interruptions)

The Prime Minister: Well, first of all...

(Interruptions)

Madam Speaker: Please!

The Prime Minister: First of all, the hon. Leader of the Opposition, I think, should just go back to the past when he says: ‘Too little, too late’, which, of course I do not at all agree with. In fact, the real fight against drug trafficking has started when we came to Government in 2014. But the hon. Leader of the Opposition is saying: “Look at what are the prices”. Well, first of all, I do not know about the prices. I do not deal in drugs. But I can assure the hon. Leader of the Opposition that on the market, the quantity of drugs - when we talk about all the drugs that have always been in circulation here, I mean either heroin and so on - indeed the quantity in circulation has diminished a lot.

(Interruptions)

Madam Speaker: Order! Please!

The Prime Minister: *Ecouter! Ecouter! To pas écouter!*

(Interruptions)

Madam Speaker: Can I call all of you to order, please? Order, please! Can you please allow the hon. Prime Minister to reply?

The Prime Minister: But I must say, with regard to synthetic drugs, we have noted that there has been an increase in the quantity that is coming to the country. Why? Because I monitor the statistics, we see the number of cases. As I have said earlier, I have daily meetings with the Commissioner of Police; I have regular meetings with the officer-in-charge of ADSU; I have meetings with Customs and we can see that the number of arrests, the number of cases that are detected are on the increase, which also shows, therefore, one, we are being effective, of course, but, on the other hand, it also shows that there are more people probably trying to introduce synthetic chemical drugs in the country. Therefore, our fight, of course, also implies we have to enhance all the measures that we can in order to address this issue.

Mr X. L. Duval: Madam Speaker, arrests are being made, but drugs are evaporating at ADSU, etc. Let me ask the Prime Minister whether he is aware that prices of some drugs in Mauritius at the moment are at an all-time low, synthetic drugs selling from Rs50. It is available to almost every school child, from Rs50 to Rs100 for synthetic drugs, gandia: Rs200, even heroine: Rs250. I had asked the hon. Prime Minister last time, in a PNQ, to have a survey done so that he would be, we would be, informed of the horrific situation of drugs in Mauritius. Can I ask the hon. Prime Minister now whether he will agree with me that there is a huge surge in drugs at the moment in Mauritius?

The Prime Minister: Madam Speaker, we all know that the price of synthetic drugs is much lower than the price of the other drugs. And this situation is not only in Mauritius; it is everywhere. I do not want to mention, and I do not want to take the time of the House, by giving information with regard to other countries. They have also *tiré la sonnette d'alarme* because it is a worldwide problem. Look at what the Commission of Inquiry on Drugs has stated. It says that what is happening worldwide is alarming, but also in Mauritius because we are no exception. As I have said, price of synthetic drugs is very low and it is much more easily available because the traffickers just have to try to introduce a few grams and they make a number of different mixtures in terms of their own formula, and this keeps on

changing also. That is also one reason why it is difficult to proscribe all these illicit substances in the law, but we are going to increase the number. I must admit it is something for which we have to unite all our energy, all our forces, all the institutions together, in order to be able to combat this scourge.

Mr X. L. Duval: Madam Speaker, the situation has considerably worsened since the election and the Report of the Commission of Inquiry has been severely critical of Government. Let me just say a few things: deaths from drug abuse have doubled under their mandate; admissions for drug abuse have also doubled in public hospitals in Mauritius; crimes have shot up; robbery and burglary have almost doubled since the election, Madam Speaker. The policy of Government has been totally ineffective, and this is why, Madam Speaker, I would agree that through the fault of this present Government, *Maurice est en état d'urgence pour la drogue*.

Madam Speaker: Hon. Leader of the Opposition, please do not make statements at Question Time! Question Time should not be a pretext for debate. Please, ask your question!

Mr X. L. Duval: Madam Speaker, I would ask the hon. Prime Minister to look at the truth in the face and to accept his Government's responsibility for the situation in Mauritius as it is now.

The Prime Minister: Maybe I should remind the hon. Leader of the Opposition that he was in a Government from 2005 to 2014. Have a look at how many times the Dangerous Drugs Act has been amended to include those psychoactive substances and have a look at what we have done in 2015. So, do not come and say that, as if nothing is being done. A lot is being done, but a lot more needs to be done also, I agree. Synthetic drugs did not come into existence as from 2014. I mean you have to go and see since when synthetic drugs have been in circulation in Mauritius and what has been done. Again, all the time we have been asking for a Commission of Inquiry. He was in Government; he was in that very Government of Dr. Navin Ramgoolam. We have been asking for a Commission of Inquiry. Why is it that for 10 years, Madam Speaker...

(Interruptions)

Madam Speaker: Hon. Jhugroo, if you continue, I will have to take action!

The Prime Minister: ... they did not have the initiative, at least, to set it up. Every time, the former Prime Minister was saying that everything is cool, everything is okay. Well, I do not want to go in-depth in that, but still we know why.

Mr X. L. Duval: Madam Speaker, the Government cannot use the Commission of Inquiry as a *paravent* for not doing anything. I would ask the hon. Prime Minister whether he is aware of the severe criticisms made by Commissioner Lam Shang Leen and his team on the appointments made in the institutions of Government: the appointment of the Commissioner of Police whose office has been mentioned for having leaked information on the super witness; for having transferred wrongly a Deputy Commissioner of Police, Samoisy; also the Commissioner of Prisons who has allowed anarchy in the prisons under his mandate; on the DCP of ADSU, and we are going to what he said on ADSU in a moment.

Madam Speaker: Hon. Leader of the Opposition, if you continue to make long statements before asking your question, you will be limited in the number of questions that you can ask.

Mr X. L. Duval: And also on the Chairman of the GRA, for the incompetence and his meddling, etc. Will not the Government accept that it is for its own fault that these institutions that were working properly before are now completely useless in the fight against drugs?

The Prime Minister: They were useless, we would not have seen the record number of seizures that we are having today. Let me tell the hon. Leader of the Opposition...

(Interruptions)

Madam Speaker: Hon. Baloomoody, please do not make provocations!

The Prime Minister: Let me tell the hon. Leader of the Opposition that we have information that, in the past, such kinds of drugs have been entering the country, and - the matter is still being looked into. Anyway, I hope we shall be able to get more precise information, and I shall then give details later on that. But we know what has been happening in the past. He is saying that there are people who are probably going against the law. Madam Speaker, we are determined. I cannot be responsible for the acts and doings of everybody, but if there are people who are accomplices, if there are people who conspire with drug traffickers or if there are people who are helping drug traffickers, of course, we are here, we will take action, and we have taken action. We have shown that in the number of cases, whenever there is any - not only evidence - doubt, we are going to act and we will not, of course, tolerate anyone who, instead of going our way to fight drug traffickers, is doing the contrary.

Mr X. L. Duval: Madam Speaker, the Commissioner Lam Shang Leen has been extremely critical of ADSU under his mandate: bad recruitment, bad training, bad equipment, no integrity, forewarning drug traffickers, 16 kilos of heroin disappeared, Lutchigadoo's phone has been wiped, etc. What is going to happen to ADSU? I understand that he has recently complimented ADSU. Is he going to go by what Lam Shang Leen is saying or is he going to carry on and *soutire* what has now become the worst unit in the Police Force?

The Prime Minister: Celui qui a soutiré les trafiquants pendant des années c'est le gouvernement Travailleiste/PSMD. Nous, nous sommes en train de mettre de l'ordre, Madame la présidente...

(Interruptions)

Madam Speaker: Order!

(Interruptions)

Order, please! Please, calm down!

(Interruptions)

Order, please! I wish to draw the attention of the House to the fact that the hon. Leader of the Opposition has only asked five questions up to now. If you take the time of the House again in futile discussions, he will not be able to ask as many questions as required.

(Interruptions)

Mr X. L. Duval: He is also answering very long ...

The Prime Minister: But the hon. Leader of the Opposition has asked a question, and I have to answer! What does he want me to do? He wants me to sit down and he keeps on asking questions!

Madam Speaker, I have - and I say it again today - congratulated all those officers of the ADSU who are doing their work honestly, diligently, and who are putting their lives at risk. We have seen the result. We are seeing the number of arrests and the number of seizures. Every week, we are witnessing the number of seizures. That is why I said that. But again, *s'il y a quelques brebis galeuses, s'il y a certains officiers qui, au lieu d'assumer leurs responsabilités, sont en train d'être complices des trafiquants*, of course, those who are in such a situation, we will take action against them. I can say that in ADSU there are officers who have been transferred in case there has been any doubt and in cases where names have

been mentioned in the Commission of Inquiry, although there is no sufficient proof as such. But we have to show respect for the conclusion of the report, and as has been recommended in the report, to have those cases to be investigated, and we are taking action, and investigation is ongoing. At the conclusion of the investigation, whatever action has to be taken, if any Officer has been found to have gone against the law, we will take action.

Mr X. L. Duval: Madam Speaker, yes or no...

Madam Speaker: Hon. Leader of the Opposition, can I just make one remark, please. Time is over, but since it is a matter of national importance, I will give you five additional minutes. Could you, please, ask your question, don't make a statement?

Mr X. L. Duval: Thank you, I am grateful. Madam Speaker, yes or no, Commission Lam Shang Leen has asked for the disbandment of ADSU in favour of the National Drug Investigation Commission. Yes or no? Answer, please!

The Prime Minister: Why does the hon. Leader of the Opposition want me to answer according to his 'yes or no'? What is this 'yes or no'?

(Interruptions)

We are a serious Government. *Madame la présidente, nous sommes un gouvernement qui travaille avec tout le sérieux qu'il faut.* There is a Ministerial Committee which is looking at all the recommendations of the Commission of Inquiry. And, amongst them, I have stated, even publicly, that a number of measures have already followed and been taken. There are other measures that are in the pipeline, but there are measures that will require fundamental thinking in terms of how institutions are going to work, and we are right now addressing those issues including the issue the hon. Leader of the Opposition mentioned concerning ADSU also. And in time to come, I shall be discussing with my colleague Ministers, and Cabinet will take a decision, and then we shall come forward with any restructuring plan or any changes in terms of institution, but that will be for the future.

Mr X .L. Duval: Madam Speaker, *le gouvernement désavoue* Lam Shang Leen and shame on the Government! Madam Speaker, the hon. Prime Minister has mentioned so many equipment being purchased, bla bla bla etc. Is he aware, as Minister also for the Ports, that presently, as we are speaking, the two radars in the Port Area are both broken, and had been broken, I am told, since one year? Therefore, the Port cannot see which boat is coming or going. Is he aware of that?

(Interruptions)

The Prime Minister: Well, I must find out about this issue of radar. Maybe if there is any ...

(Interruptions)

Madam Speaker: Order!

The Prime Minister: Madam Speaker...

(Interruptions)

Madam Speaker, I don't have this information.

(Interruptions)

Madam Speaker: Order, please!

(Interruptions)

Order, please! Can I call everybody to order, please!

(Interruptions)

Order!

(Interruptions)

Hon. Baloomoody! Your voice is too high!

(Interruptions)

Order, please! Hon. Bhagwan!

(Interruptions)

Please!

(Interruptions)

Hon. Leader of Opposition!

(Interruptions)

The Prime Minister: Well, I was not aware, but I am told that arrangements are being made to replace...

(Interruptions)

Madam Speaker: Hon. Leader of the Opposition, I wish to draw your attention that this is your last question.

Mr X.L. Duval: I will probably come back next week also, Madam Speaker, because I am running out of time.

Madam Speaker: Sure!

Mr X.L. Duval: I would like to ask the hon. Prime Minister concerning the fate of Serge Clair - you don't appoint the president, but you advised her to leave. You don't appoint the Deputy Speaker, but you advised him to leave.

Have you advised Mr Serge Clair to step down because he has been severely blamed by the Commission, because he actually asked for a Senior Police Officer to be transferred after he had dared to arrest a drug baron who was a member of his party?

The Prime Minister: Madam Speaker, I understand that this matter has been debated at the Rodrigues Regional Assembly. I don't want to interfere into the affairs of the Rodrigues Regional Assembly. They have their independence and they conduct their affairs. Well, Serge Clair, from what I know, he...

(Interruptions)

Reste trankil! Gett Selvon ki p dir twa do!

(Interruptions)

Gett Selvon ki p dir twa do!

(Interruptions)

Madam Speaker: Order!

(Interruptions)

Order, please!

(Interruptions)

Hon. Members, I am on my feet. Please! Order, please!

(Interruptions)

Order!

(Interruptions)

Hon. Baloomoody!

(Interruptions)

Hon. Prime Minister, don't reply then.

(Interruptions)

Hon. Members, if you continue, I will have to suspend! I am sorry!

(Interruptions)

Hon. Members! Please! I am on my feet and I expect you to be silent!

(Interruptions)

Please, give the reply because time is already over!

(Interruptions)

The Prime Minister: *Couma jamalac!*

I am informed, Madam Speaker, that Serge Clair has initiated a process for judicial review. Well, I leave it to him as to his actions.

Madam Speaker: Time is over! Hon. Members, the Table has been advised that PQ B/800 in regard to the guarantee given by Government to the EXIM Bank of China will be replied by the Rt. hon. Minister Mentor, Minister of Defence and Minister for Rodrigues. PQ B/806 in regard to the Upgrading of Existing Sports Complexes will be replied by the hon. Minister of Youth and Sports. Hon. Bhagwan, you have the floor!

MINISTERS – OVERSEAS MISSIONS

(No. B/801) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the overseas missions effected by Honourable Ministers, including his goodself, the Honourable Deputy Prime Minister and the Honourable Vice-Prime Minister since 01 January 2018 to date, he will state in each case the –

- (a) countries visited and purpose thereof;
- (b) total cost thereof in terms of airfares, per diem and other allowances, and
- (c) composition of the accompanying delegation and expenditure incurred in respect thereof.

The Prime Minister: Madam Speaker, the requested information is being compiled and will be tabled in due course.

Mr Bhagwan: Madam Speaker, I have two supplementary questions. In reply to Parliamentary Questions that I have asked in March and in July, the replies have been tabled yesterday in the Library. Can I ask the hon. Prime Minister why in the reply circulated yesterday, after so many months, instead of giving the population the taxpayers' amount spent, the terms 'as per approved rates' has been given in the reply?

Can the Prime Minister inform the country how much in terms of rupees has been spent, for two replies which have been tabled, and whether in the reply which will be tabled - I am sure, very shortly, before the end of his mandate - the approved rates will be circulated well before to Members of the National Assembly?

The Prime Minister: Madam Speaker, this question does not relate to what the hon. Member is saying today.

Mr Bhagwan: Madam Speaker, the question relates to missions of Ministers and it was the same question. So, can the hon. Prime Minister inform the House whether he will give to the population, the taxpayers' money which is being used for the said purpose, whether in his future reply, instead of, say, giving the reply 'as per approved rates', the amount spent in terms of rupees and for the different allowances will be given?

The Prime Minister: Well, I have said, the information is being compiled and will be laid in the Library of the National Assembly, so I don't know what the hon. Member is asking for again.

Mr Bhagwan: Since opacity is the order of the day, can the hon. Prime Minister inform the House why Government is hiding the truth to the population? Because as you are circulating it - this has been replied yesterday...

(Interruptions)

Shut up ! *Ecouter !*

(Interruptions)

Madam Speaker: Please!

Mr Bhagwan: *Ale okip to la case là-bas ! Livrer la case ! Pas vinn kozer ici !*

Madam Speaker, why is it the policy of Government to hide information? Say the truth to the population, how much is being spent! Had Parliament not sat today, these replies

would not have been circulated yesterday! Late yesterday! So, at least, can the hon. Prime Minister stop hiding the figures to the population? Give the figures, not approved rates!

(Interruptions)

Mr Bhagwan: *Hey! Ki tapaz? Mo pa kuma toi...*

(Interruptions)

Mo pas soucere moi!

Madam Speaker: Hon. Bhagwan, please! Please, sit down!

(Interruptions)

I am warning you, hon. Jhugroo, and this is the second time!

Hon. Prime Minister!

The Prime Minister: Madam Speaker, with reference to the past questions, I can say that all the information has been laid in the Library of the National Assembly.

Now, they are *des donneurs de leçons*. Let me remind him that in 2004, hon. Jeetah, then Member of the Labour party, asked a question in Parliament to the then Prime Minister, hon. Bérenger. 'From September 2000 to date, all the missions undertaken during the period 1995 to September 2000, is being compiled.' This is the answer of hon. Bérenger, the then Prime Minister. If you check, till today, there is no record, no compilation. They are still compiling.

(Interruptions)

He is still compiling.

(Interruptions)

He is still compiling.

(Interruptions)

This is...

(Interruptions)

Madam Speaker: Order!

(Interruptions)

Order, please!

(Interruptions)

Can I call everybody to order, please!

(Interruptions)

Now, hon. Members...

(Interruptions)

Hon. Members...

(Interruptions)

Hon. Members, can I draw your attention to the fact that you are taking the time of the House.

(Interruptions)

You are taking the time of the House for things which are not warranted. And for this question, we have already taken five minutes. Do you think I can allow any more supplementary on this question! We have to move.

The Prime Minister: So, I was saying, Madam Speaker, *voilà l'exemple que donne l'opposition MMM. Ils sont toujours en train de compiler. J'espère qu'un jour ils auront l'occasion, même dans l'opposition, de déposer les informations.*

(Interruptions)

Madam Speaker: Next question!

(Interruptions)

Hon. Bhagwan, next question, please!

Hon. Bhagwan: *Atann Janvier to cari pou cuit!*

(Interruptions)

Madam Speaker: Hon. Bhagwan, next question!

(Interruptions)

Mr Bhagwan: *Atann Janvier to cari pou cuit! Atann Janvier!*

Madam Speaker: Please!

Mr Bhagwan: Madam Speaker, hon. Jhugroo is provoking me.

(Interruptions)

Madam Speaker: Yes, I can...

(Interruptions)

Mr Bhagwan: Ask him not to provoke me!

Madam Speaker: Okay.

Mr Bhagwan: Ask him not to provoke me! PQ B/802!

STATE BANK (MAURITIUS) LTD – ALLEGED MISMANAGEMENT – INQUIRIES

(No. B/802) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the State Bank of Mauritius (Ltd.), he will –

- (a) state the amount of public funds injected therein by Government as at to date, and
- (b) for the benefit of the House, obtain from the Bank of Mauritius, information as to if consideration will be given for inquiries to be carried out thereinto, following the recent allegations of mismanagement of funds thereat.

The Prime Minister: Madam Speaker, with regard to part (a) of the question, I am informed that, to date, no capital injection has been made by Government in SBM Bank (Mauritius) Ltd.

Madam Speaker, concerning part (b) of the question, I am advised that the Bank of Mauritius, by virtue of section 26 of the Bank of Mauritius Act, cannot disclose information relating to the affairs of a Bank which it has acquired in the performance of its duties.

Furthermore, the Bank of Mauritius, as the regulatory and the supervisory authority of SBM Bank (Mauritius) Ltd, is closely monitoring the operations of the bank.

Mr Bhagwan: I have three supplementary questions, Madam Speaker. We are talking about the State Commercial Bank. The term ‘State’: public money, National Pensions, State Investment Corporation, SICOM, etc.

Can the Prime Minister, as Prime Minister and Minister of Finance, inform the country and the nation, what action he has taken as Minister of Finance, *garant des deniers*

publics, lost nearly one billion in Dubai, 3.5 m. in Kenya, lost recently about 300-400 m. in India, more than 3.5 billion given to MauBank where one Mr Gooljaury, still concerning his outstanding loan, action is being taken to write off. Can the Prime Minister and Minister of Finance inform the country and the nation, the taxpayers, because we are talking of the State Bank, public money, our money, what action is being taken for so many losses, instead of having one CEO to resign?

The Prime Minister: Well, Madam Speaker, at the State Bank of Mauritius, there is a Board which is in charge and whatever, any inquiry, anything that has to be done, they have their responsibility, and they are assuming their responsibility, and there is also the Bank of Mauritius which is the regulator and which is overseeing, of course, any examination, or any inquiry, that has to be done. But I cannot give any details with regard to any examination or any enquiry that has been conducted by the Bank of Mauritius, because the question relates to giving information that the Bank of Mauritius has gathered with regard to whatever cases there could have been, and I am prevented and I will refer the hon. Member to the law. This is what the law says and, therefore, I cannot give any information related to accounts of clients.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: The Prime Minister is hiding behind the law. We are talking about public money, the State Bank. The Prime Minister has made mention of the Board. For how long he, as Prime Minister, finds this normal and, I think, he is party to that: on the Board, there is one Mr Prakash Maunthrooa, alias Mr *Pran Kass*?

(Interruptions)

He has mentioned the Board. He is a Board Member and he is paid millions of rupees when he is involved in a case of corruption, the Boskalis case. He is on bail, he is his Senior Advisor, and he is there at the Board of State Bank. *Bé lin met lichien vey saucisse!*

The Prime Minister: Well, Madam Speaker, I have already...

(Interruptions)

On so many occasions, I have replied to these...

(Interruptions)

Madam Speaker: Hon. Bhagwan, no comments!

The Prime Minister: ...I would say, unwarranted comments, unwarranted remarks, and unwarranted allegations that are being made. There is a case, let the Court deal with the case. But I can't act as if I am the Judge myself, and I decide and I pass a judgement on him.

Madam Speaker: Hon. Uteem!

Mr Uteem: Thank you, Madam Speaker. The hon. Prime Minister mentioned the role of the Bank of Mauritius, but does he find it normal that when there are serious flaws in the State Bank, using a lot of money making shareholders, the members of public losing a lot of money, that the State Bank of Mauritius is taking absolutely no action, no fine, no action against the Bank of Mauritius, when the same Bank of Mauritius had no hesitation to revoke the licence of Bramer Bank at midnight?

The Prime Minister: Well, you are saying that there are serious frauds of so many millions of dollars and so on. You are saying that, but I rely on the regulator, Madam Speaker. The regulator is fulfilling its responsibilities. Of course, if there is anything that goes against the law, they are inquiring, they will continue to inquire, and they will see whatever actions they will have to take as a regulator, not for me.

Madam Speaker: Yes, hon. Bhagwan!

Mr Bhagwan: Madam Speaker, the Chairman of the State Bank Holdings, the famous Mr Kee Chong, Chairman *du groupe, parle d'un...*

(Interruptions)

Encore Jhugroo ! To pe rod lamerdement!

(Interruptions)

Madam Speaker: Please, sit down!

Hon. Jhugroo, I have said several times, if that is you - and on this side of the House also - I make an appeal to you not to make any provocations, and this applies same to the Opposition.

Mr Bhagwan: *Si to envi raconte to miser, dehors to raconte to miser ar mwa, pas ici.*

(Interruptions)

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Madam Speaker, yes. The Chairman of a group, the famous Mr Kee Chong, *parle d'une fraude de plusieurs milliards. Il parle de Dubai, etc.*, which is public knowledge. Can the Prime Minister inform the House whether he has discussed with the Chairman of the State Bank Holdings and whether action is being taken to remove the Board, even replace the Chairman of the Holdings?

The Prime Minister: Madame la présidente, je fais confiance au président de SBM Holdings, jusqu'à preuve du contraire évidemment, mais il assume sa responsabilité, il fait son travail et je n'ai rien à dire, à le reprocher.

Madam Speaker: Last question on this issue, hon. Ganoo!

Mr Ganoo: Thank you, Madam Speaker...

(Interruptions)

Madam Speaker: Please, be quick hon. Ganoo!

Mr Ganoo: I will be very short, Madam Speaker.

(Interruptions)

Can I ask the hon. Prime Minister whether he will accept that the situation is very serious? The value of the shares has decreased by 19%. In one case, the loan and the *intermédiaire* have disappeared. I think it is the case of Dubai; so much so that the regulator, the Bank of Mauritius...

Madam Speaker: Hon. Ganoo, please do not make a statement! Ask your question!

Mr Ganoo: This is my question: has ordered an inquiry and an investigation to be conducted, and the report has been sent back to the regulator, and the report is very critical of what is happening in the State Bank. Is the Prime Minister aware of this and can he confirm that?

The Prime Minister: Madam Speaker, again, I cannot interfere into the internal affairs of the bank with regard to accounts and financial transactions by individuals or enterprises. However, obviously, I am concerned whenever there are any irregularities. But then, again, I am informed that the Board of the bank is looking if ever there are any irregularities, whatever inquiry they have requested to be conducted and I also know that the Bank of Mauritius is overseeing the situation at the SBM and not only they have asked for

information, but they have also carried out investigations. It will be either for the Board itself or for the regulator also, to take any appropriate action they deem fit.

Madam Speaker: Next question, hon. Bhagwan!

**TRUST FUND FOR SPECIALISED MEDICAL CARE - FORMER
EXECUTIVE DIRECTOR – ICAC INVESTIGATION**

(No. B/803) **Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière)** asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the allegations levelled against Ms V. S., former Executive Director of the Trust Fund for Specialised Medical Care, he will, for the benefit of the House, obtain information as to if the Independent Commission against Corruption has concluded its investigation thereinto in order to establish whether any offence has been committed or not, as recommended by the Chairperson of the Fact-Finding Committee set up to look thereinto.

The Prime Minister: Madam Speaker, on 27 March 2018, in my reply to Parliamentary Question B/1, I informed the House that the report of the Fact-Finding Committee, which was set up to inquire into the renewal of the contract of Ms V. S., former Executive Director of the Trust Fund for Specialised Medical Care, was submitted to my Office on 20 November 2017.

I also informed the House that, on the basis of the recommendation made by the Chairperson of the Fact-Finding Committee, the Report has, on 19 March 2018, been referred to the Independent Commission Against Corruption for further investigation.

I am informed that the investigation has not yet been completed.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Madam Speaker, does the Prime Minister find it normal that the ICAC is taking so much time? Is it not because there is one Minister of Government involved in that report? According to the recommendations of the Fact-Finding Committee, actions should have been taken with regard to the Minister and whether it is now, in the public interest, in terms of *transparence*, to make public the report of the Fact-Finding Committee.

The Prime Minister: Well again, this is an allegation that is being made by the hon. Member that one Minister is involved. The fact that the Chair of that Fact-Finding Committee recommended that he has gathered facts which he believes need further investigation, and he

has made the recommendation that it should be dealt with by ICAC, this is what Government has done. We have gone according to his recommendations. Now, ICAC is conducting an inquiry. Again, I have no right to interfere in the inquiry of ICAC. As and when they would have completed their inquiry, and, again, at the conclusion of the inquiry, if ever they feel that there is any case, they would refer the matter to the DPP, and the DPP will, eventually, if there is such a situation, take a stand.

Mr Bhagwan: I am not making any allegations. I think we all know, the country knows, even here, in Parliament, the present Minister of Health *avait désavoué l'ancien ministre en disant la vérité sur ce qui s'est passé*. Now, it is up to the population to judge and we will see.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Madam Speaker. In view of the serious allegations that the former Minister of Health has intervened personally for the exaggerated pay allowances, as you will remember, why is it that the ICAC has not yet taken a statement from that Minister?

The Prime Minister: Well, this is what the hon. Member is saying.

(Interruptions)

Madam Speaker, this is what the hon. Member is saying now. I wonder why he did not go and depone before the Fact-Finding Committee to give all the information that he has. It is so easy, and I would say, just to come to Parliament and level allegations against X, Y and Z, he must be serious! If he has substance, lay it before the House.

(Interruptions)

Madam Speaker: No! I did not give the floor to the hon. Member.

Mr A. Duval: Madam Speaker, if I may, the hon. Prime Minister should table...

Madam Speaker: Hon. Adrien Duval! Please! Hon. Armance, you had asked for a supplementary!

Mr Armance: Thank you, Madam Speaker. Can I know from the hon. Prime Minister whether Ms V. S. is also a Member/Director of the MauBank Holding Ltd? Does he find it normal, fit and proper that this person be on the Board?

Madam Speaker: Hon. Armance, I do not think your question is appropriate. We are already on PQ B/803. So, next question hon. Ameer Meea!

Mr Armance: Madam Speaker, the question is B/803.

Mr A. Duval: Madam Speaker, the question is about Ms Sumputh, not about State Bank. It is appropriate in my opinion.

Madam Speaker: If you think it is appropriate, can the hon. Member be clear in his question?

Mr Armance: Madam Speaker, I have asked the hon. Prime Minister whether he can confirm to the House whether Ms V. S. is or not a member of the Board of MauBank Holding Ltd and whether, as Prime Minister, he finds that Ms V.S. is a fit and proper person to be on that Board?

The Prime Minister: Well, I must check first of all, and the hon. Member must come with a substantive question with regard to that.

(Interruptions)

Madam Speaker: Hon. Ameer Meea, next question!

COMMISSION OF INQUIRY ON DRUG TRAFFICKING – RECOMMENDATIONS – MINISTERIAL COMMITTEE

(No. B/804) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the Report of the Commission of Inquiry on Drug Trafficking in Mauritius, he will state the composition of the Ministerial Committee set up to look into the recommendations thereof, indicating the number of –

- (a) meetings held as at to date, and
- (b) recommendations implemented as at to date.

The Prime Minister: Madam Speaker, in the Communiqué issued following Cabinet Meeting of 03 August 2018, it was publicly announced that I would chair a Ministerial Committee to look into the recommendations of the Report of the Commission of Inquiry on Drug Trafficking relating to the strengthening of the institutional framework and the review of relevant legislation, after necessary consultations with relevant stakeholders. The Ministerial Committee comprises of -

(i)	Hon Ivan Leslie Collendavelloo, GCSK, SC	-	Deputy Prime Minister, Minister of Energy and Public Utilities
(ii)	The Rt Hon Sir Anerood Jugnauth, GCSK, KCMG, QC	-	Minister Mentor, Minister of Defence, Minister for Rodrigues
(iii)	Hon (Mrs) Fazila Jeewa- Daureewoo, GCSK	-	Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare
(iv)	Hon Nandcoomar Bodha, GCSK	-	Minister of Public Infrastructure and Land Transport
(v)	Hon (Mrs) Leela Devi Dookun- Luchoomun	-	Minister of Education and Human Resources, Tertiary Education and Scientific Research
(vi)	Hon Anil Kumarsingh Gayan, SC	-	Minister of Tourism
(vii)	Dr the Hon Mohammad Anwar Husnoo	-	Minister of Health and Quality of Life
(viii)	Hon Prithvirajsing Roopun	-	Minister of Arts and Culture
(ix)	Hon Marie Joseph Noël-Etienne Ghislain Sinatambou	-	Minister of Social Security, National Solidarity, and Environment and Sustainable Development
(x)	Hon Maneesh Gobin	-	Attorney General, Minister of Justice, Human Rights and Institutional Reforms
(xi)	Hon Jean Christophe Stephan Toussaint	-	Minister of Youth and Sports
(xii)	Hon Soodesh Satkam Callichurn	-	Minister of Labour, Industrial Relations, Employment and Training
(xiii)	Hon Purmanund Jhugroo	-	Minister of Housing and Lands

Madam Speaker, in regard to part (a) of the question, the Ministerial Committee has, so far, met on one occasion on 16 August 2018 to chart the way forward for the timely implementation of the recommendations contained in the Report.

Concerning part (b) of the question, the Ministerial Committee decided to set up –

- (a) a Task Force under the chair of the Director General of the Independent Commission Against Corruption, to coordinate the implementation, by the relevant investigative agencies, of the recommendations contained in the Report of the Commission of Inquiry on Drug Trafficking and its annexes, in relation to –
 - (i) further enquiries that the Commission has earnestly called for in a number of identified areas;
 - (ii) those cases where names have been mentioned;
 - (iii) cases where the Commission has drawn attention to but has not been able to gather sufficient evidence to investigate into, and
 - (iv) any other matter not mentioned in the Report but which might be related to the above, and
- (b) a Committee under the chair of the Secretary to Cabinet and Head of the Civil Service and comprising representatives of Ministries/Departments/Organisations concerned to look into the legal/institutional/administrative issues contained in the Report of the said Commission of Inquiry.

The Task Force comprises of -

- (i) the Director General of the Independent Commission Against Corruption;
- (ii) the Commissioner of Police;
- (iii) the Deputy Solicitor General;
- (iv) the Director General of the Mauritius Revenue Authority;
- (v) the Director of the Financial Intelligence Unit, and
- (vi) the Director of the Integrity Reporting Services Agency.

I am informed that the Task Force started work soon after it was set up and has met on several occasions to develop the necessary strategy and plan of action to fulfill its mandate.

Madam Speaker, the Report of the Commission of Inquiry on Drug Trafficking contains some 460 recommendations. The Committee under the aegis of the office of the Secretary to Cabinet and Head of the Civil Service has held several working sessions with representatives of Ministries/ Departments/Organisations concerned with a view to expediting the implementation of the recommendations contained in the Report.

So far, around 80 recommendations have already been implemented.

Implementation is ongoing on some 120 other recommendations.

The full implementation of about 95 other recommendations would require either new legislative measures or amendment to existing legislation.

In regard to the remaining recommendations, consultations at the level of Ministries/Departments/Organisations are ongoing as their implementation requires in some cases –

- (i) major policy decisions;
- (ii) a thorough study of the legal implications;
- (iii) concurrence of the Service Commissions;
- (iv) a review of the existing organisation structures by the Pay Research Bureau, as well as the creation of new grades;
- (v) an assessment of the merits of the recommendations made in the Report as opposed to the prevailing arrangements which are considered to be adequate and in some cases, the implementation of the recommendations is not considered to be feasible or practical, and
- (vi) substantial financial resources for which provision has not been made in the current Budget.

Madam Speaker, with a view to ensuring constant monitoring of the implementation of the recommendations, a permanent secretariat has been set up at the level of my Office.

Mr Ameer Meea: Madam Speaker, the report has been made public since July this year and since then there have been three Committees that have been set up –

- (i) the Ministerial Committee;
- (ii) the Committee chaired by ICAC, and the last one
- (iii) the Committee chaired by the Secretary to Cabinet.

Therefore, can I ask the hon. Prime Minister since the report has been made public, how many concrete enquiries have been started by the Police?

The Prime Minister: Well, as I said, there is a Task Force which has been set up where the different agencies which I have mentioned are coordinating and sharing information. So, you do not expect enquiry to start now and to be completed tomorrow. You have to give time. So, I can assure the hon. Member and the House that the work is ongoing. Enquiries are being conducted and people are being called to give statements. Therefore, in due course, whenever they will come to a conclusion, of course, I will be able to inform the House and the public also about the outcome.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Madam Speaker, why has the hon. Prime Minister not included the Ministry of Social Integration when we know that drug is *avant tout un problème de moyens* and people of lower means are more prone to be afflicted by the drug problem? Why then has hon. Wong Yen Cheong not been given a seat to the Ministerial Committee? Why?

(Interruptions)

The Prime Minister: Madam Speaker, of course ...

(Interruptions)

Madam Speaker: Please! Hon. Bhagwan!

The Prime Minister: I can understand that the hon. Member has never formed part of any Government before, but anyway, that is lack of experience. Of course, we cannot have a Committee of Ministers comprising of all the Cabinet. If we had to include not only the Ministry concerned, every Ministry is concerned. But this Committee, of course, co-opts as and when required Ministries which are relevant pertaining to the issues that we are discussing.

Madam Speaker: Hon. Leader of the Opposition!

Mr X. L. Duval: Madam Speaker, can I ask the hon. Prime Minister with regard to three of the main recommendations of the Commission, the National Drug Policy

Commission, the *Juges d'Application des Peines* and the Drug Offenders Administrative Panel, what is the fate now proposed for these three main recommendations?

The Prime Minister: Well, all this will be analysed. We are looking into all these recommendations. As I said, there are certain recommendations which will require fundamental changes in the law. Fundamental changes with regard to institutions and we cannot just like that take a decision and say: we go and implement. We are looking at all these recommendations.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Thank you, Madam Speaker. Since the overall consensus in Mauritius and the way forward to wage war on drugs is through a holistic approach. Can I ask the hon. Prime Minister whether the Ministerial Task Force will take on-board the findings submitted by the United Nations Office on Drugs and crimes with respect to implementation of the National Drug Master Plan?

The Prime Minister: Well, it is not a Ministerial Task Force, it is a Ministerial Committee. But I can assure the hon. Member that we are working with the UNODC. I must say that I really appreciate the collaboration of the experts of UNODC with whom I had the opportunity of interacting and discussing on the way forward. Yes, we will obviously take on-board the expert advice of UNODC.

Madam Speaker: Hon. Uteem, last question!

Mr Uteem: Thank you, Madam Speaker. The hon. Prime Minister mentioned the Committee headed by the Secretary to Cabinet which is already implementing some of the recommendations. So, may I know from the hon. Prime Minister when it comes to policy decision, do I take it that since this Ministerial Committee has met only once on 16 August, for the past two months, this Ministerial Committee has not been apprised of any report from the Committee as regards policy changes?

The Prime Minister: Maybe it is good that I can clarify. They are measures with regard to decisions that have already been taken by the Government even prior to the report of the Commission of Inquiry being made available to us and being made public. So, a number of things have already been done in terms of legislation, in terms of measures to be taken by different Ministries and so on - I do not want to go into all this - and then, there are some that are ongoing. But this is where we will require decision of Government where there are a number of issues, even recommendations made, which need to be analysed, to be

discussed and eventually to see whether we go ahead as recommended or we go ahead in a different way or, as I said, there are certain recommendations that are not feasible, at least for now, but will have to be looked in the longer term.

Madam Speaker: The Table has been advised that PQ B/807 and PQ B/808 addressed to the hon. Prime Minister have been withdrawn.

FREEDOM OF INFORMATION BILL - INTRODUCTION

(No. B/807) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the proposed introduction of the Freedom of Information Bill, he will state where matters stand as to the in-house consultations process initiated, indicating the expected date of introduction thereof in the House.

(Withdrawn)

DECLARATION OF ASSETS BILL - INTRODUCTION

(No. B/808) Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the proposed introduction of the Declaration of Assets Bill, he will state where matters stand, indicating the expected date of introduction thereof in the House.

(Withdrawn)

Madam Speaker: Time is over! Hon. Members, the Table has been advised that PQ B/824 addressed to the hon. Deputy Prime Minister has been withdrawn. PQ B/844 will be replied by the hon. Minister of Social Security, National Solidarity, and Environment and Sustainable Development. PQ B/875 will be replied by the hon. Minister of Ocean Economy, Marine Resources, Fisheries and Shipping.

Hon. Rughoobur, you have the floor!

**MINISTRY OF SOCIAL SECURITY, NATIONAL SOLIDARITY, AND
ENVIRONMENT AND SUSTAINABLE DEVELOPMENT – ‘IMMEDIATE
PAYMENTS’ - FUNDS DISBURSED**

(No. B/815) Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the item “Immediate Payments”, he will state the total amount of funds disbursed thereunder, since January 2018 to date.

Mr Sinatambou: Madam Speaker, I wish to inform the House that my Ministry pays pensions and social aid through the beneficiaries’ bank account or by post offices to those who do not have a bank account. There is actually no such item called ‘Immediate Payment’ in the vote of my Ministry.

However, for practical and administrative reasons and much more in the interests of social aid claimants, my Ministry under Regulation 8 of the Social Aid Regulations has recourse to another mode of payment, commonly referred to as ‘Immediate Payment’. In fact, all payments of social aid by post offices are referred to as ‘Immediate Payments’. This mode of payment is convenient, especially for one-off payment of social aid and is used in the following circumstances –

- (i) to pay temporary social aid to sick beneficiaries as and when they produce medical certificates for a period of less than one month;
- (ii) as allowance to cyclone and flood victims;
- (iii) as allowance to discharge prisoners;
- (iv) as allowance to fire victims;
- (v) as allowance for dentures;
- (vi) as funeral grants, and
- (vii) finally, to pay social aid due to beneficiaries who could not cash the social aid on the schedule pay day on reasonable ground.

Also, Regulation 4 of the Social Aid Regulations makes provision for the immediate payment of social aid pending the final determination of an application. Hence, when it is deemed urgent to relieve an applicant facing sudden destitution, a payment voucher mentioning the amount to be paid as social aid is issued by the Social Security Office to the claimant for presentation to the post office, office locality, to cash the social aid.

This mode of payment is used mainly during periods of natural disasters like floods and cyclones to effect immediate payment of prescribed allowances to victims in order to relieve them of their hardships. The total amount of funds disbursed by this method of payment from January to August 2018 is Rs107,857,136.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Thank you, Madam Speaker. I am basically interested in these immediate payments to victims of cyclones and floods. May I know from the hon. Minister, the exact responsibility and role of the Police Department in the approval of these types of payments, and whether he is aware of cases of abuse in the recent past?

Mr Sinatambou: For the purposes of determining eligibility to flood allowance, Madam Speaker, the Ministry of Social Security relies solely on the outcome of site inspections carried out by the Police and certifications given by the latter. The approved form issued by the Police should state that the place of residence has been flooded and that the claimant's foodstuff has been damaged. Regarding this year, the Ministry has come across some cases at Astor Court and Terre Rouge Centres where 17 applicants have fraudulently cashed the flood allowance at more than one centre. These cases have been referred to Police for investigation for appropriate actions. We are now awaiting the outcome of the Police inquiry.

Mr Rughoobur: Thank you, Madam Speaker. Once again, the Director of Audit has been very critical of this mode of payment, the Rs25,000 immediate payments based on the issue that we continue to have year after year. May I know from the hon. Minister if he is planning to review this whole process of immediate payments, that is, the procedures for immediate payments?

Mr Sinatambou: I think I would need notice of that question because I must say I looked at the Report of the Director of Audit for this year, I have not seen this particular aspect of thing. So, I would rather ask for notice of the question and I am going to look into it more seriously.

Madam Speaker: Hon. Mrs Perraud!

Mrs Perraud: Can the hon. Minister inform the House of the total amount of funds disbursed for this item immediate payments constituency-wise, especially for Constituency No. 4, for allowance to flood and cyclone victims.

Mr Sinatambou: As a Minister, I do not actually compile them constituency-wise. But what I can see is that for flood victims for the whole of 2018, and we have paid *in toto* Rs48,629,807.

Madam Speaker: Hon. Armance!

Mr Armance: Thank you, Madam Speaker. The hon. Minister mentioned about the flood and cyclone allowance. I would like to know from him, what are the rates that are right now applicable, and is he reviewing the rates? Because there has been some confusion and many people queuing in front of the Police Station for the payment and some of them have not been paid. Are there any specific criteria that the Minister applied for the payment?

Mr Sinatambou: Yes, as I just said earlier, regarding payments which concern flood allowance or cyclone allowance, it is a complete reliance on the Police. When it comes to flood allowances, there is an on-site visit by the Police, accompanied by a certificate that, first of all, the place has been flooded and, secondly, that foodstuffs have been damaged, that is the only criteria.

Now, in addition to that, as to the amount you mentioned, this is an amount which is reviewed every year and, therefore, the schedule is amended accordingly.

Madam Speaker: Next question, hon. Rughoobur!

**MINISTRY OF SOCIAL SECURITY, NATIONAL SOLIDARITY AND
ENVIRONMENT AND SUSTAINABLE DEVELOPMENT - DOMICILIARY VISITS
- OVERPAYMENT**

(No. B/816) Mr S. Rughoobur (Second Member for Grand'Baie & Poudre d'Or) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the domiciliary visits, he will state the total amount of funds disbursed in terms of overpayment therefor over the past ten years, indicating the net amount thereof recouped as at to date.

Mr Sinatambou: Madam Speaker, I wish to inform the House that in the year 2013, following a routine audit exercise, the Internal Control Unit posted at my Ministry came across cases of irregularities concerning domiciliary visits effected by one private medical practitioner who was employed on a sessional basis. The total amount of funds disbursed in terms of overpayment discovered was Rs29,000 in relation to 58 fictitious disease.

Further to that exercise, the remaining 42 doctors effecting domiciliary visits at that time were audited, but no other case of overpayment was detected. It is, however, to be noted that the audit could be carried out for the past three months alone as records were kept over a period of three months only. Following the revealing audit exercise of 2013, to address the issue of overpayment, data from the stand-alone computerised programme of the Medical

Unit of my Ministry on all domiciliary visit cases are being counterchecked with the list of dead cases available at the Benefits Section.

As regards the unique case of overpayment, the latter was referred to the Police on 22 July 2018, for thorough investigation and actions as appropriate and to the Public Service Commission on 29 July 2018, for the termination of the medical practitioner's employment was done.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: I thank the hon. Minister for these details. One is the issue of fraudulent claims or fraudulent payments to these doctors. But, on the other hand, may I know from the hon. Minister what are the concrete measures that have been taken in regard to ensuring effectiveness in these visits that are being faked by them? Because as per the report of the Ministry, the Government has invested almost Rs75 m. last year.

Mr Sinatambou: Yes, Madam Speaker, the work of the doctors effecting domiciliary visits is monitored by the officers of the Medical Unit. The officers of the Medical Unit call claimants at random for cases for each doctor and ensure that visits have been carried out by the doctor. Interviews are also carried out by officers of the Medical Unit and a set of questions is then asked in an enclosed form.

All doctors have been requested to insert dates and times of visits in specific forms, and each and every return from doctors effecting domiciliary visits are being checked for signature of not only claimants but of witnessing relatives. All returns are then checked against the list of dead cases to ensure that visits are not being carried out fraudulently by any doctor.

Mr Rughoobur: Madam Speaker, may I know from the hon. Minister what is the set criteria for the choice of these doctors for domiciliary visits?

Madam Speaker: Hon. Rughoobur, I do not think you can expect the hon. Minister to have this information, because it does not relate to the main question.

I suspend the sitting for one and a half hour.

At 1.01 p.m., the sitting was suspended.

On resuming at 2.36 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Rughoobur!

PENSIONS & SOCIAL SECURITY BENEFITS – IT SOFTWARE

(No. B/817) Mr S. Rughoobur (Second Member for Grand' Baie & Poudre d'Or) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the proposed investment in a new software for the management of pensions and social security benefits, he will state where matters stand.

Mr Sinatambou: Madam Speaker, based on a report from PricewaterhouseCoopers Ltd received in November 2016, a proposal to invest in a new software for the management of pensions and social security benefits was worked out by my Ministry at an estimated cost of around Rs558 m., that is, 15,231,000 US dollars, comprising both a capital expenditure of Rs300 m. and operational expenditure of Rs258 m. for a duration of five years.

However, in view of the transfer of collection of contributions, that is, the National Pensions Fund, the National Savings Fund, and the HRDC levy to the Mauritius Revenue Authority, which was announced in the Budget Speech 2016/2017 and which took effect on 01 January 2018, the project was put on hold.

Madam Speaker, the cost estimate for the project has been reworked this year following the decrease in functionalities required by my Ministry after the transfer of the collection of contributions to the Mauritius Revenue Authority, and it is now estimated that a new software will cost around Rs370 m., comprising both a capital expenditure of Rs243 m. and an operational expenditure of Rs127 m. covering a period of five years. The need to replace the current system, which dates back to some 20 years, is currently being considered.

Mr Rughoobur: Madam Speaker, there was a couple of years back a decision to put in place a Steering Committee with proper terms of reference to oversee the whole IT system. May I know from the hon. Minister whether this Committee has met and whether there have been recommendations in regard to this IT system?

Mr Sinatambou: Madam Speaker, as I just explained, in fact, the report from PricewaterhouseCoopers is the sequel of a Project Steering Committee which was set up for the IT software system of the Ministry of Social Security, and this is where we stand now. There is, however, I can say, a monthly Steering Committee, involving all the actors concerned in the running operation, maintenance and processing of the IT system, which meets regularly, therefore, every month.

Mr Rughoobur: Yes, but with the existing IT system and the series of flaws that we currently have, there was also a proposal for the implementation of a contingency plan. May I

know from the hon. Minister, at the level of this contingency plan for the IT system, whether this is being studied by the Ministry, when this will be implemented, if it has not yet been?

Mr Sinatambou: Maybe I should first start, Madam Speaker, by saying that frauds in terms of overpayments and so on are not a result of hacking or of undue interference with the IT system. The frauds are mostly concerned with people claiming their pension when they are not entitled to, like upon the demise of a pensioner, the family still receives the pension and takes it without informing the authorities. Same for departures, people who are disqualified because they have spent more than six months abroad would still be cashing in their pension. So, therefore, there is no relationship between the IT system and the fraudulent overpayments at all. However, to reply to the question of the contingency plan, yes, there is one worked out in collaboration with the IT Security Unit of the Ministry of Technology, Communication and Innovation.

Mr Rughoobur: Madam Speaker, I understand that there has been a reduction in the budget for the implementation of this. I am raising this issue simply because there has been, once again, a proposal by the Director of Audit to ensure that a proper IT system is implemented, based on the heavy budget of the Ministry. So, may I request the hon. Minister to please look into this implementation of this system at the earliest?

Mr Sinatambou: Yes, I will do that.

Madam Speaker: Next question, hon. Rughoobur!

**MINISTRY OF SOCIAL SECURITY, NATIONAL SOLIDARITY, AND
ENVIRONMENT AND SUSTAINABLE DEVELOPMENT – MEDICAL
PRACTITIONERS - DOMICILIARY VISITS**

(No. B/818) Mr S. Rughoobur (Second Member for Grand’Baie & Poudre d’Or) asked the Minister of Social Security, National Solidarity, and Environment and Sustainable Development whether, in regard to the domiciliary visits, he will state the number of doctors appointed in 2017 for the carrying out thereof, indicating in each case, the amount of fees paid out thereto.

Mr Sinatambou: Madam Speaker, prior to the coming into office of this Government in December 2014, there were 41 medical practitioners conducting domiciliary visits on a sessional basis. 26 additional medical practitioners were recruited on a sessional basis on 05 October 2016 on a contract of one-year, renewable up to a maximum of three years. 16 further medical practitioners were recruited on a sessional basis on 03 January, 15 March and

27 September 2017 on a contract of one-year, renewable up to a maximum of three years. As at date, there are, therefore, 63 medical practitioners on a sessional basis in post.

My Ministry is also contemplating recruiting a further batch of 20 medical practitioners on a sessional basis during this financial year. The contract will be of one-year duration and renewable up to a maximum of three years.

As regards fees paid to the 16 medical practitioners recruited in 2017, a sum of Rs6,059,130 has been disbursed as at date.

Madam Speaker: Hon. Rughoobur!

Mr Rughoobur: Madam Speaker, I must thank the hon. Minister for his reply. May I know from the hon. Minister whether there is a set of criteria for the allocation of cases to those individual doctors?

Mr Sinatambou: Yes, there is a set of criteria, Madam Speaker, for allocation of the number of cases to each individual doctor. The doctors working at my Ministry are doctors from private practice, working on a sessional basis for the Ministry. Doctors are not allocated Medical Boards, specifically in the regions where they have their private practices. Some doctors have also requested for limited number of cases as they are working in the private sector, while some are working only for this Ministry. Some doctors are also willing to carry visits all around the island, irrespective of the regions, while some are willing to carry out visits in only some particular regions. And doctors, finally, are scheduled for Medical Boards, subject to the availability as they provide a panoply of service.

Mr Rughoobur: Madam Speaker, a couple of years back, it was noted that there was a big disparity, some doctors earning more than Rs100,000 per month as allowances. Can I know from the hon. Minister if there has been progress in order to ensure that there are no cases of abuse and that this disparity has now been addressed?

Mr Sinatambou: Madam Speaker, in fact, I look at the fees paid to the 16 doctors recruited in 2017 and I must say that there is no major disparity in the amount of fees paid to them. The fee varies for the first 12, between Rs795,000 to Rs824,000. So, I have not seen any major disparity.

Madam Speaker: Hon. Uteem!

Mr Uteem: Madam Speaker, with regard to the recruitment of these doctors on a contractual basis, may I know from the hon. Minister whether this is done under delegated

authority from the PSC? And if it is the case, would he be prepared to table the name and address of all the medical practitioners that have been appointed by his Ministry?

Mr Sinatambou: In fact, I must say that I have no idea off the cuff like this. What I know is that, when I asked, I was told that there was a list which had been from people, from doctors who have been interviewed and that there was a waiting list and that, therefore, upon vacancies arising, the people were just being selected from that list. I have had no involvement at all, nor do I know how it is actually run, but I can find out and inform the hon. Member.

Madam Speaker: Hon. Dr. Joomaye!

Dr. Joomaye: Thank you, Madam Speaker. I welcome the fact that 20 more doctors will be recruited soon. Can I know from the hon. Minister what would be the timeframe that these recruitment will happen?

Mr Sinatambou: I thank the hon. Member for his question. But I did say in my reply that a further batch of 20 medical practitioners, on a sessional basis, would be recruited during this financial year.

Madam Speaker: Hon. Armance!

Mr Armance: Thank you, Madam Speaker. Regarding the fees payable to the doctors, can I know from the hon. Minister whether it is a fixed fee or an hourly fee per visit? Can I know the fees, please?

Mr Sinatambou: It must be somewhere in the file, but what I propose to do is to find out later on and give it to the hon. Member.

Madam Speaker: Next question, hon. Osman Mahomed!

ARTISTS – ASSISTANCE SCHEME

(No. B/819) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Arts and Culture whether, in regard to the proposed granting of incentives to cultural entrepreneurs in the different fields of arts and culture through a start-up scheme for new entrepreneurs and a special scheme for existing ones with a view to giving a new impetus to the sector and boosting artistic creativity, as announced at paragraph 79 of the Government Programme 2015-2019, he will state where matters stand.

Mr Roopun: Madam Speaker, there exists at the level of my Ministry, different support schemes designed to help artists such as -

- (a) The Assistance Scheme for Artists which gives opportunity to budding artists to produce an original CD, thereby encouraging creativity and promoting intangible cultural heritage.

As announced in the Budget Speech 2018-2019, the subsidy for the production of audio CDs has been increased from Rs30,000 to Rs40,000.

- (b) The International Travel Grant Scheme, which provides assistance up to a ceiling of Rs200,000 to artists to participate in internationally established cultural shows and events.

Both schemes are being revamped and applications for assistance may now be submitted throughout the year.

Madam Speaker, in addition to the above schemes, the National Arts Fund has been set up under the Finance and Audit (National Arts Fund) Regulation 2017, for triggering the development of local artists while boosting the creative economy.

A sum of Rs50 m. has been earmarked under the Lotto Fund to that effect.

Madam Speaker, four categories of projects are being supported –

- (i) The Emerging Talents Grant is designed for new talents as a one-time grant to finance projects up to a maximum of 70% of project value and to a ceiling Rs300,000.
- (ii) The Production Grant Scheme focuses on established artists and aims at financing projects up to a maximum of 50% of project value and up to a ceiling of Rs800,000.
- (iii) The Capacity Building Grant Scheme supports short training programmes to the continuous professional development of the people in the cultural sector. Projects up to a maximum of 70% are being financed, subject to a ceiling of Rs300,000.
- (iv) The Research Grant Scheme aims at generating new ideas through research and development for the benefit of the arts sector in general and finances

projects up to a maximum of 60% of the project value and up to a ceiling of Rs500,000.

Madam Speaker, this is a *grande première* in the local cultural landscape. The first call for applications was launched on 25 July 2018.

As at the closing dates of 31 August for Mauritius and 13 September for Rodrigues, a total of 56 applications, including three from Rodrigues were received.

The assessment exercise has now been completed and Letters of Award will be issued shortly.

Mr Osman Mahomed: Thank you, Madam Speaker. We are talking about start-up schemes. Can I ask the hon. Minister, since the Government Programme has been announced and the different works that have been done, how many such start-ups have seen day light since January 2015?

Mr Roopun: Madam Speaker, when we talk about arts and culture, we have got a lot of different activities which are being organised in the different fields of art and start-up schemes are essentially for budding artists and also new events and new activities which are left, of course, to the sector to come forward. In fact, we are not here to say which are the start-up schemes, but we are here to support any innovative and creative schemes, which come from the sector and we are here to give our support.

Mr Osman Mahomed: And yet the Government Programme was full of promises for start-ups to come to daylight. Anyway! In his speech for the Budget, the hon. Minister said that there remain only a few days for guidelines to be cleared for National Arts Fund for the four schemes that he has just mentioned: emerging talents, production, capacity building and research. Can I ask the hon. Minister whether the guidelines have been cleared and it is now functional?

Mr Roopun: Yes, Madam Speaker. As I mentioned, the guidelines have been cleared, call for applications have been launched since July, we have reached the closing date, the assessment exercise has been completed and the Letter of Award will be issued shortly. All the different procedures have now been completed.

Mr Osman Mahomed: At paragraph 102 of the Budget Speech, the hon. Minister of Finance mentioned that new grant scheme will be set up. It is only now that the one on research has been announced. Four years down the road! Is it not a bit too late, four years

down the road, now the research start-up scheme will be starting when the Government Programme has announced it four years ago?

Mr Roopun: Madam Speaker, it is not just a question of coming with a scheme. There have been a lot of things that we did. We amended the Copyright Act. We revamped the MASA. We came with the projects regarding the status of artists over which we are working. All of these are interconnected. This scheme is an innovative scheme and we have to design the guidelines. It is not just coming and dishing out money like this. We have to know the exact criteria, having a team to do the selection. Now, of course, we are ready and we are going to disburse funds and ensure that we give support to artists in the different sectors. And this is being done.

Madam Speaker: Hon. Barbier!

Mr Barbier: May I know from the hon. Minister for the project submitted to the Ministry, who are supposed to assess this project prior for them to have this grant? The Minister just said that there were 56 requests, I think. So, may we have a list of these requests and the different nature? He just said there are different types of items in the cultural field. So, may we have a list with names and which type of field they are asking for this grant?

Mr Roopun: Madam Speaker, I do not have the list of the applications, but I can state that we had –

- (1) for the Emerging Grant Scheme, we had had 19 applications;
- (2) for Production Grant Scheme, we had 25 applications;
- (3) for Capacity Building Grant, we had 5 applications, and
- (4) for Research Grant, we had 7 applications.

And, so far as the Board of Assessment is concerned, the Managing Committee set up an Assessment Committee chaired by Mr Gaëtan Abel, with Mr Boodhun, the Deputy Director of Culture and Mr Soobarah, who was previously the Director of Culture at the Ministry, who did the evaluation and submitted their recommendations.

Madam Speaker: Next question, hon. Osman Mahomed!

HADJ PILGRIMAGE 2018 - AIR TICKETS

(No. B/820) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Arts and Culture whether, in regard to the price of the

air tickets for the Hadj Pilgrimage 2018, he will state the conclusions of the discussions held between hon. Showkutally Soodhun and the Chief Executive Officer of the Saudi Airlines in February 2018.

Mr Roopun: Madam Speaker, in reply to PQ B/438 on 22 May 2018, I informed the House that –

- (i) on 21 December 2017, an Expression of Interest for the transportation of 1,500 Mauritian pilgrims to Saudi Arabia, was sent to 16 local and international airline companies and General Sales Agents;
- (ii) as at the closing date of 12 January 2018, two offers were received namely from Saudi Arabian Airline and Emirates Airline.

The price quoted by Saudi Arabian Airline was Rs35,000/-, inclusive of all taxes in Saudi Arabia; while Emirates Airline quoted a price of Rs33,000/-, inclusive of fuel surcharge but excluding all airport taxes.

I am informed by the Islamic Cultural Centre that from February to May 2018, there have been a series of negotiations between hon. Showkutally Soodhun and the senior management of the Saudi Arabian Airline to bring down the price of the Hadj air ticket.

In May 2018, the price of the Hadj air ticket was finalised at the rate of Rs30,600/-, inclusive of all taxes and charges.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Thank you, Madam Speaker. Following representations that I have received, I have also enquired and I have with me an email dated yesterday from a travel company. Can I ask the hon. Minister to look into why is it that for 1,525 Hadjees, they have had to pay Rs30,600, whereas normal travel agents in Mauritius for much fewer passengers throughout the year even the highest of peaks, which is the month of Ramadan, can provide tickets to the price of Rs25,700? Very strangely, my question is furthermore as follows, whether we need not be more judicious ...

Madam Speaker: One question at a time, please!

Mr Osman Mahomed: Okay.

Mr Roopun: Madam Speaker, I just stated that there was an Expression of Interest sent to 16 local and international airline companies and general sales agents and we received

offers from only two. I doubt whatever agents or companies did, in fact, express their major offer, but we know that air tickets are not the same all throughout the year. In fact, if there is possibility to having lesser fares, of course, we are going to consider, but there should be some exercise carried out and we just do not come and just throw in any mail like this.

Mr Osman Mahomed: Thank you. I am going to table the email for the perusal of the hon. Minister. It is from Saudi Airlines. The travel agency has given the price of Saudi Airlines and it is throughout the year. So, can the hon. Minister please enquire into how come there is such a big disparity between the two prices? We are talking about Rs5,000 and this is a lot of money when you take it into 1,524 hadjees.

Mr Roopun: Madam Speaker, I, once again, invite any international airline companies or any general sales agents whenever we are launching an Expression of Interest to come forward, everything is done in a transparent manner and whenever we have got the best price, this is where we are going to deal with. There is nothing which is sinister about it. Everything is done in utmost transparency. In fact, we welcome other stakeholders to come and to give their offers.

Madam Speaker: Hon. Abbas Mamode!

Mr Abbas Mamode: Thank you, Madam Speaker. The Minister, I understand, stated that there is no sinister matter, but we do understand that there is the ICC, which is responsible under your Ministry for the organisation and discussion for Hadj. In which capacity hon. Showkutally Soodhun interfered to negotiate for price concerning tickets?

Mr Roopun: Madam Speaker, let me state that I have been confused with the shape, sorry. I am just telling that we know how hon. Soodhun has always shown his interest in Hajj matters. And he has been giving a helping hand whenever he can give his support in any project. I invite also any other Member of the other side or even any other person who can give the support because this has nothing to do with politics. It is a national issue and whoever can come and give us support we are here to welcome.

Madam Speaker: Hon. Rutnah last question!

Mr Rutnah: Thank you, Madam Speaker. Madam Speaker, can the hon. Minister confirm that thanks to the intervention of hon. Soodhun...

(Interruptions)

Madam Speaker: Don't make statements!

Mr Rutnah: I am asking the question. Can the hon. Minister confirm that, thanks to the intervention of hon. Showkutally Soodhun, the price for air tickets for Hajj Pilgrimage has relatively gone down compared to what it was in 2014?

Mr Roopun: I confirm, Madam Speaker.

**MINISTRY OF FINANCIAL SERVICES AND GOOD GOVERNANCE - MRS B. R. -
EMPLOYMENT**

(No. B/821) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Minister of Financial Services and Good Governance whether, in regard to one Mrs B. R., he will state the capacity in which she is employed in his Ministry, indicating the –

- (a) terms and conditions of employment thereof, and
- (b) duties assigned thereto.

Mr Sesungkur: Madam Speaker, I am informed that Mrs B.R. is employed as Administrative Officer on a contractual basis by the National Property Fund Ltd.

Her services have been made available to my Ministry with effect from 09 February 2018 to look into representations and complaints received regarding repayment settlement to Super Cash Back Gold policyholders and Bramer Asset Management Ltd investors. She is subsequently acting as a Liaison Officer between my Ministry and the National Property Fund Ltd regarding these cases.

Madam Speaker, with regard to part (a) of the question, I am informed that the terms and conditions of her employment are determined by the Board of the National Property Fund Ltd.

Regarding part (b) of the question, I have already mentioned the duties assigned to her and once all the cases...

(Interruptions)

Madam Speaker: Please be patient.

Mr Sesungkur: And once all the cases will be settled, she will be posted back to the National Property Fund Ltd. The duties are to liaise with regard to settlement.

Madam Speaker: Yes, hon. Osman Mahomed!

Mr Osman Mahomed: Yes, can I ask the hon. Minister who is paying for the salary of Mrs B.R. at the moment? Is it the National Property Fund Ltd or the Ministry?

Mr Sesungkur: It's only logical, Madam Speaker. If she is not on the establishment, she is employed by the National Property Fund Ltd, she must be paid by National Property Fund Ltd.

Madam Speaker: Yes, hon. Osman Mahomed!

Mr Osman Mahomed: Okay. So if I get it right, she is being posted from the National Property Fund Ltd to a Ministry. Can I know what procedure administrative clearance has the Minister obtained because this is very strange that officers from the private sector come and work into a government entity? So, can I know what administrative clearances has the Minister obtained either from the PSC or the Ministry of Civil Service...

Madam Speaker: Allow him to say!

Mr Osman Mahomed: or Ministerial clearance going forward for the case?

Mr Sesungkur: Madam Speaker, this is an administrative matter. As a Minister, I do not get involved into administrative matters.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Can the Minister table or inform the House actually if there has been a monthly pay packet on that very special person Mrs B.R., whether he, as Minister, intervened personally in this transfer and whether he discussed that issue or gave directives as Minister to the Board?

Mr Sesungkur: I have her contract of employment with me but I can't see the package which she is actually drawing. No, it's okay. She is drawing a salary of Rs25,275 plus other conditions like sick leave, annual leave, etc.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Can I ask the hon. Minister to whom does the lady report to at the Ministry?

Mr Sesungkur: Madam Speaker, if the hon. Member had listened well to my answer, I said right from the start, the lady has been posted to my Ministry to ensure a liaison between...

(Interruptions)

...the Ministry and the NPFL for the settlement of cases of Super Cash Back Gold and Bramer Asset Management, okay. I don't know what there is to laugh on this.

Madam Speaker: Hon. Rutnah, last question!

Mr Rutnah: Thank you, Madam Speaker. In relation to the question put by hon. Osman Mahomed regarding clearance from the PSC and from the Ministry of Civil Service Affairs as I understand it, National Property Fund Ltd. is a private company...

Madam Speaker: Ask your question. Please, hon. Rutnah, ask your question.

Mr Rutnah: Can the hon. Minister confirm whether, for the purpose of National Property Fund Ltd. there is need for clearance from the PSC or from the Ministry of Civil Service Affairs?

Mr Sesungkur: I am sure all the clearances have been obtained before this posting has occurred. But I must also say Madam Speaker often times, the hon. Member is notorious for using parliamentary immunity to mislead the House and mislead the nation. So, I think this kind of cheap politics should stop now.

Madam Speaker: Hon. Baboo next question!

CEB – ELECTRICITY TARIFF

(No. B/822) **Mr S. Baboo (Second Member for Vacoas & Floreal)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to electricity, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to if any rise in the tariff thereof is being envisaged following the recent rise in the price of petrol and of the US Dollar.

(Interruptions)

Madam Speaker: Please, tone down.

(Interruptions)

Please, hon. Bhagwan!

(Interruptions)

I have asked...

(Interruptions)

Hon. Bhagwan!

(Interruptions)

Hon. Bhagwan, please!

(Interruptions)

Hon. Deputy Prime Minister, you may please proceed!

(Interruptions)

No crosstalking please!

(Interruptions)

No crosstalking! Yes, hon. Deputy Prime Minister!

The Deputy Prime Minister: Madam Speaker, the Central Electricity Board has informed me that it is not envisaging a rise in electricity tariff.

(Interruptions)

Madam Speaker: You couldn't hear the reply? Please...

The Deputy Prime Minister: Well, that is the third time I am trying to answer. The CEB has informed me that it is not envisaging a rise in electricity tariff.

(Interruptions)

Madam Speaker: You are making noise, how can you expect to hear what he had to say?

The Deputy Prime Minister: Well, if you are making noise what can I do?

Madam Speaker: Hon. Bérenger, please! I ask for your indulgence hon. Bérenger. Yes, you have supplementary.

Mr Baboo: Madam Speaker, sorry, I have not heard the Deputy Prime Minister, can he repeat the answer, please on the Central Electricity Board?

(Interruptions)

Madam Speaker: Hon. Rutnah!

(Interruptions)

I think it is the fourth time that the hon. Deputy Prime Minister is giving the reply - fourth time. Ask your supplementary question.

Mr Baboo: Even if I have not heard his answer, can the hon. Deputy Prime Minister inform the House the mechanism used by the CEB to offset any increase in price of crude oil in the World Market or fluctuation in the exchange rate?

The Deputy Prime Minister: I have said the CEB is not envisaging any rise in the electricity tariff.

Madam Speaker: Yes, hon. Baboo!

Mr Baboo: I am not saying the price right now, I am saying about the increase in the crude oil of the world market price, about the exchange rate, about the fluctuation.

The Deputy Prime Minister: It has got nothing to do with the question. If there is a substantive question, I will answer.

Mr Baboo: Can the hon. Deputy Prime Minister guarantee that there would not be any increase in tariff for the next six months?

(Interruptions)

Madam Speaker: Please!

The Deputy Prime Minister: I have already answered.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Can I ask the hon. Deputy Prime Minister whether the decision not to increase the price of electricity at this moment in time is on account of the huge windfall gain that the CEB has benefited because of falling oil prices over the last three years? And if that is the case, how comfortable is the reserve of that windfall gain is going forward?

The Deputy Prime Minister: I was asked a question, I have given the answer to the question.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. Can the hon. Deputy Prime Minister confirm that it is thanks to sound financial management practice implemented within the CEB that today, despite increase in petrol prices outside, the price can still be maintained?

The Deputy Prime Minister: Whatever the reason, I have given the answer, the CEB is not envisaging any rise in electricity tariff.

Madam Speaker: Hon. Baboo, next question!

(Interruptions)

Please, hon. Baloomoody!

(Interruptions)

Hon. Baloomoody, I cannot listen to what the hon. Member is saying!

AGALEGA – MEDICAL EVACUATION

(No. B/823) Mr S. Baboo (Second Member for Vacoas & Floreal) asked the Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare whether, in regard to Agalega, she will state the measures put in place for the emergency transfer of patients therefrom to Mauritius.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Following my recent visit to Agalega, I presided several meetings with the officers of my Ministry and the Outer Islands Development Corporation to discuss the request made by the people of Agalega.

I informed Cabinet about the outcome of my visit and the requests of the Agaleans.

I subsequently held a meeting with Ministers concerned to discuss about these requests and see how we can implement some urgent measures which can be implemented.

Among the requests made by the Agaleans was the revision of the protocol for medical evacuation and the urgency of having a second Doctor in the south island.

I must point out that the decision for a second Doctor to be posted in Agalega was taken by Cabinet on my request before my departure to Agalega.

Now I can say that all appropriate arrangements have already been made including accommodation facilities for the Doctor to proceed to Agalega on the next Dornier or Trochetia.

Regarding the medical evacuation of Agaleans, a new document has just been finalised with all stakeholders concerned. I have the intention of having the protocol made available in English, French and Creole and it will be affixed in all conspicuous places in the North and South island of Agalega so that all Agaleans are aware of its contents.

Further instructions will be given to the Resident Manager in Agalega to explain the protocol to the inhabitants of Agalega. Appropriate structures are being setup to implement and monitor the protocol. This will involve the participation of all stakeholders concerned namely –

- (i) the Police Information Room;
- (ii) the Commissioner of Police;
- (iii) the Commander of the National Coast Guard;
- (iv) the Ministry of Health and Quality of Life;
- (v) the Ministry of Defence and Rodrigues,
- (vi) the Ministry of Local Government & Outer Islands, and
- (vii) the Outer Islands Development Corporation.

Madam Speaker: Hon. Baboo!

Mr Baboo: Can the hon. Vice-Prime Minister inform the House as to who take care of the cost in case of emergency repatriation from Agalega to Mauritius and whether there is any special unit responsible to coordinate in case of emergency repatriation during weekend, night or public holiday?

Mrs Jeewa-Daureeawoo: It is the Outer Islands Development Corporation who takes charge of the disbursement. As I have just explained, a new protocol has been drafted and the objective of the new protocol is to ensure that all stakeholders are clear on their roles and responsibilities. Maybe the old protocol has passed its days, so it is time to come with a new one. So, it will provide clear guidance and improve communications among all parties concerned.

Madam Speaker: Hon. Baboo!

Mr Baboo: Madam Speaker, regarding the cost, the hon. Minister has not answered. As to who will take care during the weekend and public holidays, she has not answered. Following the recent incident, can the hon. Vice-Prime Minister inform the House why immediate repatriation of the patient who got the problem - no action has been taken until there was an outcry or sitting by the inhabitants and also by Mr Arnaud Poulay posted on Facebook?

Mrs Jeewa-Daureeawoo: The *sortie* of the Dornier can be done at any time provided that a request is made. But, at the same time, we have to take into consideration that the Dornier is a very old aircraft, 28 years, and each and every time there is a *sortie*, we have to do the proper servicing. It is not a question of the Dornier cannot set off during weekend.

Now, with regard to the incident the hon. Member has just mentioned, I have been given to understand that the Dornier went to Agalega to bring officers of the Civil Aviation. On its return to Mauritius, a request was made for some patients to be evacuated from Agalega to be treated in Mauritius. The request was sent to the National Coast Guard as per the conditions of the old protocol. Unfortunately, the Dornier could not make the trip because it needed, at that particular time, servicing. Now, what has the OIIC done? The OIIC has made a request to Seychelles for a plane to evacuate the patients to Seychelles for emergency treatment. Well, that is what has happened, in fact.

Madam Speaker: Hon. Baboo!

Mr Baboo: Can the hon. Vice-Prime Minister inform the House as to whether consideration is being taken for the dispatch of a Doctor to *Île du Sud* given the very poor healthcare facilities available there? And if yes, when can we expect it to take place?

Mrs Jeewa-Daureeawoo: I have just answered, Madam Speaker. If I may just briefly explain. So, Agalega is divided into two parts, the North and the South. In the North, we have a dispensary, one Medical Practitioner and two nurses. In the South, we have a dispensary, two nurses and there is no Doctor. That is why I have said I raised the matter in Cabinet before my departure. Decision was taken for a second Medical Practitioner to go there, arrangements have already been made and accommodation has already been finalised. So, the Doctor will go on the next trip.

Madam Speaker: Last question, hon. Mrs Selvon!

Mrs Selvon: Thank you, Madam Speaker. Can the hon. Vice-Prime Minister state the name of the newly appointed Doctor or if she could confirm if the name of the Doctor is Doctor A.T?

Mrs Jeewa-Daureeawoo: There is a question which is addressed to the hon. Minister of Health and Quality of Life. Maybe he will be in a better position to give the detail if the detail is available now.

Madam Speaker: Next question, hon. Baboo!

(Interruptions)

Mrs Selvon: Please!

Madam Speaker: I am sorry, hon. Mrs Selvon!

(Interruptions)

No! I am sorry, we have spent already seven minutes on this question. The matter has been sufficiently canvassed.

(Interruptions)

Please, resume your seat, hon. Mrs Selvon!

(Interruptions)

Please, resume your seat! Hon. Baboo, next question!

CEB – ELECTRICITY SUPPLY

(No. B/824) Mr S. Baboo (Second Member for Vacoas & Floreal) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to electricity, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the measures that will be taken for the supply thereof during the forthcoming peak summer season.

(Withdrawn)

TROU FANFARON POLICE STATION – RESTORATION

(No. B/825) Mr S. Baboo (Second Member for Vacoas & Floreal) asked the Minister of Arts and Culture whether, in regard to the building which formerly housed the Police Station at Trou Fanfaron, listed as a National Heritage site, which was burnt down last year, he will state if same will be restored and, if so, when.

Mr Roopun: Madam Speaker, I wish to refer the hon. Member to part (b) of the reply to PQ B/735 addressed to the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues on 14 November 2017, wherein it was stated that the building which formerly housed the Trou Fanfaron Police Station will be restored in the context of the integrated project for the redevelopment, modernisation and operation of the Immigration Square Terminal.

I am informed by the Ministry of Public Infrastructure and Land Transport that a Request for Proposal for the said project was launched on 20 February 2018.

The evaluation exercise has been completed and a Letter of Notification has been issued to the selected promoter on 03 October 2018 and the acceptance of the promoter is now being awaited.

Madam Speaker: Hon. Baboo!

Mr Baboo: Does the hon. Minister find it normal that a 200 years old building has not yet been restored after more than a year? May I know if a technical survey has also been performed by his Ministry, and if so, can he table?

Mr Roopun: Madam Speaker, the hon. Member should be aware that the costs for such a building are quite onerous. In fact, we have been embarking in a series of renovation of major listed buildings like the Plaza, the Port Louis Theatre, the Town Hall of Curepipe. In fact, we agree that we should renovate as many as possible, but, unfortunately, we would not be able to do everything at one go. Insofar as this building is concerned, unfortunately, last year, there was an incident and there was a fire there. I contacted the Commissioner of Police, but, unfortunately, within the Budget of the Commissioner of Police, he could not, in this year, come with the restoration of this building. But we have managed to include it in the whole development of the region and hopefully this will be done in good time.

Madam Speaker: Hon. Baboo!

Mr Baboo: As the building is located in the buffer zone of the Aapravasi Ghat, can the hon. Minister confirm whether UNESCO's approval has been sought for the restoration purposes?

Mr Roopun: Madam Speaker, it will be sought as and when needed. But, at this stage, we have not yet sought the authorisation of UNESCO. We are working on that.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. Can the hon. Minister state as a result of the granting of the contract very soon, whether as part of the terms and conditions of the contract there is timescale within which the work should be completed?

Mr Roopun: The selected promoter will need within a period of four months to give a detailed design of the project. Of course, we will have to seek clearances from various authorities, including the Aapravasi Ghat Trust Fund, the National Heritage Fund, the PPG

Committee at the level of Municipality of Port Louis. Then, of course, we will have also to seek the clearance of UNESCO. But according to the proposal, works will have to be completed within two years.

Madam Speaker: Hon. Armance!

Mr Armance: Thank you, Madam Speaker. Regarding the restoration of the building, may I know from the hon. Minister, has there been any consultant, any architects, engineers that have already been appointed? It is more than a year now that this building is standing like that.

Mr Roopun: It is going to be part of the integrated project of Immigration Square.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, we understood the hon. Minister has been mentioning that several processes are being made for the restoration of this building. Can I ask the hon. Minister, in the meantime, can he see to it that the building is safeguarded? Because right now, when you go to Trou Fanfaron, all the doors and windows are opened...

Madam Speaker: Hon. Ameer Meea, please do not give details! Allow the Minister to reply!

Mr Ameer Meea: ...and with time, it will be in a derelict state. So, my appeal to the hon. Minister is, in the meantime, to safeguard the asset.

Mr Roopun: I take good note of the remarks of the hon. Member.

Madam Speaker: Next question, hon. Abbas Mamode!

AGALEGA – HEALTH SERVICES

(No. B/826) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to Agalega, he will state the health services and facilities available thereat.

Dr. Husnoo: Madam Speaker, I think this question has partly been answered by my colleague, the Vice-Prime Minister. But anyway, I will go through it again. I wish to inform the House that there are two...

Madam Speaker: I am sorry! Can you resume your seat, please? Please resume your seat! I have several times said that phone or mobile phones should be switched off. Since this morning, at least, twice I have heard mobile phones in this House. Can I make an appeal to

all hon. Members to respect the dignity of the House and to switch off their mobile phones? Please!

(Interruptions)

Dr. Husnoo: Madam Speaker, I wish to inform the House that there are two health centres on the island of Agalega, one on the North Island and one on the South Island, with facilities to admit patients. Basic health facilities in both health centres are provided to the inhabitants such as General Consultation, a School Health Programme, Vaccination and Sensitisation Programme.

As regards staffing, one Medical Health Officer and two Nursing Officers (one male and one female) are presently posted in the North Island, while in the South Island there is only one male Nursing Officer and one female Nursing Officer.

My Ministry has recently designated, following the discussion with the Vice-Prime Minister, a second Medical Health Officer to proceed to Agalega to be posted in the South Island. The next trip would depend on the available flight or ship.

Madam Speaker: Hon. Abbas Mamode!

Mr Abbas Mamode: Can the hon. Minister inform the House whether specialists can be made available to Agalega, not *sur une base quotidienne mais périodique*?

Dr. Husnoo: We have discussed about it and we have decided that doctors in general medicine, paediatrics, obstetrics, gynaecology and dentistry, would be going there, maybe on a three-month basis, all depending on requirement.

Madam Speaker: Hon. Mrs. Selvon!

Mrs Selvon: Thank you. Could the hon. Minister of Health confirm that it is Dr. A.T. who is the newly appointed doctor? And for how many months he has been residing and working in Agalega prior to his appointment?

Dr. Husnoo: If I understand well, you mean the doctor who is going. I am sorry, I do not have his name with me. I mean, I do not know about this information, but I can let you have it later on.

Madam Speaker: Hon. Rutnah!

Mr Rutnah: Thank you, Madam Speaker. Can the hon. Minister consider setting up a Health Service Policy specific to Agalega to ensure that all their health realities could be dealt with expeditiously?

Dr. Husnoo: We have discussed about this as well. The problem is that being so far away and with a small population of about 400 people, it is difficult to have specialists there in all the fields all the time. As I mentioned, we are working on the specialists to go every three months, that is number one. Secondly, with the e-Health, we are trying to establish a teleconference facilities between the doctors there and the specialists at Jeetoo Hospital. So, if they have any difficult problem, any difficult case, they can discuss the case through teleconference with the specialists here and decide what is the best way, how to treat the patients. We are working on all these.

HOSPITALS – GYNAECOLOGISTS & PEDIATRICIANS

(No. B/827) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to the regional hospitals, he will state if consideration will be given for the advisability of posting gynaecologists and paediatricians thereat in view of the number of emergencies, alleged cases of medical negligence and of on-call doctors not turning up on time to attend to emergencies.

Dr. Husnoo: Madam Speaker, I wish to inform the House that the Gynaecologists and Paediatricians are posted on a roster basis on weekdays from 09.00 hours in the morning till 16.00 hours and on Saturdays from 09.00 hours till 12 00 hours.

My Ministry also offers a 24/7 service in both Gynaecology and Paediatrics. Gynaecologists and Paediatricians are on-call attend emergencies on weekdays and on weekends on a 24-hour basis.

Madam Speaker: Hon. Abbas Mamode!

Mr Abbas Mamode: The hon. Minister must be aware that at Jeetoo Hospital we do have problem, especially after 16.00 hrs and during the night. Very often, those on-call cannot assist the patients waiting in the hospital, and this creates a lot of chaos.

Dr. Husnoo: After four o'clock, Madam Speaker, I mean if there is an emergency case that comes to hospital, if the case can be treated by the junior doctor, he manages the case. If he cannot, then he contacts the specialist and the specialist would come and see that patient. He has to come and see the patient. If they can manage it, they manage it, or if they

need a help on the phone, they discuss the case on the phone with the specialist, or if they need the help of the specialist, he should come to see the patient.

Madam Speaker: Hon. Abbas Mamode!

Mr Abbas Mamode: I am meant to understand that consultations are being made on phone and the Minister must be aware that we even have a death case discussing on phone at the Flacq Hospital and this...

Madam Speaker: Are you asking the Minister whether he can confirm this? This is the question. Yes!

Dr. Husnoo: There are different types of cases, I am sorry. That has been going on all the time. If the junior doctor can manage the case, he will manage it. If he wants to get some advice through a specialist, he phones the specialist and discusses the case or if he wants the specialist to come to the hospital to see the patient, the specialist will come. There are different types of cases.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Madam Speaker. With regard to the specific case of alleged medical negligence of Master Beekareea - you remember this was brought to your attention through a PNQ -, can the hon. Minister confirm where has the enquiry reached and whether necessary procedure has been put in place since to make sure that the paediatrician and the gynaecologist attend in urgent cases where the life of...

Madam Speaker: Hon. Adrien Duval, we are not talking about a specific case. The question relates to a question of policy of the Ministry of Health. I think the second part of your question is relevant, but the first part, I am sorry, is not.

Mr A. Duval: Madam Speaker, if I may rephrase then. The question deals with medical negligence cases. Can the hon. Minister confirm whether the enquiry in the case of Master Beekareea is completed or not, what stage it has reached, and whether necessary procedure, in terms of policy, has been put in place so that we avoid another Beekareea case in the future?

Dr. Husnoo: Madam Speaker, if the hon. Member can come with a substantive the question, I will answer it.

Madam Speaker: Hon. Dr. Boolell!

Dr. Boolell: Will the hon. Minister state if all regional hospitals have Accident and Emergency Units or Departments and what measures are being taken to upgrade existing facilities?

Dr. Husnoo: As you are aware, all the general hospitals do have emergency services. This is being upgraded as required, in terms of the staff and in terms of the doctors. As required, they are being increased. That is being looked into.

Madam Speaker: Hon. Ramful!

Mr Ramful: May I request the hon. Minister to look into the case of Mahebourg Hospital. Previously, there was a fully-fledged Labour Ward and then it was closed down to make place for the Drug Rehabilitation Centre. Can the hon. Minister look into the matter and if the Labour Ward could be reopened?

Dr. Husnoo: You have the Jawaharlal Nehru Hospital which is near there. It is best to centralise it and then we can give a better care. In a small hospital like that, it is a bit difficult to provide better care. That is why it is centralised at Jawaharlal Nehru Hospital.

HOSPITALS - IN-PATIENTS' RELATIVES – SPECIALISTS APPOINTMENT

(No. B/828) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to the public hospitals, he will state if consideration will be given for the relatives of the in-patients thereof to be given specific appointments with the treating specialists of the in-patients to be apprised of the respective health position thereof.

Dr. Husnoo: Madam Speaker, I wish to inform the House that the relatives of in-patients in our hospitals are already given due consideration and arrangement is made for the relatives to see the Specialist after their morning ward round, if they so wish.

Mr Abbas Mamode: Madam Speaker, normally, in hospital, when somebody is ill and the relatives want to meet the specialist, the answer is tomorrow at 0900. When they call at the hospital, they do not know where the doctor is, whether in emergency or in ward. Is it normal that everybody gets the same appointment at the same time, tomorrow morning at 0900? So, where is e-Health? Where are we with that so that patients may get special attention and parents get the right information concerning the patients inside the hospital?

Dr. Husnoo: When the patient is admitted and when the relatives want to see the specialist about the patient, normally the best thing is for the specialist to see the patient first

and then to talk to the parents. That is obvious. That is why they are told to come after the ward round, after the specialist has seen the patient, and then he will talk to the relatives. I mean that is the standard way of doing things. It has been like that. I think this is the best way because there is no point talking to the relatives before seeing the patient...

Mr Abbas Mamode: Madam Speaker, perhaps the hon. Minister got me wrong. When somebody is in hospital, he is an in-patient and his relative wants to have a clear picture. So, he goes to the Ward Manager and the Ward Manager in this particular case will say: '9 a.m. tomorrow morning' and even at 3 o'clock he does not have the chance to meet the doctor so as to have an orderly appointment with a specialist.

Dr. Husnoo: I do not understand. Does the hon. Member mean he waits till 3 o'clock to see the doctor? No, come on!

(Interruptions)

The hon. Member has been here and I have been here as well. Anyway! The practice is that if the relative asks to see the specialist, the nurse will tell him to come.

(Interruptions)

I do not know what is the hon. Member's experience, but I am telling my experience because I have been in these hospitals for 15 years as well. So, I know what I am telling him. He will tell you to come and see the specialist after the ward round. The specialist is going to explain to you the condition of your relatives.

**DR. A. G. JEETOO HOSPITAL & VICTORIA HOSPITAL - UNSORTED
OUTPATIENT DEPARTMENT - OPENING HOURS**

(No. B/829) Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East) asked the Minister of Health and Quality of Life whether, in regard to the Dr. A. G. Jeetoo Hospital and the Victoria Hospital respectively, he will state if consideration will be given for the –

- (a) extension of the opening hours of the Unsorted Department thereat, and
- (b) number of treating doctors of the Medical Outpatient Department thereat to be increased to four at night due to the high number of patients turning up during that time.

Dr. Husnoo: Madam Speaker, I wish to inform the House that Dr. A. G. Jeetoo and Victoria Hospitals have the largest attendance of the five regional hospitals with 120,366 and 129,126 attendances respectively in the Unsorted Outpatient Department. Existing provision caters for the opening hours of the Unsorted Department from 0800 hours in the morning till 2200 hours in all regional hospitals.

As regards part (b) of the question, I wish to inform the House that at present, over and above the six Medical Health Officers already posted in Casualty, two additional Medical Health Officers from the Medical Department are also posted in Casualty at night in both Victoria and Dr. A. G. Jeetoo Hospitals. Arrangements are made for additional Medical Officers to be posted as and when the need arises.

Mr Abbas Mamode: My question concerns Dr. A. G. Jeetoo Hospital and Victoria Hospital since those two hospitals are regional hospitals and they provide a wide range of patients. So, can the hon. Minister consider increasing the number of specialists, especially at night? Because there is a mess in these two hospitals at night, believe me! Very often, I am in the hospitals.

Madam Speaker: We understand your question.

Dr. Husnoo: No, I am sorry, I did not quite understand what the hon. Member means. Increase the number of specialists?

Madam Speaker: Increase the number of specialists at night.

Dr. Husnoo: The question was about Unsorted Department. At 2200 hours, we have doctors in Unsorted Department, but after 2200 hours, all patients are seen in Casualty. I have just explained that you have six doctors in Casualty at night and two doctors from the Medical Department who come and give them a hand at night. If there are more patients...

(Interruptions)

All is bad! When the hon. Member was in Government, everything was good! Now, everything is bad!

(Interruptions)

Madam Speaker: Hon. Dr. Husnoo!

(Interruptions)

Dr. Husnoo: No, come on!

(Interruptions)

Madam Speaker: Hon. Minister!

(Interruptions)

Hon. Dr. Husnoo, please sit down! I said that there should be no crosstalking, and this applies to this side of the House because we cannot start crosstalking when it is not allowed.

Madam Speaker: Hon. Abbas Mamode! No question? Next question, hon. Jahangeer!

PONT ROUGE – FOOTBRIDGE - UPGRADING

(No. B/830) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the footbridge at Rivière du Poste, commonly known as Pont Rouge, he will state where matters stand as to the proposed upgrading thereof.

Mr Bodha: Madam Speaker, I am informed by the Road Development Authority that the ‘Pont Rouge’ is an old railway track which was reconditioned for use by pedestrians to cross the river at Rivière du Poste. As such, it is not classified and, therefore, falls under the purview of the Savanne District Council.

I am informed by the National Development Unit (NDU) that the ‘Pont Rouge’ was constructed in the 1870s to serve as a railway bridge. Following the closure of railways in Mauritius, the rails thereat were dismantled and steel plates were placed to serve as a pedestrian bridge. Owing to its deterioration, the bridge was subsequently closed.

With a view to upgrading the footbridge, the NDU has appointed a consultant for the design and supervision thereof in September 2017.

The project will comprise the refurbishment of the bridge so that it can be reopened to pedestrians and light vehicular traffic such as bicycles and motorcycles. The proposed scope of works consists of the replacement and refurbishment of the structural elements.

The consultant has already prepared the detailed design report in a draft bidding document which is being finalised at the level of the NDU.

The NDU will thereafter initiate a procurement exercise for the appointment of the contractor to implement the works.

Madam Speaker: Hon. Jahangeer!

Mr Jahangeer: Madam Speaker, this project is long overdue and my understanding is that the delay is mainly due from the consultant for the design and the issuance of a tender document. Therefore, in the contract of a consultant itself, is it mentioned there that they will be penalised for delay?

Mr Bodha: Well, I do not have the contract with me. I think it is the NDU - from what I have heard, it seems that there is a penalty for delay. What I can report to the House, Madam Speaker, is that the detailed design report has been done. The bidding documents are ready and the procurement exercise is going to be done in due time.

Madam Speaker: Next question, hon. Jahangeer!

TRAFFIC CONGESTION

(No. B/831) Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the traffic flowing from the North to the South, through Port Louis, he will state the measures being taken to ease traffic congestions occurring thereat during peak hours.

Mr Bodha: Madam Speaker, my Ministry is currently undertaking a number of measures to ease congestions of traffic flowing from the North to the South of the island through Port Louis. Two approaches have been adopted. The first one is managing vehicular within Port Louis through the construction of a great separated junction on the Motorway M1, what we call the Decaen entry, and a third lane along Motorway M2 between Roche Bois roundabout and Jin Fei roundabout. These projects are expected to be completed in a few months. For Decaen, it is December and for Jin Fei it is March.

The Road Development Authority is also working on the design of a flyover like the one at Decaen which will be constructed at Quay D. The final design is there, so we will need to make a request for funds to the Ministry of Finance.

The second approach, Madam Speaker, is distributing vehicular traffic to and from Port Louis, through additional avenues, with two ongoing construction of great separators at Phoenix Pont Fer/ Jumbo-Dowlut Roundabouts and the A1-M1 Link Road. These projects are already under construction and are expected to be completed by November 2020. Furthermore, it is planned to embark on the upgrading of the Ebene flyover and the construction of a flyover at Hillcrest. Both flyovers are expected to be completed in year 2020.

Consideration will also be given in the future for the construction of Ring Road Phases 2 and 3. This will provide a strategic alternative access to allow traffic to enter/ exit Port Louis and alleviate congestion along Motorways M1 and M2. It is expected that with the completion of remedial works along the Terre Rouge Verdun Link Road, the road will become more attractive to traffic going from North to South.

As regards the Ring Road Phases 2 and 3, the preliminary technical designs have already been done and we are now seeking the possibility of funding from different quarters.

Madam Speaker, with the advent of the Metro Express as from September next year, the whole transportation landscape will change and new traffic patterns will emerge, with traffic being made more fluid.

On the other hand, the Traffic Modelling Unit, which has been set up with the assistance of the Korean Expressway Corporation, is looking into traffic solutions at various important junctions along the main corridors, especially those interfacing with the Metro Line. A formal request for assistance has been made to the South Korean Authorities for the setting up of a Traffic Information Centre for Mauritius.

Madam Speaker, currently the Traffic Police deploys police riders along Motorways M1 and M2 at all roundabouts and important junctions from Terre Rouge to Wootun during peak hours. Heavy goods vehicles are also prohibited to use motorways. Road users are also informed about the traffic situation through *info route* and a mobile operation application known as 'Smart Traffic'.

Furthermore, I am informed that the Police is presently implementing the Safe City project which comprises the installation of 4,000 CCTV cameras with a Traffic Control Room which has already been identified and the necessary infrastructure and logistics will be set up.

To monitor and ease traffic flow across the main corridors, the Intelligent Transport System (ITS) will be integrated in the Safe City Project. The ITS will also relay real time traffic and safety information to road users to facilitate planning of trips and reduce journey time.

Madam Speaker, with a view to mitigate traffic congestion and to bring a sustainable solution to the present situation, the Traffic Management and Road Safety Unit and the Road Development Authority are working closely with Police, local authorities and other stakeholders. The aim is safer roads and better mobility from North to South of Mauritius.

Madam Speaker: Hon. Jahangeer!

Mr Jahangeer: Thank you, Madam Speaker. Will the hon. Minister confirm if the harbour bridge project is definitely shelved?

Mr Bodha: For the time being, yes.

Madam Speaker: Hon. Adrien Duval!

Mr A. Duval: Thank you, Madam Speaker. Is the hon. Minister aware that in front of the Meat Authority, from the North going to Port Louis, there is this entrance and, every single morning, cars, taxis park in front of this, so they block the entrance and delivery vehicles, but also there are cars that use this entrance to Port Louis, and then, cut in front at the red light and they stop here? Ministers of this Government see it every day. Can the hon. Minister, please, see to it? This is a simple solution to, at least, *décongestionner le trafic à l'entrée de Port Louis* very quickly.

Mr Bodha: We will certainly look into the matter, Madam Speaker.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Thank you, Madam Speaker. I have listened very carefully to the hon. Minister and I thank him for his answer. However, there is one aspect of traffic flowing from the North to the South which I would like to address and it is the facilities that should be given to pedestrians with the widening of the highway from Port Louis onwards to the North, from two lanes to three lanes in most places until Terre Rouge roundabout. What does he propose to do for all those pedestrians who live on both sides of the highway and who have no other choice than to cross the highway where there are no footbridges available at each roundabout as it should be? Does he have any plan? I know the answer; it is not being provided in the budget, but does he have any plan for it?

Madam Speaker: The question is clear.

Mr Bodha: For the pedestrian traffic on both sides of the motorway, from Jin Fei to the port area, in some cases there is no space, but in other cases we have space. We will certainly look into the matter, but I would like to say, Madam Speaker, that we have already added a third lane for heavy traffic between the Port Area and Jin Fei and we have already thinking about one thing, what are we going to do if tomorrow we are going to extend the Metro from Immigration Square to Pamplemousses. So, we are already thinking of this possibility, but I will certainly look into the matter as regard to pedestrian safety.

PAILLES WATER TREATMENT PLANT - REMEDIAL WORKS

(No. B/832) **Mr B. Jahangeer (Third Member for Rivière des Anguilles & Souillac)** asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the remedial works entrusted to Messrs Sotravic in relation to the cracks on the walls of the Pailles Water Treatment Plant, he will, for the benefit of the House, obtain from the Central Water Authority, information as to if same have been completed.

The Deputy Prime Minister: Madam Speaker, I am informed by the Central Water Authority that all remedial works were substantially completed by 29 July 2016.

On 26 September 2016, it appointed an independent Consultant Witteveen+Bos from Netherlands to assess the structure of the treatment plant.

On 13 April 2017, the Consultant submitted its report, concluding that the Plant is in good condition.

I am informed by the Central Water Authority that on 23 October 2017, it took over the Plant, which is operating smoothly and no leaks or cracks have been noted.

Madam Speaker: Hon. Jahangeer!

Mr Jahangeer: Thank you, Madam Speaker. It is an established fact that during heavy rainfall the filtration plant becomes blocked with muddy water, and then, the water supply to Port Louis is interrupted for two/three days. May I suggest to the hon. DPM, if he will consider the construction of one or two water tank(s), so that during the heavy rainfall the water reservoir can supply Port Louis while the filters are blocked?

The Deputy Prime Minister: Well, we are far remote from cracks and leaks. If a substantive question is asked, I will certainly examine it, but, in the meantime, I will take note, of course, of what the hon. Member has just said.

Madam Speaker: Hon. Osman Mahomed! No? Next question, hon. Adrien Duval!

POLICE - EMERGENCY LINE 999

(No. B/833) **Mr A. Duval (First Member for Curepipe & Midlands)** asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the emergency line 999, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if he is aware that the response to the callers thereof is ultimately to

call the Police Station of the locality of the callers and, if so, indicate if consideration will be given for the review of the said service.

Sir Anerood Jugnauth: Madam Speaker, I am informed by the Commissioner of Police that the Emergency line 999 is operational on a 24/7 basis at the Police Information and Operations Room (PIOR) and is manned by trained Police Officers.

Out of the calls received daily, 10 calls necessitate Police actions, whereas 50 to 60 of these calls concern request for information. The rest of the calls relate to blank calls, deliberate hoax or nuisance calls and do not require any action.

All actionable calls are logged at the PIOR and the requests are channelled to the appropriate unit of the Police Force for prompt response. Moreover, if a call is of an urgent nature, the nearest supporting teams on ground, such as the Emergency Response Service (ERS) and Divisional Support Unit (DSU) are called upon to attend, pending arrival of the local Police.

Madam Speaker, I wish to inform the House, that the existing 999 System has served its purpose and that in the context of the Safe City Project, a new Emergency Response Management System (ERMS) will be introduced. It will consist of a Next Generation robust 999 Emergency Response Management System capable of receiving an increased number of calls and channelling the emergency calls to the different units concerned, within a target time frame of 15 seconds.

Madam Speaker: Yes, hon. Adrien Duval.

Mr A. Duval: Madam Speaker, can the Rt. hon. Minister Mentor tell us whether the number of employees are dedicated Police Officers to this service and whether the emergency service comprises of fire rescue, ambulances, etc.?

Sir Anerood Jugnauth: Well, the number of officers who are responsible to receive the calls, I have been told, they are sufficient in number. I do not know what the real number is.

(Interruptions)

Well, I have answered in the answer which I have just given.

Mr A. Duval: I have asked this question because last time, there was a fire, and I had called the 999 and I called them to report the fire and they told me: 'You know, Sir, call the

Fire Station in your locality and tell them.’ It is not the first time that this has happened. They actually direct you to call other services.

Madam Speaker: Do not make a statement!

Mr A. Duval: They are just answering the phone.

Madam Speaker: Hon. Adrien Duval, be concise in your question!

Mr A. Duval: Is he aware then that they direct you to other services instead of actually doing the reporting themselves?

Sir Anerood Jugnauth: Well, if that is so, did the Member report it? Did he take any action? How can I answer that today here?

Mr A. Duval: This is the issue, Madam Speaker. We have a service dedicated to answer emergency response. If I ask this question specifically to bring it to your attention, that they are not doing the work that they should be and that many people phone the service and are fed up of reporting it, so, they just let the matter rest.

Sir Anerood Jugnauth: If there is any default, you must complain.

Mr A. Duval: Madam Speaker, will the Rt. hon. Minister Mentor take it with the Commissioner of Police that this line is ineffective and that it has to be used appropriately in the manner that it is being paid for by the Mauritian taxpayers?

Sir Anerood Jugnauth: Well, I have been told - I have answered - by the Commissioner of Police that it is effective.

Madam Speaker: Hon. Shakeel Mohamed!

Mr Mohamed: Each and every time, Madam Speaker, thank you very much. The questions that have been put by the previous Member and the Rt. hon. Minister Mentor keeps on saying that whatever the Commissioner of Police tells him, he believes him. So, the question, therefore, is: you said that they are trained officers that man those lines. You are not sure of the number of officers, fair enough! But they are trained by whom and how many times, and when was the last training session that took place?

Sir Anerood Jugnauth: I need a specific question for that.

Mr A. Duval: The last question, Madam Speaker. I don't know if the Rt. hon. Minister Mentor realises that the 999 is free, therefore a person calls and report free of charge. Yet, phoning a Police Station on the landline number is paid for. So, if the person,

first of all, is of little means or has no credit on his phone, he cannot report the crime. So, this is a matter of urgency of importance for your Ministry. So, please take it up with the Commissioner of Police! I am telling you from my experience myself, I have...

Madam Speaker: Okay. Thank you.

Sir Anerood Jugnauth: Well, I have said in the answer, what I have been told by the Commissioner of Police, and I see no reason why I should not believe the Commissioner of Police, and why I should believe more these Members here.

(Interruptions)

Madam Speaker: Hon. Tarolah!

(Interruptions)

Can we have some order on this side of the House, please!

**FLACQ, BEL AIR, MONTAGNE BLANCHE AND OLIVIA – PUBLIC SERVICE
VEHICLE (TAXI) LICENCE – ISSUE**

(No. B/834) Mr K. Tarolah (Third Member for Montagne Blanche & GRSE) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Public Service Vehicle (Taxi) Licence, he will, for the benefit of the House, obtain from the National Transport Authority, information as to the number thereof issued for operation in Flacq, Bel Air, Montagne Blanche and Olivia respectively, in each of the years 2014, 2015, 2016 and 2017, indicating the number of drivers booked for illegally operating taxi services thereat.

Mr Bodha: Madam Speaker, I am informed by the National Transport Authority that no Public Service Vehicle Licence for taxis has been issued during the period 2014 to 2017 to operate from the regions of Flacq, Bel Air, Montagne Blanche and Olivia. I am further informed that, to date, no new taxi licence has been issued to operate from these localities.

As per policy established at the level of the NTA, the ratio for the licencing of taxis is 1:600 (inhabitants). There are already 219 taxis which are licensed to operate from the above-mentioned regions as follows –

- (i) in Flacq, the number of licences is 90, but the requirement per ratio is 13. So, we have 77 taxis which are surplus;

- (ii) in Bel Air, the number of licences are 92, the requirements per ratio is 23. So, we have 69 more than enough;
- (iii) in Montagne Blanche, the ratio is fixed 11-11, and
- (iv) in Olivia, we have 26 taxis and requirement per ratio is 3, which means that over a total required number of licences of 50, we have 219 taxis.

According to information received from the NTA, applications for taxi licences were invited in June, July, August and September 2014 from following localities in the district of Flacq:

- Mare La Chaux ;
- Central Flacq ;
- Nehru Nagar ;
- Belle Mare ;
- Shanti Nagar ;
- Residence St. Jean ;
- Boulet Blanc ;
- Ecroignard ;
- Grand Bas Fonds ;
- Lallmatie, and
- Isidore Rose.

Hundred and fifty (150) applications were received. However, applicants were not heard by the Authority in view of the Code of Conduct of the Electoral Supervisory Commission which was circulated to public bodies by the Prime Minister's Office in the context of the 2014 General Elections.

In fact, applications were also invited for taxis to operate from the NHDC, Montagne Blanche in July 2016, but there was no application, which was received.

I am made to understand that we have made a fresh survey by the NTA to assess the need for taxi licences in the district of Flacq.

And in regard to the second part of the question, Madam Speaker, I am informed by the NTA that eight (8) contraventions have been established against illegal operators in Flacq during the period 2014 to 2017.

Madam Speaker: Next question, hon. Bhagwan!

LIQUEFIED NATURAL GAS PROJECT – CONTRACT

(No. B/835) Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière) asked the Deputy Prime Minister, Minister of Energy and Public Utilities whether, in regard to the Liquefied Natural Gas Project, he will, for the benefit of the House, obtain from the Central Electricity Board, information as to the quantum of fees paid to Poten and Partners in relation thereto, indicating when was the –

- (a) bidding exercise for the said consultancy service carried out;
- (b) contract awarded;
- (c) report handed over to the Board, and
- (d) payment effected.

The Deputy Prime Minister: Madam Speaker, in my reply to the Private Notice Question of 03 August, 2018, I informed the House that it was my Ministry and not the Central Electricity Board, which had appointed Poten and Partners to carry out a feasibility study on the adoption of LNG. The cost of the study is to be met equally by my Ministry, the Central Electricity Board and the State Trading Corporation.

With regard to part (a) of the question, the consultant was appointed after an international competitive bidding exercise. The bids were launched on 23 January 2017.

With regard to part (b), on 09 October 2017, my Ministry awarded the contract to Poten & Partners UK for the sum of USD 1,195,670 and Rs828,000.

Regarding part (c), the consultant started the assignment in January 2018 and has submitted a draft report to my Ministry. I am chairing a Ministerial Committee consisting of the Minister of Public Infrastructure and Land Transport, the Minister of Industry, Commerce and Consumer Protection, the Minister of Social Security, National Solidarity, and Environment and Sustainable Development and the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping as well as representatives of other relevant institutions to examine the draft report and make recommendations to Government.

With regard to part (d), I am informed that, in accordance with the provisions of the contract, my Ministry has, up-to-now, paid an amount of USD 94,871 to the consultant following the submission of the inception report.

On 12 September 2018, my Ministry contracted for additional services to POTEN & Partners under the same contract for the sum USD 95,000. These services consist in examining Pre-Front End Engineering Design (pre –FEED) study reports submitted by nine firms to the CEB for the procurement and supply of LNG. The cost of these additional services will be met by the CEB.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Madam Speaker, we have been informed by the hon. Minister that he is chairing a Ministerial Committee. Can we know how many times that Ministerial Committee has met? Has any preliminary recommendation been taken and discussed at the level of Government?

The Deputy Prime Minister: I could not say offhand, but we have met and we have discussed the report; and we are still in the process of studying the report. Very soon, we are going to Cabinet to inform Cabinet of the situation.

Madam Speaker: Hon. Osman Mahomed!

Mr Osman Mahomed: Can I ask the hon. Deputy Prime Minister whether Poten & Partners accompanied him to the Seychelles last week in a mission that he led? And if that is the case, whether it is normal for Poten & Partners to make presentation of the Mauritian case, if that was the case, when us, taxpayers of Mauritius, have not taken cognizance of the report. Although I have nothing against other countries, they are taking cognizance of the report first. Can I ask the hon. Deputy Prime Minister whether this is in order or not?

The Deputy Prime Minister: No, that is not correct at all. Yes, a representative of Poten & Partners was in the Seychelles but he did not accompany. Well, he was on the same plane but he did not accompany the delegation in the sense that you mean to say, and he did not discuss the Mauritius Report. He did not discuss his report at all. He had been retained by the Government of the Seychelles to make an overall presentation of liquefied natural gas, which he did. That has nothing to do with his work in Mauritius. Of course, if this had been the case, it would have been objectionable but it is not the case.

Mr X. L. Duval: May I ask the Deputy Prime Minister when he will grace this House with a copy of the Poten Report?

The Deputy Prime Minister: Well, perhaps never. I do not know. There is so much sensitive information but what I can do, and I prepared this in anticipation of such a question,

I will table the presentation which was made in the Seychelles by the CEB on LNG, which will give an insight of where we are and where we have come from. The publication of the report, the communication of the report for the moment is not on at all.

Mr X. L. Duval: Can I ask the hon. Deputy Prime Minister, if there is some sensitive information, it can be redacted, it can be removed on reports. So why then is not a redacted executive summary, say, produced to this House firstly, and will he tell us whether it appears not so surprising that Cabinet or Government as a whole has been apprised of the conclusions, if I may say so, of this Poter Report?

The Deputy Prime Minister: Please, I just said that I intend to communicate the report to Cabinet very soon. So, it means that I have not yet apprised Cabinet of it. So we are working, the Committee is working on it and then probably this Friday or next Friday, we will communicate it to Cabinet and a stand will be taken. Now, as to the first part of the Leader of the Opposition's question, that is, an edited version, well that was not the question. With regard to the edited version, that is possible but when you see the presentation that I have just tabled, perhaps this answer will be audios.

Mr X. L. Duval: If I understand clearly, even where there is a tender out for gas turbines dealing with natural gas, Cabinet, as a whole, has not been apprised at all; is completely oblivious to the recommendations of this report which has cost us some Rs50 m. or so?

The Deputy Prime Minister: The hon. Leader of the Opposition is confusing. The gas turbines will eventually work on...

(Interruptions)

Please, the hon. Leader of the Opposition does not want to listen and then he blames others if he does not understand. That is not possible. The gas turbines is another thing. It has already been cleared by Cabinet. It has gone and now whatever process will be news. Eventually, it will initially start to run on diesel and then there will be the steam turbine, but we have gone down this route before here in this House. And then, afterwards, if the LNG programme is adopted, mind you, I heard that the Seychelles are going to adopt LNG and there is a long discourse to be done about this. Do not forget the IPPs are terminating in a few months or one or two years. So we know what is happening but I do not want to put oil on fire for the moment. This is how it is.

Mr X. L. Duval: Have I heard from the Deputy Prime Minister for a redacted executive summary?

The Deputy Prime Minister: For what?

Mr X. L. Duval: For a redacted executive summary. Why doesn't the Deputy Prime Minister listen to the question in his turn now? Secondly,...

(Interruptions)

Just listen this time.

The Deputy Prime Minister: Yes.

Mr X. L. Duval: And secondly, is it not the case that the tender, which is on-going at the moment, is for two phases; including the phase for liquid natural gas, and therefore my question is pertinent as to the need for Cabinet to be apprised of the possibility, which may be possible, I do not know, the Deputy Prime Minister is the only one to have the report. Not even his colleagues have it. So, tell us what is in the report so that Parliament, Cabinet, his colleagues, the Prime Minister may be aware of what he is doing?

Madam Speaker: I will kindly request both the Leader of the Opposition and the hon. Deputy Prime Minister to address to the Chair and not to cross-talk between themselves.

The Deputy Prime Minister: The first question is still the edited version of the Report. I will consider I have said; it is a separate question. The second question arises from this confusion as if the two gas turbines are necessarily linked to LNG. Well, if the hon. Leader of the Opposition does not understand this, I am ready to receive him and discuss this at any time.

Mr X. L. Duval: To come and see you – just one last question if I may.

Madam Speaker: Hon. Leader of the Opposition, this will be the last question. This is not a Private Notice Question.

Mr X. L. Duval: Last question, Madam Speaker. Just 'yes' or 'no'! I would be happy if it is a 'no', but I will take your word for it if it is a 'yes'. Is the tender that is ongoing now for two phases, one, diesel and second, liquid natural gas?

That is my question.

(Interruptions)

What is the matter with you?

(Interruptions)

Tell me 'yes' or 'no' to my question. Is it both phases or one phase only?

The Deputy Prime Minister: First of all, I am not to be directed as to the manner in which I answer a question. Secondly, the hon. Leader of the Opposition has never wanted to listen to my answer.

(Interruptions)

Madam Speaker: Please, do not crosstalk! We will never finish.

(Interruptions)

The Deputy Prime Minister: It is clear. The hon. Leader of the Opposition has put it in his mind that the second machine is for LNG. He should have ...

(Interruptions)

Listen to my answer! Don't interrupt!

Madam Speaker: Hon. Leader of the Opposition, please!

The Deputy Prime Minister: I have said it in previous answers. The recommendations were that we do the tender in the two phases and that is what has been done. It is public and it is known. People may have different opinions, but this is what was decided.

(Interruptions)

Madam Speaker: Next question, hon. Ameer Meea!

METRO EXPRESS PROJECT - IMPLEMENTATION

(No. B/836) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the Metro Express Project, he will state where matters stand as to the implementation thereof, indicating, as at to date, the –

- (a) percentage of works completed, and
- (b) expenditure incurred.

Mr Bodha: Madam Speaker, the Metro Express Project, as we know, is one of the most important transport infrastructure project ever implemented in Mauritius. It aims to improve travel between Curepipe and Port Louis, a corridor that serves the fastest growing areas in the country.

The Metro Express Project will reduce traffic congestion and will provide a cleaner and more reliable mode of mass transit transport that will help to achieve sustainable economic growth.

Madam Speaker, I am informed that much progress has been made since the launch of the project on 10 March 2017. Larsen and Toubro Ltd was awarded the Design and Build Contract and works started in September 2017.

Madam Speaker, I am informed that Larsen and Toubro Ltd has reached cruising speed and is currently working on 30 sites simultaneously, on a 24/7 regime, along the 12.4 kms alignment from Rose Hill to Port Louis, for the first phase of the project. Most of the utilities diversion works have been completed, excavation works are underway at various sites such as at Chebel, Signal Mountain and the Richelieu Depot; foundation works are underway at other sites - 45 piles have already been casted for the bridge at GRNW and 40 piles at the Caudan flyover; pier caps are being constructed at the Rose Hill interchange; and the precast yard is already operational and being used for the construction of precast beams for the bridges and the flyovers.

The supply of rails is ongoing - 76 kms out of 114 kms of rail have already been imported. In fact, we are going to have a laying of the foundation rail for the first time in Mauritius after some time. Base preparation of the track has started between Beau Bassin and Révérend Lebrun and placement of the rails on the tracks is scheduled to start in November.

The first “Urbos 100” Light Rails Vehicles from Construcciones y Auxiliar de Ferrocarriles (CAF) is expected to reach Mauritius in June 2019 for the tests.

Madam Speaker, as regards part (a) of the question, based on the progress made, I am informed that 43.5% of the works for Phase 1 of the project has already been completed and 28% of the overall project from Port Louis to Curepipe has already been completed. So, as I have always said, the project is on track and on time.

Metro Express will initially be assisted by the Singapore Cooperation Enterprise/Singapore Mass Rapid Transit Corporation (SCE/SMRT), for the provision of the

Operation Readiness Services, namely the recruitment and training of local staff, and in setting up the operation and maintenance procedure for the Light Rail System.

Madam Speaker, with regard to part (b) of the question, I am informed that Rs4.6 billion has been disbursed to the Design and Build Contractor Larsen and Toubro Ltd, as at 30 September 2018, representing the mobilisation fee and payments effected based on the progress of works.

Madam Speaker, the implementation of the Metro Express Project is on track. Close monitoring is being ensured so as to have the Light Rail System operational, as planned, in September 2019 for the first phase of the project from Rose Hill to Port Louis.

Madam Speaker: Hon. Ameer Meea!

Mr Ameer Meea: Madam Speaker, in relation to works undertaken by the CWA and CEB, for example, the routing of electrical cables underground, like it is being done in Vandermesh, is this sum also included in the Rs4.6 billion that the hon. Minister just gave to the House?

Mr Bodha: The shifting of the utilities and the replacement of the utilities has a budget of Rs450 m. and is included in the Rs18.8 billion. So, the payment of Rs4.6 billion will include the shifting and displacement of the utilities.

Mr Ameer Meea: The hon. Minister mentioned Singapore Cooperation Enterprise in his answer. Can I ask the hon. Minister whether the report which was prepared by SCE to the Government of Mauritius in order to assess the impacts of the Metro Express on the bus system been finalised and given to Government?

Mr Bodha: The report is being finalised and, in fact, will go to Cabinet and that report, the documents, will help us to have all the discussions with the national bus companies.

Mr Ameer Meea: This report is in relation to jobs related to the Metro Express Project. But do we have an idea of how many jobs will be made redundant in the bus industry, so that they can be redeployed in the Metro Express Project?

Mr Bodha: The objective, Madam Speaker, is that there be no redundancy on the bus routes and for the bus companies. We are working on that. As regards the Metro express, we will need about 140 skilled workers, some drivers and some other people to work on the

Metro. This is what the SMRT is going to work upon for the recruitment of those 140 skilled workers and priority will be given to the workers from the bus transport industry.

Madam Speaker: Hon. Baloomoody!

Mr Baloomoody: Thank you, Madam Speaker. The hon. Minister just mentioned that the diversion at Richelieu is completed or is underway. May I know from the hon. Minister whether certain graves at the St. Georges Cemetery will be displaced due to the Metro Express Project?

Mr Bodha: I have had meetings with the RDA and the TRMSU. We are not envisaging that possibility.

Madam Speaker: Hon. Bhagwan!

Mr Bhagwan: Since we are talking about the implementation, the Minister has given 43%. Since we have had no public document concerning the EIA and the different proposals made by the Singaporeans concerning the necessary precautions to be taken by the contractor, is the hon. Minister aware about the quality of works, the time schedule of work along Nelson Mandela Street at Cité Barkly because this is causing a lot of hardship and anxiety to the inhabitants? Also the lower Beau Bassin near the Roundabout of Beau Bassin, the diversion where we have Philippe Rivalland R.C.A School, is the hon. Minister aware of the difficulties facing the inhabitants? We have no quarrel that there is a big project, but the scheme set up by the RDA, the implementation by the responsible authorities are not working to the satisfaction of the inhabitants.

Madam Speaker: Hon. Bhagwan, your question is excessively long. Please, be concise in the question that you want to ask.

Mr Bhagwan: I said it publicly for the inhabitants, without being negative, it is not Metro Express, it is stress express. Is the hon. Minister agreeable to have site visits with the inhabitants concerned - not politicians and so on - and see *de visu* what is happening? He should go there even at night, at midnight and see with his own eyes what is happening at lower Beau Bassin and Cité Barkly?

Madam Speaker: Hon. Bhagwan, I will have to stop you because your question is too long.

Mr Bodha: I understand that Cité Barkly is a very sensitive place and the works are really causing a number of hassles. This is true. If the measures which we have taken are not

sufficient, I am going personally to look into the matter with the people because I have been in contact with some of the *Force Vive* of Barkly, the priest and some of the other community leaders. If any additional measures have to be taken, we have to, because I know that the roundabout of Beau Bassin is a very sensitive area and the Barkly region is going to be a very sensitive area.

But I would like to enlighten my colleague that we have requested two Town Planners to, in fact, develop a Master Plan for the extension of Barkly so that Barkly is no longer be a *cul-de-sac*, but an extension of the city of Beau Bassin towards Richelieu.

Madam Speaker: Next question, hon. Ameer Meea!

**SUPER CASH BACK GOLD & BRAMER ASSET MANAGEMENT POLICY
HOLDERS - REPAYMENT**

(No. B/837) Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East) asked the Minister of Financial Services and Good Governance whether, in regard to the Super Cash Back Gold and Bramer Asset Management Policy Holders of the former BAI Co. (Mtius) Ltd., he will, for the benefit of the House, obtain from the National Property Fund Ltd., information as to –

- (a) the number of policy holders who have not yet been fully repaid, indicating the reasons therefor;
- (b) the assets of the former BAI Group realised since May 2018 to date, indicating the proceeds thereof, and
- (c) if the loans secured therefrom have been repaid and, if so, when and, if not, why not.

Mr Sesungkur: Madam Speaker, in my reply to Parliamentary Question B/26 on 27 March 2018, I highlighted that as a people Government, we have saved so many families from disaster and avoided a systemic crash of our financial system. I wish to reiterate Government's commitment to fully address the concerns of the Super Cash Back Gold policyholders and the Bramer Asset Management Ltd investors.

Madam Speaker, with regard to part (a) of the question, I am informed that 57 individual Super Cash Back Gold policyholders and 18 individual Bramer Asset Management Ltd investors, have not turned up to complete formalities for disbursement of funds.

As at date, the NPFL has already repaid 4,976 Super Cash Back Gold policyholders for an amount of Rs5,076,117,974, representing 99% of the policyholders. The applications of two policyholders who have completed their formalities are currently under process and will be repaid shortly.

Madam Speaker, as regards Bramer Asset Management Ltd, out of 320 investors, 302 have turned up to complete their settlement repayment formalities. Out of these, 300 have already been paid a total amount of Rs877,356,190, representing 94% of the total investors. The remaining 2 investors, I am informed, will be paid in due course as their applications are currently being processed.

As far as entities are concerned, 17 out of 132 did not turn up for formalities. Out of the remaining 115 entities, 113 have been repaid for a total amount of Rs298,031,689, representing 86% of the total entities. The remaining two entities will be paid once their formalities are completed.

With regard to part (b) of the question, I am informed that since May 2018 to date, no disposal of assets of the former BAI has been carried out by the NPFL. I am further informed that the NPFL is currently completing an exercise for the evaluation of all assets prior to initiating any further action.

Madam Speaker, with regard to part (c) of the question, I am informed that the repayment dates of the loans secured have not yet been reached. However, as I mentioned in my reply to PQ B/26, the terms and conditions under which these loans have been made available to the NPFL are privy to the contractual parties.

Madam Speaker: Hon. Ameer Meea, since time is over, I will give you some few additional minutes, but can I ask you to be very concise in your questions and so applies for the Minister.

Mr Ameer Meea: Thank you, Madam Speaker. Since the hon. Minister referred to PQ B/26 on March 2018 whereby he mentioned at that time that one Super Cash Back Gold Policy Holder as well as one investor of Bramer Asset Management Ltd have not submitted the required information and will be refunded once all documents are completed; can I refer the hon. Minister to this answer he gave in March whether this one investor has already submitted his documents and whether he has been repaid?

Mr Sesungkur: I do not have all the details with me, but I can provide the information if the hon. Member will come up with a specific question.

Madam Speaker: The Table has been advised that the following PQs have been withdrawn: B/853, B/854, B/855, B/856, B/849, B/851, B/842, B/843, B/844, B/845, B/865, B/867 and B/868. Time is over!

MOTION

SUSPENSION OF S.O. 10(2)

The Deputy Prime Minister: Madam Speaker, I beg to move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

Mr Gayan rose and seconded.

Question put and agreed to.

STATEMENT BY MINISTER

YOUTH OLYMPIC GAMES 2018 – MAURITIAN ATHLETES

The Minister of Youth and Sports (Mr S. Toussaint): Madam Speaker, the 2018 Youth Olympic Games are being held in Buenos Aires, Argentina. Mauritius is represented by a delegation of 24 athletes competing in six disciplines.

I have the pleasure to inform the House that Terence Saramandif has won the gold medal in Canoe race (slalom), beating the representative of Spain in the semi-finals and the representative of New Zealand in the final.

Another young Mauritian, who has excelled in Argentina, is Miss Margaux Koenig who has won the bronze medal in team event of horse riding as part of the team Africa.

Thank you, Madam Speaker.

PUBLIC BILLS

First Reading

On motion made and seconded, the following Bills were read a first time –

- (a) *The Acquisitive Prescription Bill (No. XII of 2018)*
- (b) *The Code Civil Mauricien (Amendment) Bill (No. XIII of 2018)*

Second Reading

THE ACQUISITIVE PRESCRIPTION BILL

(NO. XII OF 2018)

Order for Second Reading read.

The Attorney General, Minister of Justice, Human Rights and Institutional Reforms (Mr M. Gobin): Madam Speaker, I move that the Acquisitive Prescription Bill (No. XII of 2018) be read a second time. Madam Speaker, it is indeed a great honour and privilege for me to introduce on behalf of Government, this Bill to the House today.

It is a short but important piece of legislation which will repeal the Affidavits of Prescription Act and the Affidavits of Prescription (Suspension of Certain Provisions) Act and the Bill provides for a new and more appropriate legislative framework with better safeguards regarding acquisitive prescription.

Madam Speaker, Members of the House will recall that pursuant to the Affidavits of Prescription (Suspension of Certain Provisions) Act, Sections 3, 4 and 6 to 9 and the Schedules to the Affidavits of Prescription Act were suspended so that no application for the transcription of an affidavit of prescription could be made to the Conservator of Mortgages. It is important to recall that this suspension was made at the request of the Commission of Inquiry on Prescription for two reasons –

- (1) due to considerable increase in the number of applications for prescription in daily newspapers since its setting up, and
- (2) in order to protect the public against possible fraudulent prescriptions pending its recommendations and any amendment to the law.

Madam Speaker, I wish to inform the House that following the recommendations of the Commission of Inquiry on Prescription, my Office had requested the Law Reform Commission to come up with appropriate amendments to the prescription process. The Law Reform Commission held consultations on the issue and submitted an Opinion Paper on Reform of the Law on Acquisitive Prescription to my Office on 28 March 2018.

Madam Speaker, I also wish to inform the House that the Bill was circulated to law practitioners for views and comments. Some views have been received in reply thereto. This Bill has been drafted after giving due consideration to the opinion paper of the Law Reform Commission, of the views and instructions of the Ministry of Housing and Lands, and the comments received from law practitioners.

Madam Speaker, I wish to inform the House, at the outset, that I will come with a few technical amendments at Committee Stage to clarify certain provisions, which I will explain in the course of my speech.

I shall now address the main provisions of the Bill. In giving effect to the views expressed by the Ministry of Housing and Lands, with which the Law Reform Commission agreed, clause 3 of the Bill provides that where the occupier of an immovable property wishes to claim ownership of the immovable property by way of acquisitive prescription, he shall request a notary to draw up a deed of prescription on the submission of the following information and documents -

- (a) an affidavit sworn by the occupier -
 - (i) specifying the number of years during which he has occupied the immovable property, and
 - (ii) that he agrees with the contents of the affidavits of the two witnesses referred to in paragraph (e);
- (b) one memorandum of survey drawn up, in accordance with the Cadastral Survey Act, by one land surveyor, setting out the location, description and exact boundaries of the immovable property.

I pause here to remark that I will come with a Committee Stage amendment requiring that it will be sufficient for one memorandum of survey by one land surveyor instead of two.

- (c) an affidavit of the land surveyor referred to in paragraph (b) regarding the contents of the memorandum of survey;
- (d) the Partial Identification Number in respect of the immovable property;

This is an innovative part.

- (e) two affidavits of two witnesses who are not less than 48 years of age and reside or occupy, or who has resided or occupied, a plot of land in the vicinity of the immovable property, confirming that the occupier has occupied the immovable property for at least 30 years;
- (f) the occupier's recent passport size photograph and National Identity Card;
- (g) the recent passport size photograph and National Identity Card of each of the witnesses referred to in paragraph (e), and
- (h) a utility bill in the name of each of the witnesses referred to in paragraph (e), issued not more than two months before the date on which the request is made to the notary, as proof of address.

These measure in itself show that we are providing for better safeguards in the acquisitive prescription process.

Madam Speaker, clause 4 of the Bill places an obligation on any notary drawing up a deed of prescription to display a notice, in the prescribed form, on the immovable property forming the subject matter of the acquisitive prescription for a period of three months and provides that no notary shall cause any deed of prescription to be transcribed before the expiry of that period.

In the previous regime, acquisitive prescription process was being handled without any notice on the property itself. This is being made now mandatory.

This clause also requires the notary to publish the said notice in the Gazette, in two daily newspapers having wide circulation in Mauritius and on the website of the Ministry of Housing.

Clause 5 of the Bill provides that an owner who has an interest in the whole or part of the immovable property in respect of which a deed of prescription has been drawn up, may, in his capacity as objector, within three months from the date of display of the notice, object to the transcription of the deed of prescription by serving a notice of objection on the notary and on the occupier, by setting out the grounds of his objection. This shall constitute a bar on the transcription of the deed of prescription until the objection is withdrawn or disposed of before the Judge in Chambers or competent court.

Madam Speaker, as recommended by the Law Reform Commission, clause 6 of the Bill provides that an occupier of an immovable property who has been served with a notice of objection may apply to a Judge in Chambers, within three months of the date of service on the notary, for an order setting aside the objection.

Where the Judge in Chambers considers that the ground of objection is frivolous and unjustified, he shall make an order setting aside the objection. Otherwise, the Judge in Chambers shall refer the parties to the competent court.

Madam Speaker, clause 7 of the Bill provides that no deed of prescription of an immovable property in respect of which a notice of objection is served on the notary shall be transcribed unless -

- the objection is withdrawn by notice served on the notary; or

- the notary is in presence of an order of a Judge in Chambers setting aside the objection or of a certified copy of the judgment of a competent court deciding the issue against the objector.

Clause 8, Madam Speaker, sets out a comprehensive procedure for the transcription of a deed of prescription.

I will come with a Committee Stage amendment to clause 8(1) so as to provide that at the time of the transcription of the deed of prescription by the Conservator, it should be accompanied by a number of documents, namely -

- copies of the issue of the Gazette and newspapers containing the notices referred to in clause 4(1) (a), and

And this is the Committee Stage amendment that I am bringing during Committee Stage -

- the open market value of the immovable property as certified by a valuer designated by the Registrar General.

The open market value will be defined in section 2, a definition section of the Bill, and the definition is the same as in the Land (Duties and Taxes) Act.

Madam Speaker, clause 10 of the Bill provides that no deed, whether authentic or under private signatures, witnessing the sale or transfer of, or the constitution of any privilege, mortgage or servitude or right of use over, an immovable property the title to which has been derived from acquisition by prescription witnessed by a deed of prescription, shall be valid unless the deed is transcribed, and a reference to the particulars of such transcription is endorsed on the deed. This provides still more safeguards for further transfers of property on a property initially acquired by way of prescription.

Under clause 11 of the Bill, the transcription of a deed of prescription shall not confer on any party any rights on any immovable property which, but for the Acquisitive Prescription Act, that party would not have possessed.

Under clause 12 of the Bill, it is a criminal offence if anyone were to unlawfully remove, deface, destroy or tamper with a notice displayed on an immovable property which is subject matter of the acquisitive prescription process.

Under clause 13 of the Bill, Madam Speaker, the Minister of Housing and Lands is empowered to make such regulations for the purposes of this Bill, including regulations that

will make an immovable property belonging to a religious body imprescriptible. This was an express recommendation by the Law Reform Commission.

Indeed, Madam Speaker, the Affidavits of Prescription Act and the Affidavits of Prescription Act (Suspension of Certain Provisions) Act will be repealed.

Finally, under clause 15, Madam Speaker, consequential amendments are being brought to the Cadastral Survey Act, the Code Civil Mauricien, the Registration and the Transcription of Deeds and Inscription of Mortgages, Privileges and Charges (Rodrigues) Act.

I have to inform the House that Articles 2263 and 2264 of the Code Civil Mauricien are being amended, and I will explain why.

Article 2263 actually reads as follows -

« Celui qui acquiert de bonne foi et par juste titre un immeuble, en prescrit la propriété par dix ans, si le véritable propriétaire habite à Maurice et par vingt ans, s'il est domicilié hors de Maurice. »

It was the view of the Law Reform Commission, with which we agree, that the need for a distinction between a "*délai*" for those residing in Mauritius and for those residing abroad does not arise and that this "*délai*" be brought to 10 years as regards *les "délais de prescription"*. It was considered that in a modern society where the extent of technological progress is well established, it is not necessary to provide for a longer delay for the benefit of the owner, who no longer lives in the jurisdiction where the immovable property is located. Consequently, Article 2263 is being accordingly amended and Article 2264 is being repealed purely and simply.

Madam Speaker, the House will agree that this Bill not only improves the legislative framework relating to the process of claiming ownership upon immovable property by way of acquisitive prescription in our country, but it will also surely increase public confidence, clarity and transparency in the way our system of acquisitive prescription will operate in the future, as a result of the well-defined procedures and safeguards provided for in this Bill.

Madam Speaker, on this side of the House, we are of the view that this Bill will bring some important and much needed changes with our present system of acquisitive prescription.

With these words, Madam Speaker, I commend the Bill to the House.

Mr Gayan rose and seconded.

(4.42 p.m.)

Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière): Merci, Madame la présidente. Madame la présidente, ce projet de loi qui est proposé a de quoi nous interpeller. Il n'est plus à prouver que les prescriptions de terre est un des moyens les plus mafieux pour les malhonnêtes de voler les terres des malheureux.

S'il nous faut une preuve sans équivoque, je citerai le rapport *Truth and Justice Commission* qui avait recommandé au gouvernement d'alors de bannir la loi sur la prescription, car trop de familles ont été dépouillées de leurs biens par ce système. On se rappellera aussi le cas de Deelchand Chetty. Avec cette recommandation, le gouvernement de l'époque avait mis cette loi au tiroir, tout comme la peine de mort en passant. Nous étions en droit d'espérer qu'elle allait enfin être bannie. Mais ce supposément gouvernement pour le peuple *fer enn zoli kado Noel ek l'année à la mafia de la terre*. Tout comme en 2016, presque à la même époque, le 22 décembre 2016, il y a eu un débat. Ce même gouvernement sanguinaire avait offert en cadeau aux barons sucriers une loi intitulée *Sugar Industry Efficiency Act*, présentée le 24 décembre, et promulguée le 01 janvier, à l'heure des fêtes et personne ne s'en souciait.

Cette loi exécrable donne le droit aux barons sucriers, sur la section 12 du *Land Surveyor Act* de transférer des terrains qui leur sont annexés illégalement pour faire des projets qui vont leur rapporter des milliards alors que les vrais propriétaires sont laissés dans la pauvreté absolue, sans même *enn lakaz cité*. Maintenant, ceux qui sont censés...

Madam Speaker: Hon. Lepoigneur, I am sorry to stop you. But is that related to this Bill? Is it prescription? Did the *barons sucriers* prescribe the land? So, could you please elaborate on this? Please, elaborate!

Mr Lepoigneur: Pour faire des projets qui vont leur rapporter des milliards alors que les vrais propriétaires sont laissés dans la pauvreté sans même *enn lakaz cité*. Maintenant ceux qui sont censés nous diriger proposent, en grande pompe, un *opinion paper* sur la mise en place d'un *Dispute Settlement Tribunal* qui est censé faire la lumière sur les terrains volés, mais en même temps, vient de l'avant avec cette proposition de loi, *Acquisitive Prescription*, pour permettre à tous les petits copains, voleurs et mafieux d'en...

(Interruptions)

Madam Speaker: No, no! Hon. Lepoigneur, no! You have specifically the object of the Bill; you have all the clauses of the Bill which had been described earlier by the hon. Minister. I will kindly request you to go according to the Bill which is in front of us and not to elaborate on other things which are not directly related to the Bill.

Mr Lepoigneur: Les litiges que je trouve ne sont pas mentionnés dans ce projet de loi. Parallèlement, combien de terre une personne peut prescrire ? Aucune limite n'est proposée dans ce projet de loi. D'après l'article 8 (v), même les compagnies peuvent prescrire des *immovable properties*. Sur quels critères vont-ils le faire ? Que va-t-il se passer pour les propriétaires qui ne sont pas à l'île Maurice pour faire objection alors que quelqu'un est en train de prescrire son bien ? Ce serait souhaitable de se servir du *Social Media* ou même de créer un site qui pourrait être consultés à travers le monde.

Je trouve aussi insuffisant les trois mois prévus pour une prescription, qui à mon avis, devrait être six mois, voire un an.

Je sais que ce projet de loi vient aider à résoudre le problème des terrains qui sont à l'abandon, comme on dit des 'terrains vagues', mais il faut que ce ne soit pas au détriment des personnes vulnérables. Vu que maintenant c'est mentionné que les prescriptions ne seront pas uniquement sur les terrains mais aussi sur les *immovable properties*, le mal intentionné peut aussi prescrire des maisons, des bâtiments, ce qui mettra en danger les propriétaires qui ne sont pas à l'île Maurice. Si toutefois il y a objection sur une prescription, pourquoi est-ce que c'est un juge en chambre qui décide si l'objection est valable ou pas ? Pourquoi ne pas donner l'occasion à celui que l'on déclare propriétaire, de l'objection de défendre le cas devant une cour de justice ? Nous savons très bien qu'il y a beaucoup de cas de faux d'affidavits qui ont été jurés par des faux témoignages, qui ont été payés par les prescripteurs afin de voler les terres des démunis, qui bien souvent ne connaissent pas leurs droits.

Actuellement, il y a beaucoup de cas en cour qui sont en attente d'un jugement et d'autres sont en train d'être débattus. Est-ce qu'un *survey* a été fait afin de connaître le nombre de cas en cour ? Je vais même citer un exemple. Il y a eu un cas en cour contre un des ministres de ce gouvernement, en l'occurrence, l'honorable Roopun, qui est avoué et son frère qui est notaire. Je sais de quoi je parle.

(Interruptions)

Je dispose...

Madam Speaker: No, no! Hon. Lepoigneur, can I talk to you? I believe, in my own judgement, that you have made a very serious allegation and if you made an allegation, you should be able to substantiate it. So, could you please substantiate the allegation that you have made?

Mr Lepoigneur: Je dépose les documents qui prouvent ce que je suis en train de dire est vrai. Alors, pourquoi cette empressement de faire voter cette loi en un jour ? Pourquoi ne pas reporter le *Seconding Reading* afin qu'il y ait un débat plus élargi pour trouver des solutions, pour plus de protection contre les personnes de mauvaise foi qui risquent de se servir de cette loi pour déposséder les démunis de leurs biens? Pourquoi ne pas venir avec ce système d'avertissement pour informer les propriétaires légitimes qu'il y a une demande de prescription sur leurs biens ? Je pense aussi, Madame la présidente, qu'il faut mettre des paramètres en place pour que les notaires véreux n'enregistrent pas des prescriptions uniquement sur les dires, où il y a double vérification sur les prétendues occupations de 30 ans, et sous les prétendues déclarations.

Nous savons tous que dans beaucoup de cas, beaucoup de personnes vulnérables ont été victimes de cette loi. Madame la présidente, quand il s'agit des terres de l'état qui ont été occupés par les squatteurs pendant plus de 30 ans, auront-ils le droit de prescrire ces mêmes terrains ? J'espère que dans le *summing-up* du ministre on aura la réponse.

Madame la présidente, pour des raisons que j'ai mentionnées, je demande que cette Assemblée refuse de voter cette loi telle qu'elle nous est présentée aujourd'hui. Refusons de devenir des complices de tel crime contre les pauvres de notre pays ! Ayons un sursaut d'humanité pour faire échec au despotisme et à la manipulation de nos lois ! Pourquoi cet empressement ? Pourquoi ne pas permettre un vrai débat sur un sujet si controversé ? Nous sommes en droit de douter de la bonne foi de ce gouvernement qui veut que cette loi passe absolument aujourd'hui, alors que la Commission *Truth and Justice* avait demandé que la prescription soit abolie.

Merci, Madame la présidente.

Madam Speaker: Hon. Gayan!

(4.50 p.m.)

The Minister of Tourism (Mr A. Gayan): Madam Speaker, I thank you for giving me the floor. In fact, I was trying to listen to the hon. Member who just spoke before me and I was a bit lost about what was the purpose of his intervention.

This is a Bill on acquisitive prescription. It is very clear that the hon. Member totally missed the point about acquisitive prescription. He went on a tangent on *Commission Justice et Vérité*, which has nothing to do with this Bill. That is a different issue. And this is why I believe, Madam Speaker, for the enlightenment of the public that is watching this debate and also for Members of this House that I explain very briefly what it is that we mean by acquisitive prescription, why do we need a new Bill with regard to acquisitive prescription and why do we need to repeal the previous laws on acquisitive prescription.

Madam Speaker, property in Mauritius is governed by the *Code Civil*. We also have the Constitution that guarantees property rights for any individual. We all know that *le Code Civil* provides for prescriptive acquisition of property. There are procedures and the law of 1958, which dealt with this issue, had so many weaknesses and it was abused. The then Government suspended some of the provisions of that law and this is why we now have a new Bill before this House. But let us see what you need in order to be able to prescribe an immovable property. Article 2229 of the *Code Civil* provides, and I quote -

« *Pour pouvoir prescrire, il faut une possession continue et non interrompue, paisible, publique, non équivoque et à titre de propriétaire.* »

I think it is very good that I repeat this so that people understand what we are talking about. For any prescription to be valid, it has to be consonant with the provisions of Article 2229 of the *Code Civil* and it has to be *une possession continue, non-interrompue, paisible, publique, non-équivoque et à titre de propriétaire*. And there must also be *un caractère apparent, manifeste par des signes matériels tels que la construction* and there must be visible signs of occupation, otherwise it cannot be acquisitive prescription. In order to be able to prescribe, let us say that a person has been in occupation and he passes away, the one who comes after him, *l'enfant*, whoever, can add to the possession of the person who passed away his own possession so that *il peut joindre la possession à celle de son auteur*.

These are the principles which govern acquisitive prescription. And it is on the basis of this that anybody can swear an affidavit to say that he has been in occupation. But it is also important, Madam Speaker, to understand that when you own property, you have a responsibility in looking after that property. We are talking of an occupation of 30 years. If for 30 years, somebody who claims to be the owner has done nothing regarding that property and someone else has been in occupation, and if he satisfies all the conditions that I have mentioned, then, of course, he can claim to have acquired the property by prescription.

Now, the principles of the *Code Civil* are very clear. You must satisfy all these conditions before you are eligible to claim property under acquisitive prescription. But then, Madam Speaker, the problem is that we had the *Code Civil*, then, we had the Acquisitive Prescription Act of 1958. Unfortunately, that law was abused and there were lots of fraudulent practices and this is why lots of people claim to have been dispossessed as a result of acquisitive prescription when they should not have been dispossessed.

Let us see why a person who claims to be the owner of a property, why should he not look after his property. There is a lot of jurisprudence on this and the jurisprudence says that

—

“If a person who is the owner by title of a property and he does not look after his property, it amounts to *négligence grave* and he can lose title to his property by somebody who has been in occupation.”

Madam Speaker, we are in Mauritius and there have been lots of cases, which have been identified by the Commission of Enquiry chaired by Mrs Hamuth-Laulloo on this issue.

(Interruptions)

Hamuth-Laulloo.

(Interruptions)

There is a report!

(Interruptions)

Yes, but...

(Interruptions)

Madam Speaker: Can I ask you not to crosstalk once again. I have drawn attention to the fact that there should be no crosstalking and I see that hon. Members continue to do so.

(Interruptions)

Mr Baloomoody: Madam Speaker, on a point of clarification. The hon. Minister is making reference to a report, which has not been made public and which has not been communicated to Members of this Parliament. Although ...

Madam Speaker: Hon. Baloomoody, please resume your seat!

(Interruptions)

Please resume your seat!

In this House, there are procedures. If you have got a point of order, you stand up and make your point.

(Interruptions)

No, you made it after drawing the attention. But there are procedures and if you have got a point of personal explanation or a point of order, well, you stand up and you make your point.

Mr Baloomoody: Yes, on a point of order now. The hon. Minister is making reference to a report which has been kept secret from Members of this Parliament and members of the public. So, now that he is making reference to that report, will he kindly produce the report to the Parliament? He is making reference to that report.

Madam Speaker: Hon. Baloomoody, this is not a point of order. I am sorry, you will have ample opportunity when you intervene to refute the arguments of the hon. Minister.

Mr Gayan: Madam Speaker, I am referring to a Cabinet decision of 11 May 2012, not this Government. When I look at that Cabinet decision, this is what it says –

“Cabinet has agreed to the setting up of a Commission of Inquiry on Prescription with Mrs Shameem Banon Hamuth-Laulloo, President, Intermediate Court (Civil Side), as Chairperson. She will have as assessors Mr Hervé Lassémillante and Mr Rajesh Unuth.

The Terms of Reference of the Commission are to –

- (a) inquire and report on whether the system of acquisitive prescription –
 - (i) gives rise or has given rise to any malpractice or wrongdoing;
 - (ii) causes or has caused undue hardship or prejudice to the public;
 and
- (b) report on such changes, including statutory amendments, as may be necessary to better safeguard the interest of the public at large.”

This is the basis of my saying that there was a report and that was not this Government, it was the previous Government. The report was sent to the previous Government and the law that is being presented is in order to address all the malpractices that were present with regard to acquisitive prescription.

Madam Speaker, I have been in practice for a long time and there are lots of Barristers and other Attorneys here in this House and even Notaries. We know there is the Cathedral Church. There were people there, sitting all day, waiting for somebody to come to them so that they could swear an affidavit of prescription on behalf of someone. Lots of them! We knew that Arcade Bahemia was known for being the place where all these people used to sit. There were lots of cases before the Supreme Court where there have been challenges to affidavits of prescription. Very often, the judgements say that all these witnesses for affidavits are *témoins de complaisance*. They were just sitting there, they were paid a certain amount of money and then they just went to Court and swore an affidavit and that became the basis for a claim to acquisitive prescription.

Very often also the people who were bent on causing fraudulent practices, they identified the witnesses who are elderly so that whenever there was a challenge in Court, the witnesses were no longer alive. That also was happening. So, there were lots of abuses because the process under the 1958 Act was so simple. It was not intended to be simple, but the ingenuity of the Mauritian fraudster was such that they could get along and divert the whole process of that law. That was the basis why this particular Bill has come to Court.

You know, Madam Speaker, in the old law - the 1958 law - there were also provisions for publications and newspapers in two dailies. You know what people used to do? They used to have the publication in the Chinese Newspaper. That also was happening. But then they were complying with the law, but now it has to be a wide circulation but before that was what was happening and the law was great if it had been applied in the spirit in which it was enacted. But not everybody reads these newspapers, not everybody buys these newspapers and not everybody understands what is in legal jargon. So, this is why the system had to be changed and what is also important, Madam Speaker, it is from records in the Supreme Court. That Commission of Inquiry was set up, in between the setting up of that Commission of Inquiry and the enactment of the Affidavits of Prescription Act and the Affidavits of Prescription Act (Suspension of Certain Provisions) Act which was mentioned by the hon. Attorney General, there was a rush in the Supreme Court for people to file affidavits of prescription because they wanted to meet the deadline. That was what was happening. And this is why the then Government came with this Suspension of Certain Provisions Act. And since then that was part - I think in 2012 or 2013, but anyway. The point is that Mauritians knew about all the weaknesses in the law and they made an abuse and they tried when this Commission of Inquiry was set up, they tried to be ahead of the report by

filing all sorts of Affidavits of Prescription so that they could claim to have acquired the property by acquisition.

You know, Madam Speaker, there have been cases in Mauritius, somebody living abroad coming on vacation to Mauritius, identified an unoccupied plot of land. He goes and swears an affidavit. He says: I have been in occupation of that land. He goes away but then he has to wait for three months because the notice has to be for three months after the publication. He comes back after three months, there has been no objection and he acquires the property. He sells it and goes away. This was the kind of abuse that was happening.

And this is not the end, Madam Speaker. There are some Mauritians who have become experts in identifying property for acquisitive prescription. They identify the property and sometimes they have the land surveyed with the complicity of some Sworn Land Surveyors as well. When the land is being surveyed, notice has to be given to neighbours and then they come with their thugs and they frighten everybody away so that this survey is there. Something had to be done. So, there is this Mauritian who is an expert; he goes around with his thugs, identifies the property, acquires it by prescription; no one would dare to object and then he goes and gives that property as security for a loan in a bank.

Of course, that is not good security, but this is what was happening and this is why I believe that this particular law, this Bill that we have is very important to safeguard the interests of those who genuinely have been in occupation. There are people like this. And we also need to look at those cases where people have been in occupation and they need to be protected as well – 30 years we are talking about, if you have been in occupation for 30 years *d'une manière paisible, (...) non-équivoque, exercée à titre de propriétaire*. Then you are entitled to claim acquisitive prescription. Now hon. Lepoigneur was talking about the Sugar Barons and all this but this is not the story. We are talking of a system. We are a country which prides itself as having the rule of law. If you have a claim, there are ways of challenging whatever claim you have. But just to come here and do cheap politics, talking of the sugar barons that is not the issue. Everybody, even the people of Indian origin can claim all sorts of injustices that have been done to them in the past.

But we should look to the future and not live in the past. Let us look at what we can do together to build a better and more prosperous country and not to have back to what happen in past and think that injustices of the past need to be remedy today. That is not the spirit in which we have brought this law. This is why, Madam Speaker, I believe that playing

politics on the law, the law has been there all the time. If somebody had been in occupation, there were ways of challenging then. Of course, people will come with all sorts of things to say that the sugar barons took our land we are not able to do something or whatever.

But the problem is: we cannot modernise a country without certainty and predictability of law. There must be those two elements. No investor will come to a country unless there is certainty of the law. And we are proud to have Mauritius as a jurisdiction where we have the independence of the judiciary; we have the rule of law; we have the predictability of law. Everybody is treated impartially by the Court. This is what makes Mauritius, what Mauritius is. Now, if we are going to play politics with that system of law then we are asking for trouble and I think it is unpatriotic on the part of anybody especially in this House to come and use this kind of language.

Madam Speaker, of course, there are other things that we need to say in order to prevent abuse. There have been abuses in the past and there are judgements of the Supreme Court on this. People use to come and get others to swear an affidavit to say that X has been in occupation for so many years. They backdated the occupation. That also was happening and there was no way of challenging because we have no authority in Mauritius that can say: Yes, X has been in occupation of this plot of land for so long. We don't have any authority that can do that so you have to rely on witnesses. This why, Madam Speaker, the new provisions of the law are very important.

They are more cumbersome than what obtained in the past, but if we want to have safeguards and we want to safeguard the interests of the public, there will be a need to have a system that is, as far as possible, full proof. The new requirement for any deed of acquisitive prescription before a notary is very important. Notaries are capable of giving to a deed *l'authenticité* and there are obligations imposed on notaries in this law. They are important obligations. In the past, somebody could simply swear an affidavit, have a publication in the newspapers and that was the end of the story unless there was an objection before the Judge in Chambers or before the competent Court.

Today, after the affidavit, there has to be a notice on the property itself. This is very important because it gives visibility to any person that this property is going to be prescribed. This is the information that has to be on the notice and if anybody has any interest to challenge that, of course he will know how to challenge and where to challenge. That was not

in the law before and had that been in the law before we would not have had so many cases of malpractices unfortunately.

Madam Speaker, the hon. Member who spoke before me totally missed the point. He didn't know what we were talking about. Let me say, Madam Speaker, that Clause 3 of the Bill imposes on the notary certain obligations. And these obligations are very important because he will not be able to draw a deed unless all these conditions are met, and for the first time we will have two memoranda of survey.

(Interruptions)

So, there will be also affidavits of two witnesses of not less than 48 years of age. Of course, 48 years of age because you need to say that the person has been in occupation for thirty years. I think there is a logic behind this. The proof of address is also very important because in the past it was anybody who could simply go and swear an affidavit.

Madam Speaker, but what is more important is that the public will know, at any point in time, that a property is being prescribed. The new Bill also provides for publication in the Gazette. I don't know how many people read the Gazette, but at least, in the newspapers, the newspapers have to have wide circulation and this is also part of the documents that will have to be produced to the Notary before something happens.

Madam Speaker, the Judge in Chambers also has his powers. The other parts of the Bill have been dealt with by the hon. Attorney General, but let me say that it is important to have this Bill because it gives comfort to all those who would like to, at least, acquire a property which has been acquired itself by acquisitive prescription. It gives certain comfort to everybody, but it is important also to bear in mind that the code civil will remain the code civil. It will have to be looked at in the light of what our Jurisprudence has been providing all the time, but it is also important, Madam Speaker, that when it comes to property, property in Mauritius is an emotional, cultural thing. Everybody wants to own a plot of land and it is very important that anybody who owns a plot of land knows that this land has been acquired in accordance with the law and if it is a land acquired as a result of acquisitive prescription, He will have, at least, a certainty that this plot will not be challenged by any other party.

Madam Speaker, I am happy that this Bill has come to this House because it gives more protection to all those who wish to be owners of property. I thank you.

Madam Speaker: I suspend the sitting for half an hour.

At 5.13 p.m., the sitting was suspended.

On resuming at 6.02 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Members, in the course of his intervention on the Bill, hon. Lepoigneur mentioned two cases entered before the Supreme Court. The documents which hon. Lepoigneur purported to table are only part of the pleadings, that is, we have only the version of the plaintiffs as averred in the amended plaint with summons and the averments need to be proved and tested before a Court of Law.

Moreover, we have not been provided with the defence of the defendants, and co-defendant. In the light of the above, the said documents being incomplete and since the House is not aware as to where matters stand following the lodging of the amended plaint with the summons, I rule that the said documents cannot be tabled.

Hon. Baloomoody!

(6.02 p.m.)

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you Madam Speaker.

Madam Speaker, we are dealing with a Bill which is, in fact, a very sensitive Bill, because when it comes to lands in Mauritius especially, it is a sensitive issue. We know how many cases there are in Court. For only one metre, for half a metre of encroachment, there are so many cases lying in court, be it before the Intermediate Court or before the Supreme Court. In certain cases there has been even violence used when it comes to a small portion of land.

So, it is a very important Bill, and the object of which is supposed to provide for a new and more appropriate legislation framework with better safeguards regarding acquisitive prescription. The question is whether this Bill provides for better safeguard. Is it a Bill which provides for a better safeguard and which does not allow for abuse, as we have seen under the Truth and Justice Commission.

Madam Speaker, as you are aware, in fact, there are three main ways one can acquire a plot of land. Another one purchases it or one inherits it or one prescribes a portion of land and becomes the owner of a portion of land, and this by way of prescription under our Civil Code. It requires the use of the land to have been open continuously exclusive as if he was the owner, consistent with the rights of an owner for a period of, at least, 30 years. Here, we

are talking of an important issue. We are talking of a plot of land not belonging to the one who is going to acquire it. So, one is taking a stranger's land. Once he satisfies the requirement of what the Code Civil says, 30 years of occupation without interruption *au vu et au su de tout le monde, etc., à titre de propriétaire*, there is a certain procedure. So, one is taking a plot of land not belonging to him and he will acquire a title deed and become the owner of that plot of land once he satisfies the procedure laid out in this Act.

Madam Speaker, there was the Truth and Justice Commission. In that Commission, they found many abuses, not only by professional fake witnesses who are found, like hon. Gayan said, at Arcade Bahemia or at the entrance of the Supreme Court, but also by professionals, Notaries, Sworn Land Surveyors, Lawyers with the complicity of certain Bank Officials, there has been.

But, unfortunately, it is good to know that following that report, the then Government in May 2012, appointed a Commission of Inquiry, chaired by the then Chairperson of the Intermediate Court (Civil Division), Mrs Shameem Banon Hamuth-Laulloo, together with two assessors, Mr Hervé Lassémillante Bar-at-Law and Mr Rajesh Unuth, Bar-at-Law. Their mission was very important –

- (a) to inquire and report on whether the system of acquisitive prescription –
 - (i) gives rise or has given rise to any malpractice or wrongdoing;
 - (ii) causes or has caused undue hardship or prejudice to the public, and
- (b) report on such changes, including statutory amendments, as may be necessary to better safeguard the interest of the public at large.

So, a Commission of Inquiry was set up at the expense of taxpayers' money to look into such an important issue regarding prescription of land, acquisitive prescription, like I say we are taking the land of a third party. Once that Committee was set up, the Committee itself recommended that certain provisions of the then Bill, the 1958 Bill be suspended, and there was a Bill which was passed, which became Law in 2012. I remember I addressed the House on that Bill and we supported the amendment of this Bill to suspend certain provisions because we were informed that once the Commission of Inquiry comes with its report, we will have the opportunity to study all its recommendations and a new Bill will come into effect.

Furthermore, I even, when I addressed the House in 2012, asked that action be taken against those professionals, be it Barristers, be it Lawyers, be it Notaries, be it Sworn Land Surveyors, be taken against them, those who were found to have abused their authority, their position as professional by the Truth and Justice Commission. Unfortunately, nothing has been done. So, after one year, the Commission submitted its report. It submitted its report in October 2012. So, we are nearly five years later.

(Interruptions)

Your mathematics are like your good friend, hon. Rutnah. Five years after, you are coming with a Bill which is half baked. And what is worse, Madam Speaker, there have been many questions, some by myself, some by other Members, but the last one is by hon. Ramano dated 10 April of this year. What were we informed by the Attorney General? Remember, this is a Report which came into existence after a Commission which was set up by an Act of Parliament, namely the Truth and Justice Commission. That Report, whatever expense was paid to the assessors, was with taxpayers' money. And we are talking of an issue which is of public importance because it concerns the land of the citizens of this country.

In 2013, the Report was published; the Report was here. In 2018, the Attorney General tells us that they cannot render this Report public, but states what were the main recommendations. According to him, there were apparently six main recommendations. This is according to Government; which they consider to be the main recommendations. But according to our information, that Commission of Inquiry chaired by Mrs Lualloo made 15 recommendations; not 4, not 5, but 15. Why is it that Government is hiding that Report? For whom is the Government running? Why is that Report not public so that today we know what were the recommendations of that Commission chaired by the then Magistrate Lualloo?

And what is worse, an in-house committee was subsequently set up at the level of the Ministry of Housing and Lands. I hope the hon. of Housing and Lands will speak after me. I hope he tells us what were the recommendations of that committee. I hope, in all transparency, he will lay on the Table of the Assembly the recommendations of that in-house committee. Then, the recommendations of that committee were sent to the Law Reform Commission. The Law Reform Commission made all its recommendations public. It is on the website. Recently, they have published two recommendations and all of us who go on the website of the Commission have read it: one is on the Land Court and the other one on the

fake news issue. Why is it, when it comes to this Report of the Law Reform Commission, I quote from what the hon. Attorney General said in his reply to that PQ –

“The Law Reform Commission has, on 28 March 2018, under confidential cover, (...)”

What is so confidential in that?

“(...) submitted a copy of an Opinion Paper on ‘Reform of Law on Acquisitive Prescription.’”

Confidential cover! What do we have to hide? What does this Government has to hide when it comes to people acquiring land not belonging them, belonging to a third party? Why should it be under confidential cover? Come clean! Disclose everything! So, they have decided not to tell us what is in that Report, and today we are having a Bill which is supposed to put into practice the recommendations of that Commission chaired by Mrs Magistrate Laulloo. But I say: make it clear, there were 15 recommendations.

(Interruptions)

I know. My information is that there were 15 recommendations. I will come to them; wait a minute! I will come to the recommendations which are not in the law as it is today. You have a copy; you wanted to refer to it. The hon. Gayan had a copy; you should have laid it on the Table! All of us would have had the opportunity to discuss and see whether, in fact, Government is putting into practice what Mrs Magistrate Laulloo has said in the Report.

(Interruptions)

Madam Speaker: Please, do not interrupt!

Mr Baloomoody: Now, let us come to the Bill itself. Much has been made about section 3 of that Bill. Now we have a notary and the notary will do that and that. What is the role of a notary? Just to draw the title deed! As for all the documents listed under section 3, is it the duty of the notary to go behind the veil of each document and to certify its authenticity? It is not the duty of the notary. He asks for all the documents. Like we go to buy or sell a plot of land, we submit all the documents required by law to the notary and he draws the title deed. It is not his duty to go and see whether the affidavits are so and so. So, going to the notary is not a security in itself. It is not a security in itself when we get a professional crook. Even if the lawyers are professionals - and I will show you a case later - there is no guarantee that there will be no abuse.

Now, much has been said about the PIN number. At least now, if you have a PIN number, ok, you can go and do whatever you want. But you know, since the introduction of the PIN number, *il y a eu du trafic de terrains* of the State. Professionals have managed to interfere with the PIN issues; forced PIN numbers to certain plots of land. I have a copy of a letter sent to the president of the *Chambre des notaires*, dated 18 July 2018 -

“We have recently observed that PINS have been unlawfully obtained for private properties with location plans wrongly situating the sites on State Land, whereby in one case an illicit sale of State land has been finalised.”

So, the PIN number itself is not a security and people, professionals are manipulating. Paragraph 6 - I will lay this letter on the Table of the Assembly - says -

“Please note that appropriate legal actions are being initiated by the State.”

Paragraph 5 says --

“You are kindly requested to note the above and inform your members to refrain any further transaction concerning the illicit sale and the PINs.”

So, even the PINs can be fabricated today. I lay on the Table a letter signed by Mr A. A. Andoo for Permanent Secretary of the Ministry of Housing, Ebene Tower, Ebene, dated 18 July 2010. So, there is no security even with the PIN number.

Two affidavits drawn by two witnesses. It gives the minimum age, but it does not give the maximum age. And we know - hon. Gayan knows it, he has been practising at the Bar - so many cases that are challenged in court today because it takes years and years to reach the hearing. Many witnesses have already passed away. So, a crook, unscrupulous, who wants to sign an affidavit will not look for somebody who is 48 years old. He will look for somebody who is 68 years old so that when the case comes to court in 10 years or 15 years, his witness is not here. So, there should have been a minimum age if truly we want to protect somebody; from 48 to...

He should occupy a land in the vicinity. What is vicinity? Do you know what is the size of Curepipe or Port Louis? What evidence does he have to prove to show that he is someone who has been in the vicinity? Only a utility bill not more than two months! So, for two months the gentleman comes and stays here and you know this gentleman has occupied the land for 30 years! Let's be honest! Utility bill of 10 years or 15 years, not two months! So, for two months you got a neighbour and you come and say that tomorrow he will sign. He is

48 years old; he comes to swear an affidavit that his neighbour has occupied that land for 30 years. He qualifies. He is doing something legal. He qualifies what the law says and the Notary, of course, will not challenge that because the law tells him to do that.

Now, let us come to the issue of publication. We are saying publication in the Gazette. We know that probably only lawyers, accountants or some professionals who are the ones who buy the Gazette. The Gazette is not something that most people read. Two newspapers! Even here, only 50% of the people read newspapers. The issue of having a notice on that plot of land - we know, in the Local Government, how many times we object that a bakery is being put by the side of your neighbour. He has put a notice, but the notice does not specify which side. The notice, when it is published, is not served on the neighbour. They just put a small notice somewhere in the corner and it is only when the building is here that you are aware of it. But then, you are time-barred because you have not objected during the appropriate period. But what about the notice if the owner is not in Mauritius or their heirs are not in that vicinity? You are given an example of somebody from abroad who comes to prescribe a plot of land. But how many lands belonging to those who are outside have been prescribed?

(Interruptions)

They come to know? By the time they come to know, it is 15 years for them to get back their land! Now, these documents of objection, if objection there is, have to be served on the Conservator of Mortgage etc. We are talking about objection; we are talking about competent Court. Are we coming with the recommendation of the Law Reform Commission to have a Land Court? Because we know that a competent court will take years and years. God knows how many cases there are in Court today when it comes to land issues. Probably, the Attorney General will tell us whether we are coming up with that idea which, of course, we agree to have a specific Land Court where we will have specialised people dealing with that issue.

Madam Speaker, there is also the issue of fraud which this prescription does not address to. We have a Land Fraud Squad in the Police. According to the report of that Committee, it is our information that – according to them - the Land Fraud Squad is useless, it is not equipped with the appropriate specialised persons. Policemen do not know how to make searches. They take years and years for inquiry. And, as far as the report is concerned, I think, there has been only one case sent to court with regard to inquiry done by the Land

Fraud Squad. In fact, the Attorney General mentioned that there shall be a Land Court Act. There has been a recommendation for a Land Court Act. Where is that Land Court Act? Why is it that we are not coming under the Prescription Act with a Land Court Act? What about the issue of legal aid? This is not addressed, to give legal aid to those whose lands have been prescribed and we know how much it costs. When it comes to frauds, of course, those at the Land Fraud Squad are no experts in inquiring. The inquiry takes years and years and by the time the case comes to Court, witnesses are not even around. What happens if there is a forgery, swearing a false affidavit? Somebody who has been found guilty in this particular case for swearing false affidavit, is the prescription done? Nothing is mentioned. He will just pay a fine for swearing a false affidavit. What about the prescription, the one who has acquired that property based on a false affidavit, a false report by Surveyors? It is very easy to get a PIN number. This is how it is, you just make a plan, you send it to the Registrar and they will send you a mail telling you that it has been approved or not. Simple! You just identify a plot of land and this is how, in this particular case that I have just mentioned, they have prescribed a piece of State Land. The Surveyor just makes a draft and says: 'Here is the plot of land, etc.' We know! Unfortunately, some Land Surveyors do not serve notice on neighbours. How many cases we have in Court where proper notice has not been made on neighbours by sworn Land Surveyors? There are cases, may be in which I was Counsel, where the sworn Land Surveyor said that he has drawn a report in the presence of Mr 'X,' but Mr 'X' is dead 10 years ago. This one is true! He said that he has been on the spot and Mr 'X' was there and my client tells me that Mr 'X' is my father, he died 10 years ago. This is a sworn Land Surveyor report, which you will get a PIN number and which, of course, with his PIN number and his two false affidavits, the Notary will just have to do the needful. Where is the protection? This is why we say it is unfortunate that Government has kept the report of Mrs Hamuth-Laulloo a secret. *Opacité encore!* No reason given! Do not tell us there is *raison d'Etat*, secrecy, all the issues you used to raise with G to G contract. It is a report concerning lands which are to be acquired by somebody who is going to acquire the land of a third party. He is not the owner. He is not going to pay anything. He just has to pay the legal fees and becomes the owner of a plot of land which does not belong to him. Where are the measures? Where are the precautions? Why are we not implementing all the 50 recommendations made by the Commission of Inquiry? Waqf land! It is mentioned there. The Waqf Act has to be amended. You cannot prescribe a plot of land belonging to Waqf. Why is it not in the law?

(Interruptions)

Why is it not in the law?

Madam Speaker, abuse will continue. There might be less, but abuse will continue. *Un abus de plus* is too much. This law will not prevent abuse. This law will not protect genuine owners of land who have abandoned their land for a reason known to themselves for more than 30 years. This law will allow scrupulous professional persons to acquire land legally. This is the difference. They will acquire land scrupulously legally.

And my issue is: why don't we do like they do in England, the Land Registration Act of 2002. Whenever a third party was to prescribe a land not belonging to him, this document of prescription, his affidavit, the Registrar of the Land has a Land Registry there. Section 2 says the Registrar must give notice of an application under paragraph (1), which is an application of prescription to the proprietor, the owner of the land. At our Cadastre or at our Registrar, each plot of land has an owner. We know the name of that owner. Why is not a document served at the Registrar and put it the duty of whatever cost it will cost the applicant has to pay, but it is the duty of the Registrar to inform the owner of the land at the last address he has left at the Registry, serve a registered letter - I don't know, *avis de réception* or what - on that name and inform him that your land is being prescribed. And this will put a duty on each and everybody, those who own a plot of land, to inform the Registry whenever they are changing their address, because now we have many problems with abandoned land. So, now, at least, they will have a duty. Inform the proprietor and then the procedure starts, the notice of objection, etc., etc.

So, although the object of the Bill is supposedly to protect or to make it more difficult to prescribe land, unfortunately, this law is half baked, this law leaves many loopholes, this law will still allow scrupulous professionals, surveyors, fake witnesses to carry on the business of acquiring land *au détriment* to a third party, who is the legitimate owner of a plot of land.

I have done, Madam Speaker. Thank you.

(6.33 p.m.)

Madam Speaker: Hon. Jhugroo!

The Minister of Housing and Lands (Mr P. Jhugroo): Thank you, Madam Speaker, for giving me the floor. At the very outset, I would like to congratulate my colleague, the hon. Attorney General, Minister of Justice, Human Rights and Institutional Reforms for the

new piece of legislation whose object is to repeal the Affidavits of Prescription Act 1958 and the Affidavits of Prescription Act 2012.

Indeed, Madam Speaker, this new Bill provides a new and more appropriate legislative framework with better safeguards regarding acquisitive prescription. Part 2 of the prescriptions of the Affidavits of Prescription Act 1958 was suspended in 2012 pending the report of the Commission of Inquiry on Acquisitive Prescription. The mandate of this Commission of Inquiry was to inquire a report on whether the system of acquisitive prescription gives rise or has given rise to any malpractice or wrongdoing, causes or has caused undue hardship or prejudice to the public and report on such changes, including statutory amendments, as may be necessary, to better safeguard the interest of the public at large.

The report of the Commission of Inquiry on Acquisitive Prescription 2013 recommended changes in the procedures leading to acquisitive prescription so as to afford better protection to lawful owners and significantly hinder ill-intentioned people involved in fraudulent appropriation of land belonging to other people.

Subsequently, the Affidavits of Prescriptions have been suspended with the Affidavits of Prescription Act of 2012. Formerly, neither the occupier nor the Land Surveyor was liable for any malpractice in the process of prescription, as rightly pointed out in the report of the Commission of Inquiry. It was only the two witnesses who had to bear all the consequences for swearing false Affidavits of Prescription. Under this new piece of legislation, all parties concerned, namely the occupier, the two witnesses and the Land Surveyors will be responsible for any wrongdoings in the process of prescription.

Furthermore, it is only a Notary who will be mandated to draw up a deed of prescription after ensuring that all relevant documents submitted are in order and all procedures have been followed.

With the coming into force of the Cadastral Survey Act 2011 and the setting up of the Digital Cadastre, a number of measures contained therein and when used concurrently with the new Acquisitive Prescription Bill, will strengthen the processing of the transcription and plug any loophole.

For instance, the use of Parcel Identification Number, that is the PIN, which has been mandatory, requires the survey plan to be submitted to my Ministry for verification in line with the provisions of the Cadastral Survey Act.

Madam Speaker, furthermore, the Professional Land Surveyors Council, which is operational since January 2018, will regulate the practice of the land surveyors, uphold ethical conduct and is empowered to take disciplinary measures.

Contrary to the previous procedures, this Bill now provides for wide publicity of the notice, including the survey plan, giving the precise location of the land, thus enabling any party having interest in the property to object. The notice has to be published in two daily newspapers, having wide circulation on three consecutive days, including weekend.

The Notary is also required to send the notice to my Ministry to be posted on its website. My Ministry has already embarked on the setting of a State Land Digital Register (LDR) which will be linked to the LAVIMS database. The LAVIMS system will also be overhauled and it is also envisaged that it could be upgraded through the introduction of any module to control illegal occupation of land.

A property for which there is a PIN may request a subscription for an automatic email notification whenever any land transaction is detected on that property. Such procedure, Madam Speaker, allows the Regulatory Authority to keep a watch on properties and transactions.

My Ministry is of the opinion that the provisions contain in the Acquisitive Prescription Bill, together with those in the Cadastral Survey Act and LAVIMS database, will reinforce and provide a full proof procedure for swearing of affidavits by both prescriber and witnesses to curb any propensity to swear false affidavits and grab land.

I am sure that the coming into force of the Acquisitive Prescription Bill will be an effective instrument against malpractice and any unethical behaviour whilst upholding the highest professional and technical standards.

With these words, Madam Speaker, I thank you all for your attention.

Madam Speaker: Hon. Dr. Boolell!

(6.40 p.m.)

Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes): Madam Speaker, brevity is the soul of wit of my good friend. I am sure many of us in this House have been in love or are in love. And what is the first advice that your parents will tender to you when you are about to get married? Marry but make sure that there is separation of goods and property! It is a fact of life.

Hon. Baloomoody was right to point out that there are three ways of acquiring land: either you inherit land, you purchase it or you prescribe it. We all know that when land is prescribed, *il y a souvent on appelle la précarité*.

In respect of two of the means of acquiring land, make sure that you keep your usufruct to protect your interest and the interest of your descendants, and since days immemorial, Madam Speaker, over small plot of land, close relatives or distant relatives have been at each other's throat, but we have evolved and there is good reason today to believe that the Bill which is being introduced has its *raison d'être*.

However, I do share some of the concerns expressed by hon. Lepoigneur, and he didn't stray nor was he trying to beat about the bush. The fact remains with those who deponed before the Truth and Justice Commission, it was made clear that there had been prescription and over prescription by those who could flex their muscles and those who could exercise undue influence over the colonial Government of the days. It is a fact. This has been reported in a report submitted by an exercise which was carried out by the Kenyan authorities. The prime land, the most fertile land was acquired by the British prior to Independence. The best land went to the then land owners.

In Mauritius, acquisition of land or owners of land were not solely people of European origin. We know of families who had land that stretch from Nouvelle France to Ferney. I have in mind the Ganga family or the Rama family or the Rambhujun Singh family, but you know you need to have a right frame of mind; you need to be sharp and you need to be intelligent to manage land, otherwise you let things go. Your descendants don't have the acumen to manage the land and then you don't have the support and accompanying measures, we know what the consequences are. Those who have the power, those who could flex the political muscles, and those who could exercise undue influence upon the Government of the day and the pre-colonial arrears or era, they became the landed gentry, or masters of the day. We know what land is today. If you have land, you can leverage your asset. The bank has a better treatment towards you.

But, what this Bill does, Madam Speaker? It makes provision for certain safeguards. What expected the Minister to go all the way and these points have been canvassed by our friends, especially by hon. Baloomoody and since transparency in the name of the game and accountability should be norm, I would have expected Government to release the report of the Commission of Inquiry which was chaired by Mrs Lalloo.

Access to information, Madam Speaker, is a right and no longer a privilege. It cannot be the privilege of Government. We are in Opposition, we need to have our say, and the way to have our say is to have access to document. I am not going to go with the point canvassed by my good friend hon. Baloomoody when he said it has taken very several years before Government deem it fit to come with new legislation. And the legislation serve the purpose, but I expected the hon. Minister, the Attorney General to go the full hog, to go all the way because, at the end of the day, we have to serve the interest of those who are weak, who are vulnerable, who are elderly and who can easily be victims of those who can have a hold upon them.

So, what does this legislation do? It serves a purpose, but much more could have been done. And if you go through the findings of the report, I have not had the privilege of going over the findings of the report, but, of course, in our interactive sessions with those who had read the report, I was told and rightly so that many proposals were made, but the salient features of this Commission of Inquiry have not been drafted in the Bill. Hon. Baloomoody commented on some of the shortcomings and omissions which should have appeared in the Bill. I have in mind what was recommended by the Commission; the setting up of a Land Council, Land Tribunal, and the reason as to why, there is a cry and call to do away with the Land Fraud Squad. Hon. Baloomoody made the point that they were not up to the mark, they haven't delivered and, as far as we know when we look at statistics, only one case was referred which allegedly was heard before the Court.

So, there is also a good reason as to why this Land Fraud Squad should be set aside or as we say dismantled, because some officers of the Land Fraud Squad were allegedly involved in the land scam, because the temptation is there, and when there are loopholes, the temptations become more titillating.

So, it is appropriate, Madam Speaker, that the Criminal Code be updated to prescribe higher fines for fraudulent prescribers and their witnesses, and the Land Fraud Squad should be replaced by a Land Tribunal which shall have investigative powers. Then you can make it easy for people to report, or for rather the Council to look into matters which call for proper investigation. Setup the Council and the Council of course, has the right to tender advice, dispense sound advice and advise people as to the obligations and rights when it comes to fighting for what is just and fair. But then, we need people who are dedicated, people who are sound, people who are genuine, people who are trustworthy, and people who are reliable. That's why I make a plea for the setting up of a regulatory body for Sworn Land Surveyor.

We have been told that, as of now, if there is no proper regulatory body, it is almost a free-for-all. Therefore, to achieve accuracy and transparency of identity of land to be subscribed, ideally the Sworn Land Surveyor should swear an affidavit stating that he personally surveyed the land.

This is certainly a good step, but the piece of legislation, Madam Speaker, should not be ass and any responsible Government should not rush legislation through with appropriate safeguards lacking. Because where there are loopholes, you have astute legal minds who will make the most to exploit those loopholes for better or for worse.

A legislation, Madam Speaker, which is not comprehensive, opens the gates for those who have the means. Justice to deserving cases then will be delayed or denied. If the objective is to provide deserving cases with title deeds and security of land tenure with respect to the provisions in the Bill, despite criteria which are fully spelt out in section 3 with respect to request to a Notary to draw up deeds of prescription, we ask ourselves whether these objectives will be attained. This is why I make a plea to the hon. Minister to plug those holes. The law should also cater for a code of ethics for those Sworn Land Surveyors, and as I have stated earlier, the regulatory body is overdue. Let us look at the Cadastral Survey Act and this should be amended for higher fines, for unprofessional surveyors.

Madam Speaker, I will refer to a matter which I raised in this House, the case of the farming community of Camps Carol near Le Bouchon.

(Interruptions)

You were the Permanent Secretary of the Ministry of Agriculture, I am sure this case would ring a bell. Now, they have been simply tenants since 1960 and shortly after cyclone Carol, they are allocated land for mixed farming, and each occupant of a small plot of land was given a cow for breeding and milking purposes. With accompanying measures from the then Ministry of Agriculture and Cooperatives and good monitoring from a village development officer, the cooperative society, Madam Speaker, was a success story; an early harvest which became a bumper crop over the years. But, unfortunately, when they had the rights to prescribe the land, they never considered to have a deed of prescription drawn up. I am not going to come up on the acumen as to whether they were apt to seek advice or whether they could interact with people who can dispense advice to them, but it is only in the early 2000 that they submitted application to have a title deed. We know where this land is located and because of its suitable location, the property which they have been occupying for years has

become prime site for development. And guess who has served a Notice of Objection! The sugar estate! I think it is Mon Trésor and Mon Desert Ltd. It claims to have a right to the land. Of course, I do not intend to make any further comments because the case is before the Court.

There was a time, Madam Speaker, when sugar estates were allocated land for grazing purposes. Those were the days when agriculture was the mainstay of the economy. What was the project that they submitted to have access to the land which today has become prime agricultural land, is the rearing and fattening of cattle. And over the years, State land, grazing land has become much sort of the site for construction of hotels and golf courses. Our friends are being given a plethora of incentives. What we are saying, Madam Speaker, is that we have to be fair and we have to support those who are vulnerable.

The point canvassed by hon. Baloomoody, I am not saying that it has become a reference with respect to this matter, but it is a fair point. We need to set up appropriate funds to help those who are weak and vulnerable to fight for a case which is just because justice should be seen to be done. And if you want to reach out to those people, we need to create the enabling environment. The Bill, as it goes, goes to a certain extent, tries to make an outreach but it will not reach out to them because there are still many loopholes that need to be plugged. And I will come to what we learned also from the Commission on Truth and Justice. It did a colossal work. Some of the findings have been implemented, but I think I would agree that the time has come to set up a Land Court. I think it is fair that we give due consideration to the setting up of the Land Court.

Now, hon. Gayan made the point that the law is not only an ass, but it can also be very cumbersome although the objective is not to cause any prejudice to the public and to address malpractices. Cumbersome, yes, but to have that title deed, to have the transcription of the deed, it has become a very expensive business. And it is going to be the business of those who have and those who do not have will certain fall victim or will make it easy to those for a small fee to let go of what they possess.

Madam Speaker, as I have said, history is pervaded with injustices. Fortunately, for all of us, we live in a country where there is still rule of law although I will put an interrogation mark to it in the light of the Government which we have in this country. Now, I talked of previous cases and the signals that we have to send. Earlier, hon. Gayan talked of attracting investment, but to attract investment in a country where there is rule of law, where

there is decency, you cannot go for expropriation and nationalisation of land, Madam Speaker, or expropriation and nationalisation of property. And I believe in empowerment through democratisation process which, to me, can be a reality and not a fiction though I agree that it is sometimes a hard nut to crack.

Madam Speaker, let me conclude on a note of caution, but on a positive note. Regarding publication of Memorandum of Surveys, I ask the question as to why the prescriber or the Sworn Land Surveyor should not place same at Municipal Councils, at Village Councils, at Community Centres or at the District Courts? And to further achieve wide publicity, why not make use of television and radio at specific times of the day? The use of website is there, the parent Ministry has said that it is going to make the most of it, but at the end of the day, visibility for tangibility. The notice to be affixed on the land should bare the photograph of the prescriber, the name of the Sworn Land Surveyor and his details as reinforced safeguards. Madam Speaker, the right to prescription has to be affordable otherwise there is no social justice. Thank you very much.

Madam Speaker: Hon. Rutnah!

(7.00 p.m.)

Mr S. Rutnah (Third Member for Piton & Rivière du Rempart): Thank you, Madam Speaker. Madam Speaker, let me start by saying this. The concept of acquisitive prescription is a creation of habits. It is a creation of human habits. It dates back since time immemorial. At least, from history we know that it dates back from the 4th century during the reign of Theodosius. Since that time, people are prescribing land. Land belonging to other, but the use of the words in the legal sense, land belonging to other when you are prescribing does not exist because the land that you are intending to prescribe is as if yours, because you lived there, you occupied there for, at least, 30 years.

The Bill today that we are discussing only deals with the procedural aspect of prescription. The substantive law can be found in our *Code Civil*. The *Code Civil* will always remain as it is until we amend the *Code Civil*. The substantive law will always be the same until we amend, but the procedures to acquire land by prescription are being dealt here today. The debate that happened in 1958 when the then Attorney General, Sir Rampersad Neerunjun, brought the Bill in 1958 to the Legislative Council. The difficulties that we are discussing today were discussed in 1958 in the Colonial Legislative Council and the same

thing we are being discussing today. The same issue was discussed in 2012 when Bill was passed in order to suspend prescription.

I know hon. Gayan referred us to the *Code Civil Mauricien*, Article 2229 says the following –

« Pour pouvoir prescrire, il faut une possession continue et non interrompue, paisible, publique, non équivoque et à titre de propriétaire. »

Pour prescrire en matière immobilière, la possession doit, en outre, présenter un caractère apparent, manifesté par des signes matériels extérieurs, tels qu'une construction, un mur bâti servant de clôture, des plantations. »

It does not finish here. Article 2230 -

“On est toujours présumé posséder pour soi, et à titre de propriétaire, s'il n'est prouvé qu'on a commencé à posséder pour un autre. »

It does not still finish here. Article 2231 –

«Quand on a commencé à posséder pour autrui, on est toujours (...) »

(Interruptions)

I cannot speak French. I am so sorry.

«Quand on a commencé à posséder pour autrui, on est toujours présumé posséder au même titre, s'il n'y a preuve du contraire. »

What do all these things mean? It means that someone who acquires land after public possession, that is, the public knows that this person has acquired the land, public possession, peaceful, unequivocal, apparent as owner, *animo domini* are the words ‘apparent as owner’ and uninterrupted for 30 years.

Now, when hon. Baloomoody was referring us to land belonging to other, in the context of prescription when when you have already abandoned your property, you have abandoned your land negligently, recklessly or otherwise and someone else starts to occupy, that person is not occupying land belonging to other because he is *animo domini* there as if he is the owner. In 1958, what was the difficulty? Let me read the then debate –

“It is to the credit of the notaries in this country that they adopt a practice which is an improvement over that prevailing in France (...)”

Because the problem of prescription did not only exist in Mauritius, in France then, at least, in 1958 -

“(…) by insisting upon the production of a duly registered and transcribed affidavit before drawing up a deed of sale of land where the title is claimed by prescription. There has grown, however, a very unwelcome practice of registering claims for property unoccupied by people, in the fact that a number of unscrupulous people finding lands unoccupied for a while or probably unattended, swear affidavits of prescription in support of a person claiming the property”.

Thereafter, during the course of the debate, Sir Rampersad Neerunjun –

“The measure of protection advocated by that Committee (…)”

There was a Committee set up.

“(…) was that if sufficient publication was given to the fact that a property was being acquired by prescription, if sufficient publication was given to the swearing of the affidavit, then there would be a lesser chance of the owner ignoring that his land was being taken by somebody else on the plea that it had been occupied by him for a longer number of years.”

So, at that time there was this issue in relation to notice. What were the difficulties that arose with those notices?

Hon. Gayan was quite right. Some people were putting notices on Chinese newspaper knowing fully well that the majority of the population are not going to read Chinese newspapers because in those days mostly Chinese community were involved in trade, shopkeepers and they were very small number of Chinese community in those days. So, it was a loophole. But when you look at this Bill today, the issue of the notice, one will not be able to escape because they have to publish that notice on two newspapers which are in wide circulation, meaning that newspapers which are read by the public at large.

Now, in the same debate in 1958, this Bill is that –

“(…) no deed for the transfer of property shall be made unless the affidavit of prescription has been duly registered and transcribed and also before it is registered and transcribed it shall be initiated by an application to the Conservator of Mortgages accompanied by a memorandum of survey giving the boundaries of the land that it is

proposed to acquire. Notification will be made in the Press and a period of three months (...)"

I have dealt with the issue of the Press. What happened after 1958? There are people who even do not know where the boundaries of certain properties are and they have acquired properties. Some people have acquired properties believing that it is in location A, but they have prescribed property in location B. Every lawyer in this House today has, I am sure, at least dealt with one case relating to prescription, and all these fraudulent cases have got similar features.

With this Bill, if you are going to prescribe, you have to go through the procedures laid down at clause 3; firstly, the mandatory requirement of the land being surveyed with one surveyor. And then, the notice be fixed not somewhere where it is hidden, but - the words which have been used at clause 4 (1) (a), sub-paragraph (i) are -

“in a conspicuous place of the immovable property forming the subject matter of the acquisitive prescription;”

This is how it should be. Since then, Madam Speaker, what has happened? Since 1958, we had the the Affidavits of Prescription Act (Suspension of Certain Provisions) Bill in 2012. The Bill as well, the then Attorney General referred us to the same difficulties. He said this -

“It is extremely easy to prescribe an immoveable property. Indeed, 2 persons simply have to swear an affidavit stating that a party has occupied a land for more than 30 years, following which the affidavit is deposited at the office of the Registrar General, together with a memorandum of survey, and the publications are then made in the Government Gazette as well as two daily newspapers. Thereafter, if there is no objection within a period of 3 months of the last publication, the affidavit of prescription is transcribed and the person concerned is deemed to be the owner of the land.”

“Secondly, the 2 persons swearing the affidavit usually do not know the exact location of the land and sometimes they do not even know the applicant.”

And that is a fact.

“Thirdly, most of the persons whose land is being prescribed do not have access to the Government Gazette or the daily newspapers where the publications are made.”

And we know why now!

“Fourthly, in many cases, the memorandum of survey drawn up by a Sworn Land Surveyor contains important irregularities such as fake Land Survey number, inappropriate boundaries and fake neighbours’ particulars.”

And that’s a fact. I have cases at the moment. One of them is a land surveyor who managed to obtain over 50 postponements at the Masters and Registrar Court. Over 50 postponements in order to draw up a survey, and some magistrates who were sitting at the Masters and Registrar have even become judges now. And the case has still not been disposed of. These are facts; these are happenings since 1958.

So, in 2012, quite properly, a Commission of Inquiry was set up by the then Government; Labour/PMSD Government. There was, in fact, a report in 2013. When the 2013 Report was published, the Labour Party and the PMSD were in Government - they were in Government in 2013 -, but they did not make that report public. In 2014, they did not make that report public!

And we all know in this House! After having heard hon. Baloomoody, I should share this. In end of 2013/2014, the MMM was cajoling and coaxing the Labour Party, cajoling and coaxing in an on-off lovey-dovey affair, which eventually concluded the wedding. They did not then ask to make this report public - the MMM. At that time - yes, my very good friend, hon. Hurreeram is quite right - they were on a shopping spree to find which suits to wear for the wedding and thereafter. That is why they forgot everything about the prescription of land.

Madam Speaker: Hon. Dr. Boolell spoke about love, so you can.

Mr Rutnah: Yes, and I share. I am for the concept of sharing love, because we are a lovely country with lovely people, and the lovely people are watching us today debating this issue of prescription.

(Interruptions)

I am always in a loving mood.

Madam Speaker, now...

(Interruptions)

I like the comment of hon. Dr. Boolell.

Madam Speaker, hon. Baloomoody asked this question when he started his discourse: whether the Bill provides for better safeguard, and he went on about the concept of land belonging to another, land belonging to the vulnerable. But in 2012, when the Bill for the suspension was being passed - whenever I come to this House, I do some research before standing on my feet - this is what hon. Baloomoody said, amongst other things.

“The prescription itself, the affidavit itself does not give you a right to property and it does not make you the owner.”

Quite right.

“You have to show that you have occupied the land or 30 years *au vu et au su de tout le monde* (...)”

But he has used his own words. It is not the words of the Code Civil, but I know what he means.

“(...) *in bona fide* and all these. Now, we are suspending the procedure with regard to affidavit. We are not suspending the application one can make under the Civil Code to the Supreme Court for a declaration of ownership, because now, one can always go and apply to the Supreme Court under the Civil Code and tell the Supreme Court to order that I am the owner because I have been on the land for so many years - full occupation - and this judgement will be transcribed tomorrow. Once it is transcribed, I become the owner of that plot of land.”

True! If this was the position in 2012, this is still the position today, and by virtue of this Prescription Bill, the position does not change because the law relating to prescription will always be found, as I said, in the Civil Code. But for the procedure, we are making it difficult today for those who are involved in fraudulent activities to continue their fraudulent spree, be it barristers, solicitors, notaries, land surveyors. That is what we are doing.

I am grateful to my hon. friend, hon. Maneesh Gobin, the Attorney General, for bringing this. He is not just the Attorney General; he is also the Minister for Human Rights, and he knows it is a human right to protect property and it is also a human right by virtue of our Constitution. So, that is what he is doing; he is protecting the property of people. Now, will this law prevent abuse? Of course, this law is designed to prevent abuse. How?

Let me take hon. Baloomoody and the Opposition to certain clauses of this Bill.

“Clause 3 –

The occupier of an immovable property who wishes to claim ownership of the immovable property by way of acquisitive prescription shall (...).”

Not ‘maybe’, but ‘shall’!

“(...) request a notary to draw up a deed of prescription on the submission of the following information and documents –

(a) an affidavit, sworn by the occupier (...).”

And regarding the affidavit that he is going to swear now, there is law about swearing an affidavit. Of course, if you are going to swear a false affidavit, you will suffer the consequences when the machinery of justice will get hold of you. But we know that there are people who have this *culot* of doing illegal activities and swearing false affidavits. And true it is, previously the people who were sitting at the Cathedral Square, where hon. Gayan is mentioning, they people were deliberately looking for old-aged people who were reaching their 70’s, 80’s, knowing full well that should something happen, should their veil be lifted by the time the case come to Court, more likely the old man who has witnessed this affidavit probably is in a higher jurisdiction and relaxing for eternity. So, where are you going to get him? So, the case falls!

Now, why this age of 48? I will come to it in a minute, because hon. Baloomoody asked for this clarification. The same Clause 3 –

“(...) (ii) that he agrees with the contents of the affidavits of the two witnesses referred to in paragraph (e) (...).”

And there are a number of things. But let me reply to the age of not less than 48.

When someone is 48...

(Interruptions)

Madam Speaker: Please!

(Interruptions)

Please, don’t interrupt the hon. Member!

Mr Rutnah: At least, with the current trend of life you will expect that he will live for 20 years. He will be 68.

Madam Speaker: At least.

Mr Rutnah: Yes, at least, with the current trend of life, because we have an ageing population. You cannot say that we have an ageing population when it suits you for the purpose of pensions' argument. But now when I say that, with the current trend of life, people are normally living over 70. So, if someone is 48, his life expectancy is 68, and maybe 20 more years, or more, why not. So, at least that person would be available, should something be discovered which is illegal, to give evidence. Now, why 48? Because, at least, the person would know that this man was living there, occupying a property when he was still about 10 years old, 18 years old. If he is 18, he will have all his faculty of remembering and since 18 to 40 he would remember that he knows Basdeo, Laldeo, Sookdeo, or Baldeo who has occupied that property for so many years. That is why the 48.

(Interruptions)

Now, are we going to say that today what that the Attorney General is doing we are not protecting the vulnerable? Preposterous to say so, Madam Speaker, I would say, because we are today stepping into a different level of protecting our people, who, tomorrow are going to prescribe land on which they have as if lived as owner. *Animo Domini!* Not land belonging to other, because matters relating to land, so sensitive, that when people start occupying a land which has been neglected, which has been abandoned, then you use it as if it is your land, it is your motherland. So, we are protecting, in fact, sometimes the occupiers of those lands who are the vulnerable ones. So, we have to strike a balance. Now, are we going to criticise the Land Fraud Squad? We know, firstly, that the Land Fraud Squad should not have even been setup, because Police officers do not really know the intricacies and the complication that exist with the buying and selling and prescription of land fraudulent activities. So, do we need a Land Tribunal as recommended by the Law Reform Commission? Yes, we need. But, today we cannot talk about a Land Fraud Tribunal because today we are dealing with the procedural aspect of acquiring property by virtue of prescription.

Madam Speaker, I adopt everything that has been said by my very able and learned friend, hon. Gayan, and I anticipate that I have positively contributed in today's debate to enlighten those who have not understood this principle, this concept. I am not proposing to reply to my very good friend, hon. Lepoigneur, because he already missed the plot completely.

On these notes, Madam Speaker, I am grateful for having given me the opportunity to express myself on this Bill.

Thank you.

Madam Speaker: Hon. Ganoo!

(7.28 p.m.)

Mr A. Ganoo (First Member for Savanne & Black River): Madam Speaker, after having heard so much already, although we are half way through the number of orators listed on the circulated list, half of them, I think, have already intervened. I will be short.

(Interruptions)

As much as I can be.

Madam Speaker, a lot has already been said. To me, this Bill *est un pas en avant*, but time will tell whether, in fact, we have done the needful in order to be able to setup the framework, the mechanism to prevent fraudsters, tricksters and dishonest people from exploiting others. As we know, the procedure for prescription, as it stands today, has been too simple to deter dishonest people from operating in the way they have done in the past.

I will not go into everything that has been said, Madam Speaker, but we know that practice has shown us, especially for us at the Bar, how unfortunately even professionals and, of course, are *témoins de complaisance*. But as, I think, my friend, hon. Rutnah, said before me, Madam Speaker, it is true that acquisitive prescription dates back since years, centuries in other jurisdictions. It existed, as he rightly said, even in antiquity.

Now, what has been the impact of acquisitive prescription in our country, Madam Speaker? We know about our *Code Civil*. I, myself, have brought my copy just in case I have to check the law of our *Code Civil*. We know about the law passed in the 1950s, the Affidavit of Prescription Act, the amendment which was subsequently brought concerning the suspension of certain clauses and which one has outweighed the other, the prejudice or the benefits, Madam Speaker. And I tend to think and answer the question which has been raised by my friends in the Opposition about this Report of Mrs Laulloo; why was it never tabled or made public? I have my own credible information. Hon. Baloomoody has spoken about 15 recommendations and mentioned about the answers to the PQs; the hon. Prime Minister referred to some of these recommendations while answering PQs, but failing to table this report, I get the suspicion, in fact, that Mrs Laulloo, in her report, came to the conclusion that

we should do away with acquisitive prescription completely, Madam Speaker. And perhaps that was the reason why Government decided not to render this report public.

We must understand, Madam Speaker, that in France where, in fact, our civil law is borrowed from, prescription was introduced after the French Revolution in order to encourage the development, the culture of large unused land. In other words, there was an economic reason, an economic sense, an economic motivation for the conceptualisation of the law of acquisitive prescription and it had its *raison d'être* in those days in France, but this French reality, back in the days, should it have been translated in our country because we have our different culture, given the small amount of land available. When I say we, I mean *l'ensemble de la population*. We have a small amount of land available, Madam Speaker and when we know the history of acquisitive prescription in this country, what has taken place, how easy it has been to prescribe land belonging to others, how many dishonest operations have taken place, how many people have been dispossessed of their land, we ask ourselves the question and I tend to think that was the reason, in fact, that was the proposal in that report, that inquiry, which Terms of Reference have just been elaborated and announced and disclosed by hon. Baloomoody in his speech, but I tend to think that that was the conclusion and that was the reason why this report has never been tabled.

The problem, Madam Speaker, is because, in fact, there have been too many flaws which we all have failed to plug and this has already been referred to by my friends who have intervened before me in the Opposition.

So, I will not go into the law. I will not trouble the House with the substance of the law, our *Code Civil*, the different articles, what prescription means and so on, what are the conditions, *prescription continue, non-interrompue, paisible, publique, non-équivoque et à titre de propriétaire* and so on and so forth, Madam Speaker, but what we should know is not really in terms of substance but in terms of procedure, because the law of acquisitive prescription is a 'procedural law'. What I mean by that is that it enables somebody to become owner of a land. If he misses the conditions imposed by our *Code Civil*, this is the substance. But the procedure which should enable that person to become the owner of that land is flawed and this is the whole problem, Madam Speaker.

The procedure rests upon the swearing of an affidavit of prescription. This is a document sworn by two witnesses who affirm that the applicant has occupied that portion of land with all the requisites of prescription and most of the time, they have been *témoins de*

complaisance, and who have perhaps been paid a certain sum of money. They affix their signatures or sometimes their thumbprints, because they do not even know how to sign and this system has been encouraged by the complicity - as you all know; unfortunately, it pains me to say that - of members of the profession, of clerks, swarming of officers, of lawyers, of legal advisors, of attorneys and barristers. That is why, very often, we have found the same persons being witnesses on a large number of affidavits. Those at the Bar know what I am talking about, the same witnesses are always there. They are professional *témoins de complaisance* coming before the Supreme Court and swearing false affidavits all these long years. So, it is right that we come today and correct that system, Madam Speaker. No doubt about that!

The second flaw of the system is the plan accompanying the Memorandum of Survey and the affidavit of prescription. As we know, the law states that the affidavit must be accompanied with a Memorandum of Survey showing the location of the land. Experience has shown us again that, in many cases, there is neither mention of adjoining neighbours; there is neither mention of the occupiers nor the state of the land when it was surveyed and so on.

Madam Speaker, this is another flaw and this has been highlighted in the Report of the *Commission Justice et Vérité*. Therefore, it was easy to obtain a false affidavit of prescription, a vague plan and as a result of which the legal title was obtained, Madam Speaker.

Now, the Bill, *c'est un bon pas dans la bonne direction!* Let us not make politics of something which is as important as property, becoming owners of property or dispossessing somebody unjustly of his property. This is an important Bill, Madam Speaker and I would like to say that it is *certainement un pas en avant*, but, of course, we could have improved it and I will say how. It is good because now - and I am surprised that even the Attorney General does not mention it.

I am surprised that even the Attorney General does not mention it. The first fundamental change in this Bill is that from now on it is a notary which will draw up a deed of prescription, *un acte notarié*, whereas, in the past, it was just an Attorney who brought two witnesses to swear to the affidavit and so on. Now, the responsibility is on the shoulders of the public notary. This is the difference. Now, the affidavit has also to be sworn, according to this Bill, by the occupier himself; by the person who is alleging that he has occupied the immovable property - that was not the case in the past. He, himself, has to go before the

notary now. Then two memoranda of survey have been, I understand, reduced to one. I think that the hon. Attorney General went too fast when he amended the second condition of the two memoranda of survey drawn up by two Land Surveyors because what happened in practice very often is that there is a joint memorandum of two Surveyors. For example, if the land in question neighbours a State Land it is the Land Surveyor of the Minister of Housing who also has to draw up a survey. So, it could have been a joint memorandum of survey made by two surveyors that would have made things safer, Madam Speaker.

Now, with regard to the Pin in respect of the immovable property, hon. Baloomoody made some remarks about Pin. I would say something differently. I would ask the hon. Attorney General to check whether, at that stage, when the occupier of the immovable property shall request the notary to draw up the deed of prescription and the condition in the law has to lay affidavit sworn by the occupier, the two memoranda of the surveyor, the affidavit of the Land Surveyor and the Pin in respect of the immovable property. At this stage, will it be possible for that claimant to be given a Pin or is the Pin, in fact, in respect of the property, given at a later stage? Will it be possible for him to submit the Pin? I do not think so. From what I understand and perhaps later our friend, hon. Ramano, the sole Notary in this House will come and clear matters. As far as I know...

(Interruptions)

Il n'est pas là. I do not think hon. Sinatambou will be intervening, but hon. Ramano will speak in a few minutes. He will confirm what I am saying.

Madam Speaker, this concern the remarks I wish to make on the Bill. When I go through the Bill, to me, as I said, it is a progress, but the question we have to ask ourselves. Is this mechanism are improving the Bill today? We are trying to plug the loopholes, but is that enough, Madam Speaker? Of course, the display of notice, which is new, is also an additional reason to deter people who want to get involved in those dishonest practices of the past. The point I also want to make, Madam Speaker, is: could we not have chosen a different system? Should we have contented ourselves with only improving the old system that we have? I say that because I will refer to the report of the Truth and Justice Commission where on the chapter of Prescription, several observations were made, Madam Speaker. This is what I can read and on which I will comment -

“After having reviewed the numerous laws regarding prescriptions, the Commission recommends to do away with the whole procedure of affidavit

and to provide for an alternative way to effect the transcription of prescribed plots of land.

It is the opinion of the Commission that the appropriate Protocol would be to exercise more control upon the averments of a person alleging to have prescribed a plot of land. There should be an institution which will ensure the truth of the said averments and which shall have the powers to investigate upon the veracity of these averments. Further, before the same institution, an appropriate memorandum of survey would be required with the possibility of putting questions to the Surveyor.

To summarise, any person who claims to have occupied a plot of land, with all the requisites of acquisitive prescription, shall have the burden of proving same, with at least two witnesses to corroborate the claim. Be it the applicant or the witnesses, they would face a panel who would query them on their averments.”

They go on saying –

“Although this system would not be foolproof, it will minimize the risks of frauds.”

Then the Commission proposes a new system where the Affidavit of Prescription has been replaced by a Prescription Permit.

In concluding, they say the legislative needs to add the appropriate penalties for non-compliance or for fraud. They go on suggesting - perhaps we might not agree with this precise suggestion - that there shall be established in every Local Authority, a Committee to be known as the Prescription Committee, which shall consist of the Chief Executive and so on. The Committee shall examine, process and approve applications for prescription permits without having to refer the matter to the Council and so on and so forth. We might not necessarily adopt the precise type of Committee which has been proposed by the Truth and Justice Commission, but the idea, Madam Speaker, of having an institution to challenge, to put questions to the person who alleges that he has occupied the land for more than 30 years and so together with his witnesses is a better guarantee that this claimant is coming with clean hands as we say in our jargon.

This is why I think, Madam Speaker, the idea of doing away with prescription by way of affidavit or a notary deed has already been suggested in the report of the Truth and Justice Commission. This is why, according to me, it met probably the mind of Mrs Hamuth-Laulloo when, in her report, she came to the conclusion that we should be doing away with acquisitive prescription as it stands in our law today or as we have amended it today.

Madam Speaker, this brings me to the question which has also been raised by some of my friends on this side of the House and I will conclude upon that. It is this question of dispossessed Mauritians. Many people claim that they have been dispossessed of their land or their ancestors have been dispossessed of their land by way of acquisitive prescription on the part of other people. But this has been a tragedy in our country and I am sure all of us have gone through the report of the Truth and Justice Commission. There is one sentence which is stuck in my mind and which I recalled and wrote down to read it today, Madam Speaker, to help us understand all this problematic involving those Mauritians claiming to have been dispossessed of their lands and which has taken place years and years ago. I quote –

“There is no justice in Mauritius for those who cannot afford lawyers, notaries, land surveyors and attorneys.”

This was the whole tragedy, Madam Speaker. We have seen the different PQs which were asked in this House. Was it true that by way of acquisitive prescriptions? And if it is true, how many of those citizens of Mauritius have, in the past, been dispossessed of their land? This is a question which has been troubling all Governments, but perhaps all of us have not taken the right decision. Perhaps we should, all of us, plead guilty for having abandoned this category of citizens.

And it all started, do you know when? Not by the Truth and Justice Commission, not by this Government, not by the past Government. I mean the efforts, the endeavours to grapple this problem and to find a solution started, Madam Speaker, in April 2005. I have with me a report of the delegation having visited South Africa in view of the possible setting up of a Land Restitution Commission in Mauritius. That was in April 2005 under the MSM/MMM Government. It was a revolutionary step taken at that time, Madam Speaker.

In fact, former Justice Ahnee presided this Commission and a team of experts, if I may say so, went to South Africa to study how in South Africa this problem of Land Restitution or Land Redistribution has been solved and it all started therefore in 2004, Madam Speaker. I would not bother the House with reading what is in this report, but in

January 2004, the Secretary to Cabinet and Head of Civil Service then wrote to the persons concerned to say that, I quote –

“Government had decided to establish a Land Restitution Commission to examine serious claims of ownership over land dispute with a view to assisting persons who do not have the means, financial or otherwise to have recourse to the Court. The Commission will be a free member team.”

So, it went on like that. The delegation who visited South Africa came back to Mauritius, produced that report which I have a copy in my hands and started to propose solutions about this question of acquisitive prescription and the dispossession of a large number of our citizens. The recommendation, Madam Speaker, was at paragraph 5 –

“Even if there may be little in common between the situation in South Africa and Mauritius, a Commission for Land Restitution may usefully be pursued. The establishment of such a Commission would, at least, give to those who sincerely believe that they have a genuine claim to land, the opportunity to come forward with whatever claim they may have so that such claim may be examined by the Commission, which after such research work as may be necessary, will be able to advise them to the possibility to make a claim or resist one before the appropriate Court.”

Madam Speaker, this report brought us back to history and said a few interesting things, like after the abolition of slavery many ex-slaves managed to acquire land even if the movement of ex-apprentices until then may have been a complex process. A few private owners attempted to exercise some measures of control by informal understandings and so on. The process whereby that particular group of the Mauritian population lost their land is still to be studied in-depth. Some did sell their plot of land while others who are on public lands were apparently brutally evicted *après l’abolition*.

Two sentences by Auguste Toussaint in his book *Histoire des Iles Mascareignes* –

« *Après l’abolition, plusieurs anciens esclaves s’étaient établis dans les zones de Plaine Wilhems où ils s’adonnèrent à la culture des légumes qu’ils allaient vendre à Port Louis. Il fallait leur assurer la possession des terres où ils s’étaient établis et donc personne ne voulait à ce moment. Et plus tard, lorsque les Plaine Wilhems prirent faveur, ils furent brutalement dépossédés.* »

These were the abuses, Madam Speaker. This tragedy still lingers, still rests with us, unfortunately, Madam Speaker. So, the point I am trying to make is to relate this question of our citizens who have been dispossessed to the question of our acquisitive prescription and to prevent that same kind of things from happening, Madam Speaker. The solution would have been, perhaps we could have imagine in case of somebody prescribing let us say 10 *arpents* of land, he should not be allowed to do this by way of acquisitive prescription as it exists in this Bill today. This Bill will be voted in a few hours. So, I am asking the question to prevent other people from dispossessing. Still today, this can be done for somebody deciding to acquire by prescription more than 10 *arpents* of land, there should have been a different mechanism. I repeat it, Madam Speaker, again, this is in the report of the Truth and Justice Commission –

“...the landless today were not always so. The pioneering work of Dr. Richard Allen, in highlighting the landownership of ex-slaves has shown how after abolition many ex-slave families purchased land during what he terms the ‘early morcellement’ period. Their subsequent dispossession of land manifested by the hundreds of land claims received at the Commission as well as visits and meetings with dozens of families is testimony to the fact that people of Afro-Malagasy origin were not always landless.

Land speculation, poverty, greed of some family members, the corruption of officials and professionals, an ever encroaching sugar industry and laws that protect the traditional economic structure have ensured that landownership remains in the hands of the same traditional economic elite who have today been joined by members of the state bureaucracy, politicians and the new business community.”

And this is where the sentence comes in –

“There is no justice in Mauritius for those who cannot afford lawyers, notaries, land surveyors and attorneys.”

Madam Speaker, this is still a live issue and I would like to add up to what this Law Reform Commission, in their Opinion Paper mechanism for settlement of land disputes, has proposed and I congratulate the members of this Law Reform Commission when they proposed not only that there should be established a Land Court but there is something more that they proposed which we seem to have forgotten or minimize, that there should be established a special fund which will be dedicated to help those who claim to have been

unlawfully dispossessed of their lands and who have deponed before the Truth and Justice Commission.

In the same breath, the Law Reform Commission recommended that the Land Court should be established to have jurisdiction to hear all disputes regarding land, except those conferred to the District Court and the other different laws.

So, Madam Speaker, this is why I say by recommending the establishment of this Land Court which could, in fact, deal with those claims of dispossession, because we have heard in this very House many questions were asked. Land Monitoring Unit, Land Mediation Unit, 224 families have been dispossessed. The evidence is there. 91 cases are not clear, 44 cases are clear, and 21 cases are before Mr Mandaree's team who headed this unit, but *en attendant cabri pé manze salad*, as we say in our Creole.

So, that is why, Madam Speaker, let us hope that today, when we are discussing about acquisitive prescription, we have a special thought for those families, some of them who are living in abject poverty and whose ancestors were owners of *arpents*, acres of land, but through the misfortunes of history have been dispossessed of that land. This is why, I think, we should all today, in this House, Madam Speaker, sincerely, honestly and with all the power that we can muster, try to find a solution to put, to implement what has been recommended in this Law Reform Commission which falls under the purview of the hon. Attorney General, to see to it that the Land Court comes as quickly as possible and that this fund which I just referred to, this special fund, be set up, dedicated to helping those who claim to have been unlawfully dispossessed of their lands and who have already deponed before the Truth and Justice Commission.

I have done. Thank you, Madam Speaker.

Madam Speaker: I suspend the sitting for one hour.

At 8.02 p.m., the sitting was suspended.

On resuming at 9.12 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. François!

(9.12 p.m.)

Mr F. François (First Member for Rodrigues): Madam Speaker, I thank you for giving me the opportunity to contribute briefly to this debate on the Acquisitive Prescription Bill (No XII of 2018).

I will lay emphasis on its bearing on Rodrigues and mainly on the Registration and Transcription of Deeds and Inscription of Mortgages, Privileges and Charges (Rodrigues) Act.

Madam Speaker, before going further, first of all, allow me to congratulate the newly elected Deputy Speaker, my good friend, hon. Georges Lesjongard, and secondly, in a standing position, to wish a happy 16th Anniversary of Autonomy to Rodrigues, celebrated on 12 October, with the motto – *Lotonomi: Rayonnman Rodrig dans la Républik*, in the presence of the Rt. hon. Sir Aneerood Jugnauth, Minister Mentor, Defence and Rodrigues.

Just one line, Madam Speaker, la célébration a été un grand moment de reconnaissance pour le peuple de Rodrigues, de l'avancée de notre île Rodrigues autonome avec un regard vers l'avenir, et la reconnaissance pour tous ceux qui ont contribué pour l'installation de cette autonomie de Rodrigues.

Je note les réussites, les accomplissements et la vision pour faire progresser Rodrigues malgré les défis et les négativités de certaines personnes et presses pour jeter de la boue sur Rodrigues et notre autonomie.

Madam Speaker, we are more determined in Rodrigues 'to look ahead towards the horizon and not to look at ourselves in a mirror'. *Et je dis: Vive l'Autonomie de Rodrigues et Vive la République!*

Coming back to the Acquisitive Prescription Bill, I also recall that in 2012, Cabinet decision agreement and assent by the President for the setting up of a Commission of Inquiry on prescription.

And as to say, there was the suspension of sections 3, 4, 6 and 9 of the Affidavits of Prescription Act, which ascribed to the expected outcomes of the Terms of Reference of the Commission, I would not repeat them, sufficiently canvassed by previous orators.

I have to add also that the Truth and Justice Commission of 2011, also highlighted that "the very person who prescribes a plot of land does not have to swear the affidavit. Only the two witnesses take the whole responsibility. He just gives instructions to swear the affidavit but does not participate in the procedure".

Madam Speaker, I note that Clause 3 (a) of the Bill requires an affidavit to be sworn by the occupier, I would not go into the details of the Bill, and I think this is correct and will

correct the weaknesses that the very person who prescribes a plot of land to be legally responsible for his action.

This will avoid such cases, where a person accused of having prescribed a plot of land might later say that he was not aware that this land has been prescribed in his name, which is a common actual scenario.

Madam Speaker, the present Bill deals with what technically is called a Survey Based Approach or Application for Prescription of Property, and Clause 3 (b) of the Bill requires a memorandum of survey by two land surveyors, which will be amended, and it say that –

“2 memoranda of survey drawn up, in accordance with Cadastral Survey Act, by 2 land surveyors, setting out the location, description and exact boundaries of the immovable property.”

As a Surveyor, I am happy to see that the Attorney General, hon. Maneesh Gobin, will amend this clause for only one Surveyor or one Memorandum of Survey as per the amendment circulated, and here with due respect, I have to say that I do not agree with hon. Ganoo on that point for keeping two memoranda of survey from two different Land Surveyors.

Madam Speaker, surely, there will have been discrepancies in the extent of the land as per the memorandum of survey by the two Surveyors. The question will have been, which memorandum of survey would be chosen to draw the deed and who shall determine same? The drawing of two memoranda of survey will have put burdens on the occupier for the payment of two memoranda of survey.

Thus, the new amendment is correct and no need to commit two land surveyors for a duplication of surveys for such an exercise. A Sworn Land Surveyor is a professional and shall abide to the provision of the law as per the Land Surveyors Act and the Code of Ethics of Surveyors.

In fact, a memorandum of survey in its essence is binding upon the Land Surveyor. I understand, it is a criminal offence, swearing false affidavit whoever that may be; Surveyors, Notaries, Attorneys or even Barristers, or giving instructions to swear false affidavits.

Madam Speaker, any Land Surveyors should serve their clients competently and diligently. Professional Land Surveyors today, in our Republic, or Notaries should not, in

their service to their clients, engage in, or assist in conduct that is calculated to defeat the ends of justice or is otherwise in breach of the law.

The liability on conviction for an offence under this Bill in Clause 12, it says –

“(...) not exceeding one million rupees and to imprisonment for a term not exceeding 5 years (...)”

is a good signal.

Madam Speaker, in light of protecting the true owner of an immovable property, what is the provision of the present law when, one of the adjoining owners is not known or untraceable, shall the notice of the affidavit of prescription be transcribed or not?

Madam Speaker, Rodrigues, et là je dois dire que, lors de mon discours sur la suspension de cinq articles de l'*Affidavits of Prescription*, le 23 octobre 2012, j'avais souligné des maldonnées liées à la prescription des propriétés foncières à Rodrigues, les désordres qui se multiplient et s'aggravent dans les transactions des terres privées ou concessionnaires par des 'courtiers', les enclavements de certains habitants par rapport aux mauvais arpentages des terrains, des ventes et prescriptions douteuses.

J'ai appris que le rapport de la commission d'enquête - ils étaient à Rodrigues - souligne qu'il y a eu des problèmes concernant la prescription des terres privées à Rodrigues.

Je répète : il y a eu trop d'abus dans certains cas à Rodrigues. J'ai vu certains propriétaires perdre leurs terrains, hérités en concession, par la mafia de certains arpenteurs et hommes de loi. Il faut rendre justice à ces personnes.

Le souci principal était la fraude par rapport à la signature de sous-seing privé par deux personnes seulement, et aussi les imprécisions réelles ou même malicieuses des notaires ou arpenteurs.

Des terres parfois prescrites de façon très douteuse. J'ai en tête l'exemple de la transcription et prescription d'un terrain de 10 arpents dans le village de Vainqueur à Rodrigues en 2003, qui fait du bruit actuellement à Rodrigues.

Bien souvent, c'est quand un acquéreur vient de commencer à développer un terrain que le vrai propriétaire prend conscience que son terrain a été vendu à la barre, et qui ne reflète pas la réalité des propriétaires ou héritiers avoisinants.

Il y a eu du désordre qui entrainera sans nul doute des conflits sociaux à Rodrigues. Les actions de certaines mafias de la terre font du tort à de nombreux héritiers des terres privées à Rodrigues.

Je note la vente d'un terrain hypothéqué par la banque, puis vendu à la barre par le biais du *sale by levy* à Port Louis, qui reste encore un problème majeur dans ces situations à Rodrigues.

Madam Speaker, the proposed amendment in section 12 of the Registration and Transcription of Deeds and Inscription of Mortgages, Privileges and Charges (Rodrigues) Act, as per clause 15(4) (d) of the Bill, stipulates that “in subsection (5), by deleting the words “section 4(2) of the Affidavits of Prescription Act” and replacing them by the words “section 4(1) (b) of the Acquisitive Prescription Act 2018.”

I have a point of concern with regard to this clause, where I will propose, in clause 4(b) (ii), to keep the words “in 3 consecutive issues to 2 local” - I add the word ‘local’ - “newspapers in circulation in Rodrigues”, as is the case in section 12(5) (b) of the Registration and Transcription of Deeds and Inscription of Mortgages, Privileges and Charges (Rodrigues) Act.

Madam Speaker, it is a fact that in Rodrigues, the requirement for the publication of applications for prescription may not have the same effect as in Mauritius, as it appears that a great majority of the population of Rodrigues does not read the most important newspapers of Mauritius.

Madam Speaker, the requirement to inform the public of an application for prescription should be dealt with in a different manner, taking into account the specificity of Rodrigues. Other suggestion is to publish the prescription on billboards at the village community centres. That is correct and practical, and is most welcome.

I concur with clause 4 of the Bill, namely to place a notice on the immovable property visible to the public. However, many of these immovable properties are not being occupied by the landowners. *Ce sont des terres des héritiers.*

De plus, je demanderai à l'Attorney General de considérer aussi la possibilité de la diffusion des ‘notice’ sur les ondes de la radio locale et de la télévision - c’est un fait, je le répète - pour certains de nous *banne grands dimounes* qui ne savent pas lire, mais qui néanmoins écoutent la radio régulièrement et regardent la télévision et comprennent mieux les choses.

Madam Speaker, again, I plead for justice on behalf of all the people of Rodrigues who have lost ownership of their property as a result of a land transaction mafia that exists in Rodrigues, the weaknesses of our laws, and the registration of deeds system that do not provide for the final proof of ownership.

I reiterate again, for a full-fledged implementation of the LAVIMS and the Land Digital Register project in Rodrigues, together with the implementation of a complete Digital Cadastral Database and Land Use Planning.

A complete digital cadastre will ensure that land ownership is clear in Rodrigues (as per title deeds available) and spatial and land management will be more efficient and effective as well as the assigning of a PIN to all immovable properties in Rodrigues.

Another important issue that needs to be looked into is the question of valuation of property in Rodrigues which, most of the time, could not be challenged or compared, as it is carried out by Government land surveyors or Government Valuer only.

Madam Speaker, I also note that the Ministry of Housing and Lands has advertised for consultancy services for the Review of the National Development Strategy for the Republic of Mauritius, and I hope that this exercise will include Rodrigues as well.

I have also raised concerns with the Chief Commissioner of Rodrigues, Serge Clair, and the hon. Minister of Housing and Lands, hon. Jhugroo, so that the Ministry of Housing and Lands here collaborates with the Rodrigues Regional Assembly, especially the Commission responsible for Land, to provide technical expertise with regard to the clearing of backlog of land lease applications and pending private land cases, by sending temporarily a team of Government surveyors shortly in that regard to Rodrigues.

I will also suggest that necessary action be taken for the transfer of all immovable property archives from Mauritius to Rodrigues or make it available online. And that will be done soon with the coming of the undersea optical fibre connection between Mauritius and Rodrigues.

Madam Speaker, again, be it in Rodrigues or in Mauritius, immovable property transactions are subject to many malpractices, as rightly pointed out by the Truth and Justice Commission and also by the Commission of Inquiry on prescription. It is obvious that there have been false land and property registrations perpetrated by fraud in our Republic.

And one last question is whether, after the affidavit of prescription has been transcribed and there has been no objection, the real owner can still come and vindicate his rights with regard to his or their property - that is a question - and also whether there will be any penalty for any frivolous and unjustified objection which is set aside by a Judge in Chambers Order.

Madam Speaker, court accessibility is a great concern for local people from Rodrigues. I have witnessed aggrieved heirs of concessions or private lands, with regard to legal procedures, incurring huge cost to have recourse to legal representatives in the Supreme Court of Justice here in Mauritius, with regard to lands issues in Rodrigues. And I think something needs to be done in that direction.

Madam Speaker, the law should also be amended to provide for cases relating to prescription of land in Rodrigues to be dealt with by Visiting Judges during Supreme Court session in Rodrigues, once it is recorded in the Registry of the Rodrigues Court.

Madam Speaker, finally, it is imperative that our Republic considers as urgent the setting up of a Special Land and Environment Court. This is urgent, as rightly said by various quarters. This was also pointed out by hon. Ganoo and hon. Gayan as well.

Madam Speaker, let me congratulate the hon. Attorney General for this piece of law. I have to say that I support the Acquisitive Prescriptive Bill (No. XII of 2018) and on these notes, I thank you for your kind attention.

Madam Speaker: Hon. Ramano!

(9.31 p.m.)

Mr K. Ramano (Third Member for Belle Rose & Quatre Bornes): Merci, Madame la présidente. Madame la présidente, d'emblée je souhaite vous dire que je donne mon adhésion au *Bill*, mais je souhaite quand même faire une analyse critique de la loi qui est présentement dans la Chambre.

Madame la présidente, la prescription a toujours existé, et ce, depuis la rédaction du Code Civil Français en 1804, duquel nous nous sommes inspirés pour rédiger le Code Civil Mauricien. La prescription, c'est tout simplement l'acquisition d'un droit ou l'extinction d'un droit après l'écoulement d'un certain délai. La prescription acquisitive est l'acquisition d'un droit, dans le cas présent, d'un droit réel, relatif à la propriété d'un bien immobilier par le fait de son occupation pendant un certain délai. Eh oui, c'est l'acquisition d'un droit, même au

détriment d'une autre personne qui déclare lui aussi occupait le bien. Ce droit est aussi reconnu, même au détriment d'une personne qui peut détenir un titre de propriété. C'est une action grave, Madame la présidente. Pourquoi cela? Il faut savoir peut-être dépassionner le débat. Pourquoi cela? Historiquement dans les pays des quels nous nous sommes inspirés, notamment la France, après les périodes de guerres ou autres calamités, les habitants ont abandonné la culture des terres qui sont restés à l'abandon pendant des dizaines d'années. Il appartient alors aux autorités d'encourager la culture des terres restées à l'abandon par l'effet des propriétaires afin d'apporter un apport économique et financier à la famille, mais aussi bien à la collectivité sociale.

Permettez-moi de citer Claude Civallero dans son article, « Les affaires foncières devant les tribunaux ». Communication au Colloque « La question de la terre dans les colonies et départements français d'Amérique », Editions Karthala 2000 –

« La prescription acquisitive trouve l'un de ses fondements dans l'idée de récompense de celui qui a fait fructifier un bien dont le propriétaire qui a laissé un long délai sans agir contre le possesseur est interprété par le législateur comme l'aveu d'une absence ou d'un abandon de droits. L'activité du possesseur est considérée comme socialement utile par rapport à celui qui s'est désintéressé de sa charge. »

L'Article 2258 du Code Civil Français définit –

« La prescription acquisitive est un moyen d'acquérir un bien ou un droit par l'effet de la possession sans que celui qui l'allègue soit obligé d'en rapporter un titre ou qu'on puisse lui opposer l'exception déduite de la mauvaise foi. »

Même la mauvaise foi, ici, est permise avec la prescription trentenaire. L'Article 2227 du Code Civil Mauricien, comme l'a si bien souligné les autres intervenants avant moi, préconise que –

« Pour pouvoir prescrire, il faut une possession continue et non interrompue, paisible, publique, non équivoque, et à titre de propriétaire.

Pour prescrire en matière d'immobilière la possession doit présenter un caractère apparent, manifesté par des signes matériels extérieurs, tels que la construction d'un mur bâti servant de clôture, des plantations. »

Le délai de la prescription acquisitive est de 30 ans. Celui qui allègue la prescription trentenaire n'est pas obligé d'apporter le titre. Il peut tout aussi bien être de mauvaise foi.

Celui qui acquiert de bonne foi et par justice un immeuble, en prescrit la propriété par 10 ans si le véritable propriétaire habite à Maurice, et par 20 ans s'il est domicilié hors de Maurice. Cette provision normalement doit être changée avec la nouvelle loi, le délai de 20 ans passe à 10 ans uniquement.

Le Code Civil prévoit tout aussi bien qu'un occupant peut dans un procès en Cour plaider la prescription acquisitive et lorsque le jugement est rendu et transcrit, le jugement tient lieu de titre de propriété, qui est opposable aux tiers, une fois que ce jugement est transcrit. Même une décision judiciaire peut constituer une prescription acquisitive.

Avec cette brève introduction, Madame la présidente, il convient de rappeler que toute la procédure de la prescription fut interrompue, comme l'ont souligné avant moi les autres intervenants, avec l'adoption l'*Affidavits of Prescription Act* (Suspension of certain provisions) Act 2012. Il faut bien le rappeler que cette loi temporaire, voire de suspension, fut une des recommandations préliminaires de la Commission d'Enquête sur l'Acquisition Prescriptive qui avait tiré la sonnette d'alarme sur le fait qu'après l'institution de la Commission d'Enquête, en mai 2012, par le gouvernement, il y a eu un nombre alarmant d'affidavits de prescription jurés en Cour. Subséquemment, de nombreux *Public Notices* dans les journaux.

Dans une des correspondances adressées au gouvernement, la Commission attira l'attention au fait combien était facile avec la loi existante, c'est-à-dire, la loi qui date de 1958, que deux personnes avaient tout simplement juré un affidavit à l'effet qu'une partie avait occupé un bien immobilier pendant plus de 30 ans. L'affidavit est ensuite déposé au bureau du *Registrar General* avec un rapport d'arpentage et les publications sont faites dans le *Government Gazette* et dans deux *daily newspapers*. Et s'il y a aucune obstruction dans un délai de trois mois de la dernière publication, l'affidavit est transcrit et la personne concernée est considérée comme le propriétaire du bien.

Il est un fait, Madame la présidente, que très souvent ces personnes qui juraient les affidavits ne connaissaient même pas l'emplacement du terrain ou encore ne connaissaient même pas l'*applicant*. Autre point troublant, la plupart des personnes, dont le terrain faisait l'objet d'une prescription, n'avaient pas accès au *Government Gazette* ou encore les quotidiens où les publications ont été faites. On a eu malheureusement le cas - et c'est toujours la pratique, il faut le reconnaître - où un rapport, dressé par un *sworn land surveyor*, contient des irrégularités, des faux *land surveyors' numbers* ou encore des voisins limitrophes

fictifs. Il n’y avait aucune contre-vérification de ces données. Je me suis moi-même retrouvé avec deux rapports d’arpentages contradictoires du même arpenteur.

Madame la présidente, suivant le rapport sur le *Truth and Justice Commission* et les abus constatés de manière générale sur les procédures de prescription, le gouvernement, en mai 2012, institua la Commission d’Enquête sur *l’Acquisitive Prescription*.

The *Terms of Reference* se lit comme suit –

“To inquire and report on whether the system of acquisitive prescription gives rise or has given rise to any malpractice or wrongdoing and causes or has caused undue hardship or prejudice to the public. Report on such changes, including statutory amendments as may be necessary to better safeguard the interest of the public at large.”

La Commission d’Enquête a soumis son rapport le 23 octobre 2013. Il est déplorable et condamnable, quel que soit le gouvernement en place aujourd’hui, que ce rapport n’ait jamais été rendu public. Est-ce que cette Commission - la question qu’on a le droit de se poser, du fait que le rapport n’a jamais été rendu public - a recommandé que certain cas soient référés à la police ? Les cas flagrants où il y a eu maldonne, des faux affidavits et des dépossessions flagrantes de terrains. Nous ne le serons jamais aussi longtemps que le rapport n’est pas rendu public. Ou encore est-ce que les recommandations de la Commission d’Enquête est en phase avec la présente loi qui nous est proposée aujourd’hui?

Il est regrettable et dommage que sur un thème aussi préoccupant, le gouvernement n’a pas jugé bon de rendre public le rapport de de la Commission d’Enquête. Je ne suis pas en train de faire de la politique et chaque gouvernement successif est à blâmer pour cela.

Il est tout aussi déplorable qu’après toute la période de la suspension d’*Affidavits of Prescription Act*, le rapport, bien que soumis depuis 2013, ce n’est que maintenant, en octobre 2018, qu’une nouvelle loi est introduite au Parlement. Il faut bien se rendre à l’évidence qu’il existe bel et bien des cas *genuine* de prescription acquisitive. Il est regrettable pour ces personnes de bonne foi qui ont été privées du droit de la propriété privée. Pendant ce temps, il y a des personnes qui sont décédées sans avoir eu le droit à la propriété privée d’un bien qu’ils ont acquis, qu’ils ont occupé pendant plus de 30 ans.

Avant d’aborder les sections de la présente loi devant nous aujourd’hui, je souhaite attirer l’attention de la Chambre qu’après le rapport du *Truth and Justice Commission* qui a attiré l’attention de la population sur les cas de privation à la propriété, un aspect de ce

rapport qui est le *sale by levy* a été négligé parce que le *sale by levy* a été considéré comme un des moyens de dépossesion de terre. Toute une section du rapport *Truth and Justice Commission* fait mention de l'urgence de décrier la prescription comme un des moyens de dépossesion des biens immobiliers. Mais il faut être juste. La Commission, à aucun moment, ne remet en cause la nécessité de la prescription.

La Commission se pose de sérieuses questions en ce qui concerne la procédure, en ce qui concerne la transcription de l'Affidavit. La transcription c'est de rendre public au bureau de l'enregistrement, l'Affidavit assuré par la même l'opposabilité aux tiers. Dès ce moment, la Commission souligne la nécessité d'un *appropriate Protocol to exercise more control upon the averments of a person alleging to have prescribed a plot of land*. La Commission souligne la nécessité d'avoir une autorité *to ensure the truth of the said averments*. La Commission évoque aussi la possibilité de questionner les arpenteurs jurés ou encore les témoins des Affidavits.

Afin de soulager une telle autorité en cas de surcharge de travail, la Commission recommande un rôle plus déterminant aux collectivités locales avec l'institution d'un *Prescription Committee*, qui sera responsable de la délivrance d'un *Prescription Permit*. La Commission recommande qu'après la délivrance du *Prescription Permit*, un *Prescription Deed* soit rédigé par un avoué ou un notaire. Le *Prescription Deed* sera alors transcrit au bureau de l'enregistrement pour être opposable aux tiers.

Madame la présidente, il y a eu un aspect de ce rapport du *Truth and Justice Commission* qui mérite considération. C'est la réalité sociologique de notre société. Il faut le reconnaître, nombreux cas de dépossesion de la terre ont été dus au fait que les plaignants sont des illettrés, ils n'ont pas les ressources financières adéquates et font face à des obstacles énormes pour collecter les documents légaux. La Commission déplore aussi la lourdeur et les frais excessifs des frais légaux et judiciaires.

Autre facteur sociologique noté c'est la dépossesion des terres par le fait de l'occupation par des propriétés sucrières, des terres appartenant à des descendants d'esclaves ou de coolies. Ces mêmes descendants d'esclaves sont des employés de ces mêmes propriétés sucrières, rendant leur action de revendication impossible.

Afin de contrer ces cas de prescription abusive, la Commission recommande la création d'un *Land Research and Monitoring Unit to receive legitimate complaints and to*

carry out in-depth investigations. La Commission recommande, par la même, un *Notarial Acts Database*.

Madame la présidente, *l'Acquisitive Prescription Bill* qui est dans la Chambre aujourd'hui tend à prévoir des garde-fous concernant la prescription acquisitive. Je l'ai dit, j'accueille favorablement le présent *Bill* bien qu'en tant que parlementaire et aussi en tant que notaire et je souhaite faire quelques commentaires.

Le *Notarial Deed* selon la *Notaries Act* est un acte authentique rédigé par un notaire avec une force exécutoire. Il n'y a pas lieu d'avoir une décision de justice pour rendre exécutoire un acte notarié. L'acte notarié en essence est un acte qui peut être rendu exécutoire, une fois que l'acte est enregistré et soumis au bureau de l'enregistrement.

De plus, le notaire est considéré comme un officier ministériel qui peut être notaire à vie et aussi quelqu'un dont la profession est régie sous le *Law Practitioners Act* et nommé sur la recommandation du *Chief Justice*.

La première nouveauté de ce présent *Bill*, Madame la présidente, se situe à la section 3. L'occupant qui souhaite prescrire son terrain, doit soumettre au notaire, entre autres documents, un Affidavit juré par lui, certifiant le nombre d'années qu'il a occupé le bien immobilier. Il faut bien le souligner, Madame la présidente, que dans le passé, cette provision se distingue de celle de l'*Affidavits of Prescription Act* de 1958 où seulement deux témoins doivent jurer sous serment que l'occupant a bien occupé le bien pendant un certain nombre d'années. Et en cas de faux Affidavit, les faits rapportés dans l'Affidavit se révèlent non avérés. Seulement les témoins étaient susceptibles d'être poursuivis au pénal pour avoir juré un faux Affidavit.

Dans le présent *Acquisitive Prescription Bill*, outre les témoins, l'occupant, *the applicant* doit répondre des faits mentionnés. Et en cas de faute, sera passible d'être poursuivi pénalement pour avoir juré un faux Affidavit. Cela est louable car on s'est trop souvent retrouvé avec des témoins de complaisance ou encore des témoins attirés des Affidavits, on se retrouve très souvent avec les mêmes témoins dans plusieurs Affidavits. Plusieurs Affidavits de prescription à travers le pays, on se retrouve avec les mêmes témoins très souvent. Ces témoins ne connaissent même pas l'emplacement comme je l'ai dit ou encore ne connaissent même pas l'occupant et se permettent aussi de faire des déclarations sous serment.

La présente loi oblige les témoins d'avoir pas moins de 48 ans et d'habiter ou d'occuper les lieux se trouvant dans le *vicinity*. Je dois dire que le mot '*vicinity*' est très relatif et demande à être plus précis. Quatre Bornes peut être dans le *vicinity* de Vacoas, Quatre Bornes peut être dans le *vicinity* de Beaux Songes/Bambous, Quatre Bornes peut être dans le *vicinity* de Rose Hill, de Beau Bassin mais le mot '*vicinity*', à mon avis, mérite d'être clarifié.

Obligation est faite aux témoins d'avoir plus de 48 ans pour pouvoir certifier que l'occupant a occupé le terrain pendant plus de 30 ans, ce qui est totalement logique. Il faut être majeur à l'époque pour pouvoir certifier que l'occupant a occupé le terrain pendant plus de 30 ans. Je souhaite, ici, attirer l'attention de l'*Attorney General* qu'il aurait été plus approprié d'imposer un minimum d'âge aussi à l'occupant. Pourquoi seulement aux témoins?

Dans la pratique légale, il est aberrant de constater que la période d'occupation de 30 ans se trouve dans bon nombre de cas dans une période où l'*applicant* était mineur. On se retrouve dans une situation, si on n'impose pas d'âge en ce qui concerne l'*applicant*, lorsqu'on remonte 30 ans en arrière mais l'*applicant* se retrouve avec l'âge de 14 ans, 15 ans, 16 ans. Est-ce que légalement on peut considérer que l'*applicant* a occupé le terrain pendant plus de 30 ans ?

Donc, mon appel au ministre, Madame la présidente, c'est de considérer cet état de choses où il faut bien se rendre à l'évidence qu'il est inacceptable d'avoir un *applicant* qui, au moment de l'occupation, était mineur. Donc, tout comme les témoins, il faut bien considérer que l'*applicant* aussi doit être âgé d'au moins 48 ans, 18 plus 30 ça nous fait 48 ans.

Madame la présidente, je souhaite aussi attirer l'attention de l'honorable ministre que la section 10 fait mention de la nécessité de transcrire tout acte constatant la vente, le transfert, la constitution d'un privilège, d'une hypothèque ou d'une servitude, d'un droit d'usage, d'un bien immobilier dont le titre de propriété est le fait d'une prescription. Cette provision est très louable, je souhaite toutefois souligner que cette liste doit inclure logiquement les *fixed charges* qui sont des garanties prévues toutes aussi bien par le Code Civil. Tous ces cas qui ont été mentionnés, que ce soit la vente, le transfert, la constitution de privilèges, l'hypothèque, les servitudes, le droit d'usage d'un bien immobilier sont faits par acte authentique. Le seul cas qui mérite considération, qui n'a pas été considéré dans tous ces cas de figure, ce sont les *fixed charges* et qui trop souvent sont faits par des actes sous seing privé. Moi, je considère qu'il y a lieu comme garantie bancaire de prévoir aussi les *fixed*

charges sur les biens qui ont fait l'objet de prescriptions que ces *fixed charges* aussi font pour l'objet d'une transcription au bureau de l'enregistrement. Je demande à l'honorable ministre de considérer cet oubli.

Madame la présidente, je souhaite attirer l'attention de la Chambre concernant les *consequential amendments* à la section 15 de quatre lois mentionnées que je considère que deux lois additionnelles méritent d'être considérées: le *Registration Duty Act* et le *Notaries Act*. Je m'explique. A l'état actuel des choses, aucune mention n'est faite dans la présente loi des droits qui seront imposés lors de la transcription de l'acte notarié constatant un amendement subséquent.

Madame la présidente, à l'état actuel des choses, comme je l'ai dit, aucune mention n'est faite en ce qui concerne des droits qui sont taxables lorsqu'on va procéder à la transcription de l'acte notarié au bureau de l'enregistrement. Est-ce que ce sera un droit proportionnel? Est-ce que ce sera un droit fixe? Rien n'est mentionné. Il faut bien le préciser et, à ce niveau, il se peut très bien qu'un amendement soit nécessaire au niveau du *Registration Duty Act*. Il en est de même en ce qui concerne le *Notaries Act*. La profession notariale est la seule profession légale où les honoraires du notaire sont régis par la loi notamment dans le *Schedule* du *Notaries Act*. J'ai eu l'occasion d'en parler avec l'honorable ministre mais je pense aussi que c'est important pour protéger le décorum légal de la profession et d'assurer qu'il n'y ait pas de concurrence entre les notaires ou encore protéger les clients des abus éventuels de certains notaires et qu'on vient de préciser à travers des *regulations* au *Notaries Act* de prévoir quelles seront les honoraires que les notaires seront habilités à imposer aux clients. L'Attorney General est habilité à travers des *regulations* à amender le *Schedule* du *Notaries Act* à cet effet.

Madame la présidente, il est un fait et on doit avoir le courage de le dire, qu'il existe des brebis galeuses dans toutes les professions, y compris parmi les notaires, les avoués ou même les arpenteurs.

(Interruptions)

Il faut avoir le courage de le dire et je l'ai dit. On a déjà vu dans le passé des connivences entre clients, arpenteurs et certains notaires. Le but de ma déclaration ici n'est pas de tomber dans le sensationnalisme mais il existe des dangers réels si on ne prévoit pas des garde-fous. Le risque est grand car certains honnêtes propriétaires risquent d'être dépossédés de leur terrain d'une façon injuste. L'abus viendra de ce fait à la section cinq de la loi, en ce qui

concerne les *Notices of Objection*. Je pense qu'il serait plus judicieux à ce niveau tel que c'est prévu par le *Acquisitive Prescription Act* de ce jour, le service *Notice of Objection* est fait seulement au notaire et à l'*applicant*. Oui, je pense qu'il serait plus judicieux à ce niveau de servir le *notice of objection* aussi bien au *Registrar* tout comme l'*applicant* et aussi le notaire mais d'ajouter le *Registrar General* dans le service of notices, qui sera appelé éventuellement de transcrire l'affidavit de prescription. Je propose que le *Notice of Objection* soit donc servi au notaire, à l'occupant et au *Registrar General*.

Autre point que je souhaite attirer l'attention de l'Attorney General est à la section 7(a) qui se lit comme suit –

“No deed of prescription of an immovable property in respect of which a notice of objection is served on the notary shall be transcribed unless -

- (a) The objection is withdrawn by notice served on the notary; or*
- (b) The notary is in presence of an order of a Judge in Chambers setting aside the objection on a certified copy of a judgment of a competent Court is being served to the notary, etc...”*

Madame la présidente, si on ne fait pas attention, cette section 7 (a) peut ouvrir la voie à des risques d'abus énormes. Je propose qu'une fois que le notice of objection est servie au notaire, à l'occupant et au *Registrar General*, le retrait de l'*objection* ne peut pas se faire au niveau du notaire. Le retrait de l'*objection* ne pourra se faire qu'au niveau du juge en Chambre et cela afin d'éviter des abus.

Mon souci, dans ce présent cas, est que la section 7(a) est trop vague. *The objection is withdrawn*. Le risque d'abus de *withdrawal* est réel. Comment est-ce qu'on va interprété le *withdrawal* d'une objection à travers une simple lettre qui est servie au notaire.

Je propose qu'il convient de laisser la pertinence *to set aside the objection* uniquement au juge en Chambre qui sera seul habilité à juger le bien-fondé des objections. Il convient donc de retirer la section 7(a) et de se limiter à la section 7 qu'au terme du sens de la section (b) qui reconnaît l'indépendance du juge en Chambre à trancher lorsqu'il existe des *notices of objection*.

Madame la présidente, c'est vrai aussi qu'il existe une contradiction entre la section 7(1)(a) du *Cadastral Survey Act* qui stipule que –

“No PIN shall be issued unless the Conservator of Mortgages certifies that there has been no objection to the prescription.”

Madame la présidente, cela est en contradiction complète avec la section 3 du *Acquisitive Prescription Bill* qui stipule que l'affidavit juré par l'*occupier* doit inclure le *Pin Code*, cela est en contradiction avec le *Cadastral Survey Act*. Comment est-ce que l'arpenteur va soumettre un *Pin Code* au notaire si on doit attendre que la transcription soit faite pour que le *Cadastral Survey Act* puisse donner un *Pin Code* à un rapport d'arpentage.

Il y a une contradiction flagrante et je pense qu'il y a lieu que le ministre précise les choses à cet effet. A-t-il des solutions je pose la question? Peut-on parler d'un *Pin Code* provisoire qui est émis le temps que l'application soit faite et une fois que la transcription a été certifiée au bureau de l'enregistrement, le *Cadastral Survey Act* confirme le *Pin Code* qui a été émis. Et je dois aussi attirer l'attention de la Chambre ici que, dans cette présente loi, ce n'est pas le *Conservator of Mortgage* qui certifie qu'il n'y a pas eu d'objection. Ça c'était vrai dans l'ancienne loi, dans la loi de 1958. Ici, c'est la responsabilité du notaire avec la présente loi, le conservateur peut seulement certifier que le *notarial deed* a été transcrit.

Madame la présidente, il convient de préciser que toutes les dispositions de la présente loi visent à rendre les procédures de la prescription plus sévères en raison des abus constatés. Cela est parfaitement justifié par le fait que la prescription est un acte grave qui peut mener à la dépossession d'un bien.

Je pense, Madame la présidente, qu'il faut dépassionner le débat et situer le débat. Une fois que l'acte notarié a été transcrit au bureau de l'enregistrement, ce n'est pas la fin de l'histoire. Cela ne constitue pas nécessairement un titre de propriété qui est incontestable. Il existera toujours d'autres recours, et là il faut bien le souligner que la protection légale ne s'arrête pas là. Les effets de l'*Acquisitive Prescription Bill* ne s'arrêtent pas là. Les effets de l'*Acquisitive Prescription Bill* n'est pas la fin de l'histoire. Je l'ai dit, le recours légal existe toujours.

Toute personne qui se sent lésé par l'effet d'une prescription peut toujours saisir une cour de justice pour contester l'effet mentionné dans l'affidavit ou encore la capacité des personnes ayant juré l'affidavit. D'ailleurs, l'article 2268 du Code Civil Mauricien prévoit que toutes les actions réelles sont prescrites par 30 ans s'il n'en est autrement fixé par la loi. Le délai trentenaire de l'action en revendication ne court à l'égard du véritable propriétaire qu'à compter du jour où il a connu l'existence de la prescription aurait pris connaissance du fait que son bien est maintenant entre les mains d'un autre propriétaire.

La personne dépossédée, la personne qui réclame un titre de propriété a toujours cet exercice du droit réel qui est prévu par le Code Civil qui lui permet pendant 30 ans de contester l'affidavit de prescription. Donc, il ne faut surtout pas voir les choses d'une façon passionnée et donner l'impression que la présente loi c'est la fin de l'histoire, c'est la privation de la propriété. Il existe quand même des recours qui sont prévus par la loi dans le Code Civil pendant 30 ans, l'action réelle pour contester même l'affidavit de prescription.

Le délai de l'action en revendication ne court qu'à deux conditions: que le propriétaire a ou devait avoir connaissance de son droit de propriété sur la chose et a connaissance de la possession de son bien par un tiers.

Madame la présidente, l'acte notarié prévu dans l'*Acquisitive Prescription Bill* ne confère aucunement un droit absolu de propriété, mais facilite tout simplement l'administration de la preuve de la prescription au cas où il y a contestation. L'acte de notoriété acquisitive contient les éléments matériels révélant l'existence d'une possession continue, paisible, publique, non-équivoque et à titre de propriétaire. L'acte de notoriété acquisitive par le notaire demeure et demeurera toujours après les 30 ans, un titre, jusqu'à ce délai de 30 ans un titre précaire, car l'acquéreur d'un immeuble dont l'origine de propriété est une prescription acquisitive peut être inquiété par une action en revendication à n'importe quel moment pendant cette période de 30 ans.

L'acte de notoriété acquisitive préconisé par l'*Acquisitive Prescription Bill* s'est inspiré du droit français, en matière de prescription, une provision légale qui a fait ses preuves.

Sur ce, Madame la présidente, je vous remercie.

Madam Speaker: Hon. Rampertab!

(10.04 p.m.)

Mr R. Rampertab (Second Member for Flacq & Bon Accueil): Madam Speaker, first and foremost, let me thank and congratulate hon. Maneesh Gobin, the Attorney General, for coming up with this piece of legislation which was very long overdue. I know there are thousands of people in Mauritius who has been waiting for this piece of legislation and I congratulate him for that. Once again, Madam Speaker, this Government is delivering its pledge through this piece of legislation today to transform our legal system by changing the outdated procedures around the acquisitive prescription.

Madam Speaker, the previous legislation, namely the Affidavits of Prescription Act dates back to 1958. The legislation comprises of 12 sections and one amendment was made in 1978. Hence, it will be now 60 years since the legislation has prevailed and it is firmly entrenched within the Mauritian legal system. The general perception around the Affidavits of Prescription Act is that it is fairly easy to undertake an acquisitive prescription. I would not go into the details of the legislation as it has already been said by a few Members of the Assembly. Indeed, it is very clear that the current practice is as such not properly regulated and open to malpractices from ill-intentioned individuals. We have all heard the numerous stories of individuals who have lost their immovable properties through such practices.

Madam Speaker, this piece of legislation goes in the right way to curtail the misuse of acquisitive prescription and it is with much pride that I welcome the Acquisitive Prescription Bill.

Madam Speaker, the pre-independence Affidavits of Prescription Act has duly served its purpose and it is high time that a fresh legislation is brought forward for the benefit of the country. Indeed, under the last legislation, a series of abuses had been uncovered. Unscrupulous individuals did not spare any effort to misuse the legislation and fraudulently acquire immovable properties. For example, a person residing in Goodlands prescribe a portion of land in Souillac and his two witnesses came from Flacq and Bamboo respectively. Several individuals have, over the years, been prosecuted for both giving instructions to swear false affidavits and for swearing false affidavits themselves.

Fortunately, the Supreme Court, as the ultimate guardian of justice, was able to declare null and void many such fraudulent cases. The situation was so blatant, Madam Speaker, that even a former Chief Justice compared the affidavit of prescription to that of a *papier kokin la terre*. However, Madam Speaker, how many other such properties have been fraudulently prescribed but without being detected and the culprits punished.

It is surprising how the previous Government was unable to intervene to alleviate the hardship being faced by needy families. It is only in our Government that a bold and legal framework is being introduced. As I mentioned earlier, Madam Speaker, the law has done its job over the years and duly served genuine cases. For example, unfortunately, spouses who marry religiously but not legally were given justice after the demise of their spouses. These individuals were able to demonstrate that they lived in the family house and cultivated the land for more than 30 years alongside their families. Hence, hardworking families became

due owners of their property after the period of 30 years. Other applicants were successful in prescribing their properties by duly showing registration over 30 years with the Sugar Insurance Fund Board, Planters Welfare Fund or even CEB and CWA bills.

Madam Speaker, the historical evolution of the Acquisitive Prescription is key understanding this bold move by our Government. Some of the historical statistics were compiled by the Truth and Justice Commission for which we are grateful.

In 1959, that is only one year after the Affidavits of Prescription Act has been proclaimed, 32 prescriptions had been registered and the number of prescriptions continued to increase until it reached 389 in 1978, and the rising trend persisted until it reached its peak in 2002 when 490 prescriptions had been registered. Since then, Madam Speaker, the number has stabilised but still remains fairly high.

Madam Speaker, a detailed analysis of this process of acquisitive prescription was made, as I said, by the Truth and Justice Commission. In fact, they made a series of suggestions on how to improve the process. If analysed objectively, not all of the suggestions can be supported but the serious one cannot be ignored as well. Only this Government was bold enough in coming up with a solid new piece of legislation which will safeguard the population against any attempts of fraudulent acquisitive prescription.

Madam Speaker, let us look in details at the requirements listed, which will ensure that the abusers are prevented. Henceforth, as per the proposed legislation, two surveyors will have to visit the property to ensure that the report is prepared. This will reduce the chance of any collusion between the main party and the surveyor. Any major discrepancies between the reports will be clear and can be addressed accordingly.

Moreover, the two witnesses who will swear the affidavits will have to be, at least, 48 years and must reside in the vicinity of the immovable property. Indeed, this requirement is key as it will ensure that witnesses are true neighbours and residents, and thus have a real knowledge of immovable property and its occupier over the last 30 years. The notary public will have to implement this role by checking the evidence such as utility bills.

Through the new legislation, Madam Speaker, it will be a requirement for the notary public to obtain the right supporting documents and undertake a proper process of due diligence. For example, as I mentioned earlier, documentary evidence such a Registration Certificate with the SIFB or the Small Planters Welfare Fund, or even CEB and CWA bills,

should all be considered, if available, to double check the claim of the main party with regard to the immovable property.

Another important requirement, Madam Speaker, of the new legislation is around the publication of the notice. The latter, when published, should be precise enough to allow concerned parties, if any, to rightly identify and locate the immovable property. Hence, it is essential that the details with which the notice is published as well as the medium through which it is published are clear and accessible. The Truth and Justice Commission, for instance, highlighted cases where I am sure - a few other Members have already said that - where the notices had been published in Chinese daily and the immovable property was described as, I quote –

*“On the first side by a public road”, “on the second side by an unknown proprietor”,
“on the third side, proprietor is unknown”*

Madam Speaker, this decision of the property has been deliberately listed without specific details to avoid grabbing the attention of the real owner and avoid any objections.

Moreover, Madam Speaker, how can the real owner come across the notice if it is published in a daily which is not widely circulated and in a language which is not understood? Hence, I welcome the requirement of the new legislation to ensure that the notice is published on the website of the Ministry, and I applause the Attorney General, Minister of Justice, Human Rights and Institutional Reforms for this new requirement, which will increase the visibility and accessibility of published notices.

Madam Speaker, even if the new legislation has announced a series of new safeguards, it would be advisable to consider some enhanced requirements to ensure that fraudulent acquisitive prescriptions do not happen. For instance, it could be considered the plates with the notice are placed at a height of 5 feet on all corners of the immovable property. Also, the plate should be of a reasonable size and be visible from a certain distance. Moreover, in terms of the due diligence to be undertaken, the applicants and the witnesses, it could be considered that the Local Authority or the Local Police to certify the occupation of the immovable property by the applicant as well as the resident’s requirement or the witnesses.

Such measures, Madam Speaker, will ensure that there is an independent due diligence which is conducted by an approved authority. We should also consider heavy fines or even imprisonment for swearing false affidavits of prescription, Madam Speaker. I am sure

that my colleagues from this side will cover in details other aspects of the legislation and demonstrate its effectiveness in combating the longstanding abuse of the previous legislation.

Madame Speaker, to conclude, I would like to congratulate again my colleague and friend, the Attorney General, for bringing forward this piece of legislation. His brilliant performances with his Ministry coupled with his dedication, consistency and mastery in delivering legislation are tribute to this Government's dedication and promoting a fairer society. Indeed, this legislation is another evidence that our Prime Minister is keenly listening to the grievances of the population and bringing substantive changes needed to guarantee the rights of our citizens towards their property.

Thank you, Madam Speaker.

Madam Speaker: Hon. Ramful!

(10.15 p.m.)

Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien): Madam Speaker, I do not propose to be very long. A lot has already been said by the previous orators. However, I wish to take the opportunity to make a few observations about the Bill.

Now, there is one issue, it is with regard to the title; the title would seem to me to be a misnomer, the Acquisitive Prescription Bill. We have to be very clear that we are not dealing here with the substantive law on prescription. I think the hon. friend, Mr Ramano, stated it very clearly that the law, the substantive law on prescription is found in our Civil Code. There are certain requirements that need to be fulfilled, certain conditions, *l'occupation paisible, non-interrompue, continue apparent, etc.* So, these conditions are very clearly mentioned in the Civil Code. What we are dealing here with is the procedure that will allow an applicant to obtain a deed of prescription. And that deed of prescription does not give him an absolute right to property because whether he gets a deed of prescription or not, that deed can be challenged ultimately before the Supreme Court. So, we have to be very clear that we are not dealing here with the substantive law on prescription.

Now, the second point, and I feel obliged to mention it, is about the time that it has taken for this Bill to come before the House. I am not going to blame this Government or the previous Government, but the fact remains that there was a Commission of Inquiry that was set up back in 2012. And in that same year, there was a Bill before this House which suspended all procedures with regard to prescription. Madam Speaker, we had genuine cases where people have been occupying properties for over 30 years, genuine cases, and these

persons have been prevented from applying to the Conservator of Mortgages to get a title for them to be able to either pass it on to their children or go to the bank and get loan. So, it has taken six years for Government to come before this House on this Bill. I have said I am not going to blame which Government, we know the Commission of Inquiry was set up back in 2012. I remember, in this very House, the previous Minister of Housing, in an answer to a question, stated - he was queried about the time, why he is taking so much time to come before the House with a Bill on prescription - that the recommendations have been submitted to him, he has sent the recommendations to the SLO, then he found out that there was a need to set up an Advisory Panel comprising of experts to provide their views and ultimately we do not know what recommendations the Advisory Panel gave to the Minister. But then, as if it would appear that the Commission of Inquiry, which was being chaired by a Senior Magistrate and two barristers of 10 years standing, the recommendations that they submitted were not clear enough for the Minister. As if the experts at the level of SLO were not competent enough, so he had to set up an Advisory Panel to advise him on how to draft the legislation.

So, when I look at the answer of the previous Minister, my conclusion is that he has been sitting on this Bill for four years, Madam Speaker.

Now, with regard to the contents of the Bill, it is being proposed that we do away with the term 'Affidavit of Prescription' and we use the term 'Deed of Prescription,' so that as from the operation of the Bill, when it will come into force, attorneys would not be allowed to apply for transcription of affidavits of prescription. It will be the privilege of notaries only. I have nothing against the notaries, but under the old law, both attorneys and notaries were allowed to apply for affidavits of prescription.

I do not see any justification why this should be reserved only to notaries. I will not buy this idea of notaries having the power to authenticate title deeds, etc., because an affidavit of prescription - whether it is the attorney who is going to apply for the transcription or the notaries - remains a precarious title. As I have said earlier on, it can always be challenged before the Supreme Court. So, I do not see the reason why this should be reserved only to notaries. The Vice-Prime Minister, hon. Mrs Jeewa-Daureeawoo is going to intervene afterwards. She is an attorney. I do not know whether she is going to agree with this. Maybe the Attorney General can tell us whether this Bill has been circulated to the Law Society, whether they have given their views and whether they are agreeable on this, because this is going to take a chunk of their workload.

With regard to the safeguards, well, hon. Members have said that the main problem is with regard to the memorandum of surveys. We have had notorious land surveyors - we have it in all professions - who have been playing with boundaries, coming up with fictitious memorandum of surveys. The main problem has been with those notorious land surveyors. That is why I agree with the proposition that is being made in the Bill, that not only the occupier must swear an affidavit, but the land surveyor who is going to prepare the memorandum of survey must also swear the affidavit, and this will surely act as a deterrent against any malpractices.

However, I believe that this will not be enough. There is one issue. Unfortunately, the Minister of Housing and Lands is not present. I believe that we need to have a more proactive Land Surveyors Council, having effective disciplinary powers. I understand that following various Parliamentary...

(Interruptions)

No, there is. Apparently, following various Parliamentary Questions, they have recently constituted the Land Surveyors Council. But then, the Professional Land Surveyors Council Act, which has been proclaimed in August 2014, also provides for the Minister to make Regulations to prescribe the code of practice for land surveyors. Would you imagine this, Madam Speaker. Since 2014, no code of practice has been prescribed. So, how would you expect the Land Surveyors Council to exercise disciplinary powers against land surveyors when no code of practice has been published?

With regard to the safeguard, there is section 3(e), the affidavits of two witnesses. I welcome this recommendation that the witnesses should be, at least, 48 years, but there is one other condition which is missing. It is with regard to the period of time that these two witnesses should have resided in that locality; otherwise, we may end up with a witness who has 48 years, but who has recently come to reside in that locality. Nothing prevents him under the law to swear an affidavit and say, "I know the occupier; he has been occupying that property for more than 30 years." So, I believe that there should be a further condition that not only should those two witnesses be at least 48 years, but that they should also have resided in that particular locality for more than 30 years.

With regard to section 4(1) (a) (ii), which deals with the "display of the notice in such other places, which are visible to the public", it is provided that the notary in consultation with the land surveyor should decide which public place they should display the notice. I

think this is too vague. There are various public places. I think this should be listed in the law, like District Councils, District Courts, Village Councils, Municipalities, etc., so that people know exactly where those notices can be found.

With regard to section 5(1), which provides that the person who objects to the prescription should serve a notice on the notary and the occupier - I think hon. Ramano made mention of this -, I propose that the objection should also be served the Conservator of Mortgages, because he is the one who ultimately is going to transcribe the deed. So, he is the one who should first and foremost be made aware if there is any objection or not.

Then there is this last issue with regard to consequential amendments. I think hon. Ramano also made reference to this. It is being proposed that the Cadastral Survey Act be amended to insert a new section 1(A), which provides that “No PIN shall be issued under subsection (1) to any person intending to prescribe any plot of land under the Acquisitive Prescription Act 2018 unless the Conservator of Mortgages certifies that there has been no objection to the prescription.” But then, in section 3 (d), one of the requirements for the notary to be able to apply for prescription is that the occupier should provide a PIN. So, there is a contradiction. Also, under the Cadastral Survey Act, no surveyor can provide a memorandum of survey until and unless he gets a PIN. So, there is a contradiction. Maybe the Attorney General can clarify us on these issues.

So, these would be the few observations that I wished to make, Madam Speaker.

Thank you.

Madam Speaker: Hon. Mrs Jeewa-Daureeawoo!

(10.30 p.m.)

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Madam Speaker, this is an important piece of legislation which is long overdue. On this side of the House, we welcome and commend the introduction of the Acquisitive Prescription Bill (No. XII of 2018), which, in fact, is repealing and replacing the Affidavits of Prescription Act of 1958.

Before I go further on the Bill, to reply to hon. Ramful, whether as an Attorney I welcome the idea of the procedures of an affidavit of prescription to be shifted to an notary, well, this is one of the recommendations of the Commission. Secondly, I personally see no

harm if by the passing of this Bill, we are strengthening the procedure. Through this Bill, we are introducing a new legislative framework to provide better safeguards to the acquisitive prescription of land in Mauritius. The new Bill will, therefore, better protect the property rights of Mauritian concerning land ownership.

One must realise that the old system of acquisitive prescriptions in the Affidavits of Prescription Act of 1958 has had its date. It is now 60 years since the Act was passed in Parliament. Some amendments have been brought in the said period of 60 years, but I must say that the amendments brought so far were minor amendments and have not at all touched the functioning of the system. So, there was indeed an urgent need to come with a new piece of legislation.

The fraudulent practices by some prescribers of bad faith in the system of acquisition prescription were brought to light in the 2011 Report of the Truth and Justice Commission, as has been mentioned by some hon. Members earlier. This led to the setting up of a Commission of Inquiry on the system of Acquisitive Prescription in 2012. Pending the final recommendation of the Commission, the application and operation of the Affidavits of Prescription Act of 1958 was suspended by a law in Parliament, that is, The Affidavits of Prescription Act (Suspension of certain provisions) Act of 2012. So, this meant that no application for the transcription of an Affidavit of Prescription could be made to the Conservator of Mortgages. Now, what was wrong with the Affidavits of Prescription Act of 1958, why on this side of the House we have had to bring this new piece of legislation? Madam Speaker, it was extremely easy to prescribe an immovable property. Why I am saying this, simply because there was no involvement at all of the prescriber to sign or to share an affidavit. The only thing he had to do, was to look for two witnesses to swear about his occupation of the land *indivi*. So, the prescriber was simply relying on the averments of two witnesses to acquire an immovable property under the conditions laid out in the Civil Code and the affidavit was then deposited at the office of the Registrar General together with a Memorandum of Survey. Publications were then made in the Government Gazette as well as to two daily newspapers. If there was no objection within a period of three months of the last publication, the affidavit of prescription was then transcribed and the applicant concerned was deemed to be the owner of the said land.

Now, the main problem is that over time there has been a distortion of the system by some prescribers of bad faith with the emergence of what we call *témoins de complaisance*. These *témoins de complaisance* who acted under the instruction of the prescriber of bad faith

sometimes did not even have personal knowledge of the exact location of the land to be prescribed. Sometimes, they did not even know the applicant. As has been raised by some Members here, it was not uncommon to find the same persons acting as witnesses in various applications of prescription.

Another difficulty in the system was that the majority of the persons whose lands were being prescribed did not have access to the Government Gazette or the daily newspapers where publications were made. Therefore, they could not avail themselves of the system of publicity and the mechanism of objection provided under law. As a result, the owners were unaware that their lands were being prescribed and as such could not object within the prescribed delay.

So, the system has had to be changed, something had to be done. We, on this side of the House, have found it necessary to push the present Bill in Parliament. We are happy that the Bill is in Parliament today. The Acquisitive Prescription Bill is coming with a completely new legal framework containing a series of measures and requirements to strengthen the procedures found in the law which was suspended. These measures are in the form of safeguards which will provide more protection in matters of acquisitive prescription.

This new mechanism of safeguards and control are provided in Clauses 3 and 4 of the present Bill. According to Clause 3 of the Bill, henceforth, it is only a notary public who will be in charge of the prescription procedure from the drawing up of a deed of prescription till the transcription of the deed with the Conservator of Mortgages. The obligation imposed by the law to have recourse to the office of a notary for prescription procedures aims primarily at ensuring the legality and security of all transactions. This will help, we believe, in preventing any type of malpractice.

Under Clause 3 of the Bill, a notary public will be entitled to draw up a Deed of Prescription at the request of an occupier, only after the receipt of different affidavits duly sworn, namely, one affidavit sworn by the occupier, which is a very good thing, specifying the number of years during which he has been in occupation of the said property. Under this Bill, the occupier will no longer have a passive role. As as we all know, previously he was not required to swear an affidavit; all responsibilities and duties rested on the two witnesses.

Second, one affidavit to be sworn by the Land Surveyor attesting and certifying the veracity of the contents of the Memorandum of Survey he has drawn up. Affidavits of two witnesses aged not less than 40 years and who reside or occupy or have resided or occupied a

plot of land in the vicinity of the immovable property, confirming that the occupier has occupied the said property for at least 30 years. This means that now the two witnesses must have personal and full knowledge of the exact location of the property to be prescribed and the occupier and his occupation of the land for 30 years.

Compared to the old system of Acquisitive Prescription where the whole procedure rested on only one affidavit of prescription, which could be sworn by only two witnesses who could be *témoins de complaisance*, this new Bill is putting more stringent and stricter conditions for prescriptive acquisition by requiring the swearing of different affidavits from all parties involved in the prescription procedure. The occupier and the Land Surveyor who draw the Memorandum of Survey and plans will no longer be passive parties and will have to assume their responsibility in the process as the law requires them to swear affidavit.

The requirements of Affidavits from all the parties involved will ensure the legality and security of the prescription and avoid fraudulent practices such as the swearing of false Affidavits which entails sanction of imprisonment. This will act as a deterrent to malpractice as swearing false affidavits is a criminal offence under section 195 of the Courts Act 1945.

Clause 3(e) of the Bill will do away with the issues encountered with the *témoign de complaisance* under the old system. The witnesses who have to swear affidavits must not be less than 40 years of age and must reside or occupy a plot of land in the vicinity of the land to be prescribed. They have to confirm positively in the affidavit that the occupier has occupied the immovable property for 30 years. This means that the two witnesses must have personal first-hand knowledge of the exact location of this said immovable property to be prescribed and of the occupier and his occupation of the land for 30 years.

Clause 3(h) of the Bill further provides for an exercise of due diligence to be carried out by the Notary Public with regard to the two witnesses as they have to provide a utility bill dated not less than two months as proof of address.

Clause 4 of the Bill is introducing new measures of publicity to afford better safeguard and protection to owners against the prescription of, if I may say, *en catimini* of the land and allowing them to avail themselves of the mechanism of objection. Under the old system, there was only the requirement of publication in the Government Gazette and two daily newspapers and most of the time the owners were unaware of the prescription and could not as such object because they did not come across the notice.

Now, clause 4 of this Bill is imposing as an obligation on the Notary Public, various measures of publicity to the intent of any member of the public who may have an objection. These various measures are the following –

- (1) notice has to be displayed for a period of three months in a conspicuous place of an immovable property which is going to be prescribed;
- (2) in such other places visible to the public as the Notary Public may determine;
- (3) in the Government Gazette;
- (4) in two daily newspapers of wide circulation in Mauritius on three consecutive days, including the weekend,
- (5) and on the website of the Ministry of Housing and Lands.

So, these five measures of publicity aim at avoiding the prescription *en catimini* of land by giving any person who could have an objection to the prescription, reasonable opportunity to avail himself of the mechanism of objections provided under the law.

Madam Speaker, through this Bill, the present Government is bringing long-awaited reform to improve our land acquisition system. The present Government is deeply concerned by the well-being of our people and is reinforcing law and order. We are, therefore, bringing the appropriate legislation that will safeguard the property rights of all Mauritians. We are confident that this piece of legislation will provide better safeguards and build a better country. The spirit of the law is all about better safeguards and more protection of immovable property in Mauritius.

To close, Madam Speaker, allow me to express my gratitude and thanks to my colleague, the hon. Attorney General for bringing this piece of legislation in Parliament today, a very important piece of legislation indeed.

Thank you.

Madam Speaker: Hon. Uteem!

(10.45 p.m.)

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Madame la présidente, la prescription acquisitive, ce qu'en terme légal on appelle *usucapion*, permet de devenir propriétaire par l'effet de possession, par l'effet de passage de temps en absence d'un titre.

À travers la prescription, on acquiert la propriété. On devient propriétaire d'un terrain qui ne nous appartient pas, et une fois on a prescrit un terrain, on peut le louer, on peut le mettre en garantie pour un prêt, on peut même le vendre. Mais on ne peut prescrire sous certaines conditions. Comment alors traduire la possession en titre ? Comment établir qu'on a occupé un terrain pendant 30 ans ?

L'honorable Rutnah, lors de son intervention, avait parlé de la situation en France en 1958 lorsqu'on avait passé la loi *Affidavits of Prescription Act*. Il aurait mieux fait de nous dire la situation actuellement en France. En France, aujourd'hui, l'occupant qui veut prescrire un terrain, doit faire une demande devant le tribunal de grande instance, et c'est au tribunal de constater l'existence de la prescription acquisitive. Donc, en France, le véritable propriétaire bénéficie d'une certaine protection contre les usurpateurs, contre les fraudeurs de mauvaise foi qui essayent d'accaparer ces biens. Malheureusement, à Maurice, une personne peut devenir propriétaire d'un immeuble sans l'intervention judiciaire, sans une décision d'un juge ou d'une Cour de Justice.

Sous *the Affidavits of Prescription Act*, on n'a qu'à soumettre un affidavit juré par deux témoins et puis on doit faire les publications nécessaires et trois mois plus tard, s'il n'y a pas d'objection, on devient propriétaire du terrain.

Donc, c'était une procédure trop simple et forcément il y avait des abus et beaucoup de gens ont perdu leurs terrains suite à des faux affidavits de prescription et à des rapports d'arpenteurs inexacts. Tel fut le constat, par exemple, de la Commission de Justice et Vérité dont a fait mention l'honorable Alan Ganoo dans son intervention. Ces fraudes avaient pris une telle ampleur que le gouvernement d'alors décida de mettre sur pied une commission d'enquête.

On 11 May 2012, Cabinet agreed to the setting up of a Commission of Inquiry on Prescription with Mrs Shameem Banon Hamuth-Laulloo, President, Intermediate Court as Chairperson and she has as assessors Mr Hervé Lassémillante and Mr Rajesh Unuth, two Barristers. The Commission of Inquiry submitted their report to the President on 23 October 2013, five years ago.

As this subject of prescription is a subject of national interest, various PQs were asked on this subject and each time a PQ was asked, systematically the Member, who asked the question or a supplementary question, requested that Government tables a copy of the Commission of Inquiry. And every time you ask a question, the Minister concerned came up

with a different excuse, for example, on 29 September 2015, the then Ag. Prime Minister, hon. Xavier Duval stated, and I quote –

“(…) the report should be examined first in Committee by Government and then published, but I will ensure or at least make sure that the Committees do their work diligently.”

So, he refused to publish it and said that there is a committee going to look into it.

Then, on 18 April 2017, last year, the then Vice-Prime Minister, Minister of Housing and Lands, hon. Soodhun, stated, and I quote –

“(…) we have just set up the Advisory Panel with persons concerned. (…). So, we cannot do that.”

Meaning he cannot give the report.

“And I just cannot bypass the panel.”

So, Madam Speaker, it is legitimate for us, on this side of the House, but also the whole population to know why is this report of the Commission of Inquiry kept confidential.

In the case of the Commission of Inquiry on Drugs, which was made public a few months ago, that was made public because it is paid from public funds. So, why make an exception for the Commission of Inquiry on Prescription! These Commissions of Inquiry are paid out of public funds. They are chaired by respectable people, they have made a serious job, they have interviewed a lot of people, and they have come up with recommendations. Now, whether we accept these recommendations or not, is another thing. Whether someone feels aggrieved by a statement contained in the Commission of Inquiry that’s a different matter. He can have recourse to judicial review or another remedy, but that’s not an excuse for hiding the content of the Commission of Inquiry from this House. Now, we expected to vote a Bill. We know that there is a Commission of Inquiry that has been set up. One of the terms of reference of that Commission of Inquiry is precisely to review the existing legislation and make recommendations.

Now how are we to know whether the Bill that we are debating today takes on board the recommendations of the Commission of Inquiry and if it doesn’t take on board the Commission of Inquiry’s recommendations, then the hon. Attorney General must tell us why the Government has decided not to take on board the recommendations. The hon. Attorney General did not even mention once the Commission of Inquiry on prescription in his

intervention. He only mentioned the Report of the Law Commissioner's Report which again was given to him in confidence. First time, I hear that a report by the Law Reform Commission is private and confidential. One can go on the website; they publish reports every other month. It's all public except the recommendations on prescription. So why all this opacity because it is a question of national interest. I don't see why the Government should be giving the impression that they are hiding something. I don't think there is anything to hide on such an important subject. Be that as it may, Madam Speaker, we have had a glimpse of what the Commission of Inquiry had recommended because answering to PQ in this House on 06 of December 2016, the then hon. Vice Prime Minister, Minister of land and Housing stated and I quote -

'Recommendations were made to, *inter alia* -

- (1) repeal the Affidavits of Prescription Act (1908) and come up with a Land Council Act;(...)'

Now, are we repealing the Act and come up with a Land Council Act? No. Second recommendation.

- '(2) amend the Cadastral Survey Act (2011);(...)'

Are we doing that? No.

- '(3) amend and proclaim the Professional Land Surveyors' Council Act (2014), (...)'

Are we doing it in this Bill? No.

- '(4) amend a number of other legislations -

- the Transcription and Mortgage Act 1982,
- Land (Duties and Taxes) Act 1984,
- The District and Intermediate Courts (Criminal Jurisdiction) Act 1988,
- Local Government Act 2011,
- Registration Duty Act,
- Bank of Mauritius Act 2004,
- Financial Services Act 2007,

- Waqf Act 1941,
- Legal Aid Act,
- Supreme Court,
- Curator of Vacant Estates,
- Civil Code.’

All these amendments were proposed by the Commission of Inquiry and nothing. Not a single of these legislation are being included in the law that we are debating today.

Now Madam Speaker, I have not read the Commission of Inquiry report but what I know for fact that whatever is being proposed today in this House is not what has been proposed by the Commission of Inquiry. In fact, the Commission of Inquiry recommended that the Affidavit of Prescription Act be repealed, not amended, not substituted with another legislation, which will have substantially the same provision as the existing legislation. What the Commission of Inquiry wanted is the setting up of a Land Council, a new system probably akin to what exists in France; an independent body which is going to verify. You know, when someone wants to prescribe land, he has to go and establish before this Land Council that he has fulfilled all the criteria for prescription. Instead we still have bypassed the legislation process, we still have bypassed this Land Council.

Madam Speaker, I would like to remind the House that the situation in 2012 was so alarming that even before the Commission of Inquiry submitted its final report the Government of the day was forced to come with a legislation to suspend prescription and presenting the Affidavits of Prescription Act (Suspension of Certain Provisions). Bill on 23 October 2012, the then Attorney General, hon. Yatin Varma, gave the reasons why and I quote -

‘certain matters which have been brought to the attention of Government by the Commission of Enquiry, in one of its correspondences’

He then went on to list what these concerns were. First, he stated –

‘under our law, as it presently stands - i.e. the Affidavits of Prescription Act which dates back to 1958 - it is extremely easy to prescribe an immoveable property.’

Now, I pose here. Will this Bill make it less easy to prescribe immovable property? I doubt so Madam Speaker. There are definitely some improvements but fundamentally, the process is the same. You don't need to go through a Land Council. You don't need to go through a court process. You don't need to go for a jurisdiction akin to Le Tribunal de grande instance in France. Registration is automatic as long as you fulfil the conditions of the Act.

The second concern of the Commission of Inquiry was and I quote-

'the 2 persons swearing the affidavit usually do not know the exact location of the land and sometimes they do not even know the applicant'.

Again, there is no major change in that respect in the proposed Bill. There is no requirement, for example, that in the affidavit the witnesses have had to demonstrate how they came to know about the occupier; how they know that the occupier has been occupying this land for 30 years. They don't have to say any of these. They only have to show proof that they live in the vicinity - which is not defined - for two months before that by producing a utility bill. And the hon. Vice Prime Minister just mentioned that the major flaw in the existing Act was *témoin de complaisance*. I am afraid, Madam Speaker, with this new Bill, there is absolutely no prohibition, no guarantee that there will no longer be such *affidavit de complaisance*.

The third concern of the Commission of Inquiry was that –

'most of the persons whose land is being prescribed do not have access to the Government Gazette or the daily newspapers where the publications are made.'

This is the real problem, Madam Speaker, because very few people read the Government Gazette. I mean hon. Members receive copies of Government Gazette every week whenever the Parliament sit. How many of us actually read that Government Gazette?

Same thing, how many people read newspaper now, today, when we are in the modern age of telecommunication, of internet, of twitters, of radio? But unfortunately, this Bill again imposes obligation only to publish in Government Gazette and in two newspapers of wide circulation. What is wide circulation? Is a newspaper which issues one thousand copies wide circulation? Two thousand copies, is that wide circulation? In many cases, the Memorandum of Survey drawn up by the Sworn Land Surveyor contains important irregularities such as fake land survey number, inappropriate boundaries and fake neighbours particularly.

Section 4(1)(b) of this Bill is an improvement I admit. It is an improvement on the existing situation because, at least, it requires the surveyor now to swear an affidavit and, if swearing a false affidavit, he can be guilty of a criminal offence. But I preferred the original version of the Bill, when we required two land surveyor's reports because the risk of collusion would have been less. You would have, at least, a check-up balance between two land surveyors.

Unfortunately, the hon. Attorney General has circulated an amendment that we will no longer need surveyor's report by two surveyors but only one. So, I don't see that as an improvement, in fact, I think it would have been much better if we required two land surveyor reports.

Madam Speaker, the question that we should ask ourselves is whether this Bill will make it more difficult to prescribe immovable property. Will this Bill protect the rightful owner of land from malpractice and wrong doing? As I said, there are certainly a few improvements. I appreciate that today, the occupier will now have to swear an affidavit, so he will be also personally liable if he swears a false affidavit.

I also see, as a good major improvement, the fact that you are going to put a notice on the land that is being prescribed, but I do not think, unfortunately, Madam Speaker, that these improvements are sufficient. I still think that there is the risk of collusion, collusion between neighbours. It is so easy for one neighbour to say: 'Okay, I will swear an affidavit to say that you occupied this land for 30 years.' And you swear an affidavit to say that: 'I occupied this land for 30 years'. So, the risk of collusion is there. We will still, in my opinion, have abuses.

A good starting point would have been to inform the rightful owner that his land was being prescribed. My good friend, hon. Baloomoody, referred to the situation in England where whenever someone wants to prescribe a plot of land, he gives notice to the Land Registry and the Land Registry has an obligation to contact the rightful owner whose name appears in the Land Register and informs that person that there is an application to prescribe his land. I think this same thing could have been done and should have been done in Mauritius because now, with the system of cadastre, with LAVIMS, it is not difficult for the Registrar General to know what plot of land belongs to whom.

But we should have gone further. We should have made it a requirement that notice be aired on radio or broadcasted on TV. There could have been a special news item relating to prescription of land. Just like in the past when people had to go and work in the port, they

would listen to the radio to find out whose name and what number would have to go to work. Same thing, at a specific time, we will know, there would be an announcement of which land is being prescribed. So, the people will go and listen to that news item just to ensure that their lands are not being prescribed.

Madam Speaker, one of the terms of reference of the Commission of Inquiry was to enquire and report on whether the system of acquisitive prescription gives rise or has given rise to malpractices or wrongdoing and the Commission of Inquiry interviewed many people. Unfortunately, in this Bill before the House today, the recommendation of the Commission of Inquiry to limit these cases of wrongdoing and malpractices are not there. I have in mind the situation of the Land Fraud Squad in the Police Force. Is that squad better equipped than the Land Council to enquire into the veracity of misappropriation of land and fake affidavits? Do they have the competence? How many investigations has the Land Fraud Squad investigated? How many people have been prosecuted? So, if we have a situation where we have the Land Fraud Squad but no one is being arrested, no one is being prosecuted for swearing false affidavits, it means that there is a problem somewhere and the system is not working. Unfortunately, in this Bill, we have nothing about what the Government intends to do to remedy this situation.

Madam Speaker, the hon. Attorney General made reference to the Law Reform Commission which submitted a report on 28 March 2018 under confidential cover. But what he does not mention is before that time the Law Reform Commission had, as far back as March 2013, published a report precisely on law prescription under the *Code Civil Mauricien*. The Law Reform Commission is headed by very respectable members from the Bar, from the Chambers of Notaries, from Attorneys and even members of the Civil Society. So, they went through the pain of comparing the law in Mauritius and the law in France and they dedicated a whole chapter on acquisitive prescription.

Now, they made two recommendations for acquisitive prescription. One was taken on board, which is, today, reflected in the consequential amendment for prescription. Whenever you are of good faith, you can have a 10-year prescription instead of 20 years where the rightful owner is not in Mauritius. So, that was one recommendation that was taken on board and is reflected in this Bill. But the Law Reform Commission made also other recommendations and I do not understand why those other recommendations have not been taken on board. For example, Madam Speaker, the Law Reform Commission, at paragraph 21 stated –

« Faut-il faire un toilettage de l'article 2226 du Code Civil Mauricien afin de remplacer l'expression « le domaine des choses » par l'expression « les biens ou les droits » ?

Pourquoi ? Tout simplement parce que -

« Cette expression ne fait plus partie de la terminologie juridique moderne. »

Donc, pourquoi le gouvernement a-t-il ignoré cette recommandation ? Pourquoi le gouvernement ignore-t-il les autres recommandations tout aussi valables concernant la suspension de la prescription, concernant l'interruption de la prescription ?

I hope that the hon. Attorney General will tell us why even the recommendation made by the Law Reform Commission has not been incorporated in the Bill that we are voting today.

Madam Speaker, the Law Reform Commission has also in the meantime published another Opinion Paper on mechanism for settlement of land dispute. It is a very recent Opinion Paper. It was published in September 2018. In that Opinion Paper, again the Law Reform Commission reviewed acquisitive prescription and also those who acquire lands through false affidavits. It made two major recommendations. The first recommendation was that a Land Court as opposed to Land Tribunal should be established to hear all disputes regarding land except those conferred to District Court and the Environment and Land Use Appeal Tribunal (ELAT). I quote -

“A land court was recommended because having a specialised court would ensure greater consistency of decision and greater efficiency by reason of a developed expertise of the judicial officer of the court in the complexities of land law.”

Now, this is very relevant, Madam Speaker, because in section 6 (2) (b), of this Bill which is before this House, I quote -

“The Judge in Chamber shall otherwise refer the parties to the competent Court.”

So, the law already provides and it was the same, taken verbatim from section 7 of the previous Affidavits of Prescription Act. So, we are giving the power to the Judge in Chambers to refer the parties to the competent Court, but we do not define what this competent Court is and this is a missed inopportunity because in this Act we could have come up with this concept of Land Court as recommended by the Law Reform Commission.

The second recommendation of the Law Reform Commission was to set up a special fund to help those who claimed to have been unlawfully dispossessed of their land and who have deponed before the Truth and Justice Commission. I think again just like the Commission of Inquiry had recommended to amend legal aid, this Bill also would have been a perfect place where we could have introduced this concept of special fund made available to all victims who have suffered from the hands of fraudsters who had sworn false affidavits and taken away their land. Again, Madam Speaker, this is a missed opportunity.

Madam Speaker, at a time when our children are sitting for exams and teachers are marking their papers, I can find no better phrase to sum up my impression of this Bill than could have done much better.

Thank you.

Madam Speaker: Hon. Gobin!

The Attorney General, Minister of Justice, Human Rights and Institutional Reforms (Mr M. Gobin): Madam Speaker, I thank all hon. Members for their contribution and I wish to place on record the tones, especially of the debates tonight. On one issue we are all agreed in the House and outside as well, is that the 1958 legislation did not provide sufficient safeguards and that the 1958 regime of Affidavit of Prescription had to be reviewed and this is exactly what this Bill seeks to achieve.

There are a number of cross-cutting issues. I do not propose to reply to individual hon. Members, but I will rather answer those questions which have not been answered. I say so because a number of issues raised from the other side have already been replied by my colleagues on this side of the House. So, by way of reply on the number of these cross-cutting issues, I think the starting point is, Madam Speaker, what are the flaws in the 1958 regime which we seek to cure, in other words, what are the defects or what is the mischief?

A number of hon. Members from the Opposition have tried to canvass completely different matters and did not focus on what this Bill seeks to achieve. A lot has been said about the Commission of Inquiry, the Law Reform Commission. The basic question is this, and I wish to answer hon. Members in the House and I wish through you, Madam Speaker, and through your live television, put a question to the nation. Is the nation happy with the 1958 provision, if not, what is the alternative? Did any Government before bring any alternative to the 1958 regime?

No one ever touched the 1958 legislation. The next question I am putting to the nation: what did this Government do? We are bringing a new regime. Why are we bringing a new regime? It is to protect those persons who genuinely need to complete the necessary legal process to obtain a deed of prescription. First of all, what are we doing? And this answers the point about the title in the Bill. The old regime was about Affidavits of Prescription. We are changing it; we make it become a deed to be made by a notary; not only in the title of bringing changes.

The whole process is so detailed. Even in the size of the character in the deed, it should be No.14 of the Cambria type. Such detail is included in this Bill. A point was raised by the hon. colleague from the other side that in one case the applicant was a minor at the time the prescription started. We are putting so much detail in this Bill that the date of birth of the applicant, even his date of marriage and I see 14 letters should be included in the deed. Everything will be with the Registrar General to be examined. Much has been said about the title will be a *titre précaire*, but at any time, any notarial deed can be subject matter of an application before the Supreme Court. Not only this *titre précaire*, even *les donations déguisées* are subject matter of Supreme Court cases.

We are bringing a number safeguards. I say it again, a number of these safeguards have been put forward by the Law Reform Commission itself. Consultations were held; the Bill was circulated. I was instructed by Cabinet to circulate and I did circulate to all law practitioners through their respective professional Councils, namely –

1. the Law Society;
2. the Bar Council, and
3. Chamber of Notaries.

My learned friend was worried about the attorneys. I received one representation from the Law Society. I am not too worried about the workload of the Attorneys, my good friend. Do you know why I am not worried about the workload of attorneys? Because the number of affidavits to be made now has more than doubled. You need two from the witnesses, you need one from the land surveyor, you need one from the occupier. Do not worry! Now, all this is to say that the procedure, yes, is more cumbersome. It has to be cumbersome because this will incorporate in the cumbersome procedure; the safeguards will make sure that the system is not abused.

Now the question is: is this a 100% full proof? Well, show me on this earth anything which is 100% full proof! But we have put as much as possible the necessary safeguards to do away with this old 1958 system. Admittedly, it was being abused on a daily basis. So, we have, therefore, brought the necessary safeguards, I say it once again, with a view to protecting those who deserve the protection of the law. In case of abuse, of course, the doors of the Supreme Court will always remain open.

Now, on the question of the duties of a notary, so why should there be service of the notice of objection on the Registrar, and not merely on the notary and the occupier? And on the question of the withdrawal of the notice also, this question was raised. I put the other question, if a notary is *un officier ministériel*, is a professional in his own right, he is *assermenté* for life, does he not have a duty to verify? Does he not carry on him the burden to verify that the notice of objection served on him is valid? If we have put the duty on the notary, it is precisely for the notary to exercise his due diligence professionally as *un officier ministériel* in whom we trust - except for the *brebis galeuses* - to verify that all the processes have been completed before.

The duty is on him to apply for transcription. It is so easy to shift the burden on the Registrar General, serve notice on the Registrar General and then let him say: 'No, no, I will not register this deed'. No, the duty will be on the notary. Much was said about the PIN. I do not see any contradiction in the Cadastral Survey Act. First of all, when I read Section 7 (3) of the Cadastral Survey Act, I quote –

“(3) Any interested person, or a land surveyor or notary acting on behalf of an interested person, may apply, in such form and manner as may be prescribed, for the assignment of a PIN in respect of any plot of land or unit, and the Chief Surveyor shall, on receipt of an application, assign a PIN to the plot of land or unit.”

The application is not only to be made by the land surveyor or notary, but any interested person. Who is the interested person? The occupier, of course. He will not be making that on a postcard or by simple letter. He will have to swear an affidavit for that because the first thing he submits to his notary is an affidavit. So, the Chief Surveyor, therefore, assigns a PIN to the plot of land or unit and the process is kick-started.

I do not say that I know everything. We have had consultations with the Ministry of Housing, the Chief Surveyor, and the Register General. I am advised that the provisions of the Bill are correct. The system will work.

To my friend, hon. Ramano, I will go straight to the point of the fees. I know this is a very important question. The fees of the notary are prescribed under the Schedule to the Notaries Act. The Schedule to the Notaries Act has a system of calculation; it is a multiplication on value. On that, I am advised that there is no contradiction in any way that the relevant Schedule - if I am not mistaken, Schedule 1 - will apply on the question of value. This is why, throughout the Bill, it is clearly mentioned in a number of sections that the value of that land, which is subject matter of the prescription, should be included in the deed, precisely because it will be subject matter of a notarial deed and the Schedule to the Notaries Act will apply. I say one more thing to allay the fears, if ever there are any fears still lingering in the House, that the Schedule to the Notaries Act may be amended by way of regulations to be made by the Attorney General. So, if there is any fear, that will suffice to allay the fears of any hon. Member or any person outside the House for that matter.

Other issues were raised, Madam Speaker, on the question of *témoins de complaisance*, being I think the number one problem with the 1958 legislation. Any person who will read this Bill line by line will see that the issue of *témoins de complaisance*, the risk associated with any possibility of *témoins de complaisance* has been reduced to bare minimum. This Bill speaks for itself. I do not want to repeat all the provisions of the Bill.

Let me come to the notice. The notice is also a point to be linked with *la publication*. A point has been made that there should be sufficient publication at the time of process of acquisitive prescription. The publication will not only be in two newspapers of wide circulation, it will also be on the website of the Ministry, and I think more importantly, it is most important that a notice be affixed on the property itself. A point was made that sometimes the notice is so small in the corner and nobody will notice it. This is why we have said it is a legislative practice that when it comes to specifications about centimetres and metres of width of a particular signboard, it comes by way of regulation. This is why we have said, "a notice in such manner as may be prescribed." It will be prescribed by the Minister of Housing, and the necessary width and length and whatever dimensions will be given by way of regulations.

For the risks associated with the *brebis galeuses*, if any - I am not saying that this is the situation - with the surveyors, the Professional Land Surveyors Council Act has been passed. I can assure the House that the necessary proclamation has been published, the law is in force. So, there is a professional Council which will regulate the ethical standards and all questions of discipline concerning professional land surveyors. So, this Bill should not just be read in isolation. There are other legislations which should also be looked at; for example, the Professional Land Surveyors Council, which will make sure that in case of any default in professional standards by a professional land surveyor, the Council will be here to handle it.

Therefore, Madam Speaker, I think I have covered all the issues that have been raised. I do not propose to keep my colleagues any further; it is already quite late. With these words, I commend the Bill to the House.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Madam Speaker in the Chair)

THE ACQUISITIVE PRESCRIPTION BILL

(No. XII of 2018)

Clause 1 ordered to stand part of the Bill.

Clause 2 (Interpretation)

Motion made and question proposed: "that the clause stand part of the Bill."

Mr Gobin: Madam Chairperson, I move for the following amendments in clause 2 -

- “(i) by deleting the definition of “Register”, the semicolon at the end of the definition of “PIN” being deleted and replaced by a full stop;
- (ii) by inserting, in the appropriate alphabetical order, the following new definitions -

“MIPD” has the same meaning as in the Transcription and Mortgage Act;

“open market value” has the same meaning as in the Land (Duties and Taxes) Act;”

Amendments agreed to.

Clause 2, as amended, ordered to stand part of the Bill.

Clause 3 (Request to notary to draw up deed of prescription)

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Gobin: Madam Chairperson, I move for the following amendments in clause 3 -

- “(i) in paragraph (b), by deleting the words “2 memoranda” and “2 land surveyors” and replacing them by the words “a memorandum” and “a land surveyor”, respectively;
- (ii) in paragraph (c), by deleting the words “each of the land surveyors” and “memoranda of survey” and replacing them by the words “the land surveyor” and “memorandum of survey”, respectively;”

Amendments agreed to.

Clause 3, as amended, ordered to stand part of the Bill.

Clause 4 (Obligations of notary)

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Gobin: Madam Chairperson, I move for the following amendment in clause 4(1)

(a) (ii) -

- “by deleting the words “land surveyors” and replacing them by the words “land surveyor”;

Amendment agreed to.

Clause 4, as amended, ordered to stand part of the Bill.

Clauses 5 to 7 ordered to stand part of the Bill.

Clause 8 (Transcription of deed of prescription)

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Gobin: Madam Chairperson, I move for the following amendments in clause 8 -

- “(i) by deleting subclause (1) and replacing it by the following subclause -

(1) Where no notice of objection is served on a notary within the period specified in section 4(1)(a) or where a notice of objection is withdrawn or disposed of against the occupier who has claimed ownership by way of acquisitive prescription, the notary shall submit the deed of prescription to be transcribed to the Conservator, accompanied by -

- (a) copies of the issue of the Gazette and newspapers containing the notices referred to in section 4(1)(a); and
- (b) the open market value of the immovable property, as certified by a valuer designated by the Registrar-General.

- (ii) in subclause (4)(a), by deleting the words “at the time of completion of the statutory period for prescription” and replacing them by the words “referred to in subsection (1)(b)”;

Amendments agreed to.

Clause 8, as amended, ordered to stand part of the Bill.

Clause 9 (Register)

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Gobin: Madam Chairperson, I move for the following amendments in clause 9 -

- “(i) by deleting the heading and replacing it by the following

heading -

9. MIPD

- (ii) by deleting the word “Register” wherever it appears and replacing it by the word “MIPD”;

Amendments agreed to.

Clause 9, as amended, ordered to stand part of the Bill.

Clauses 10 to 14 ordered to stand part of the Bill.

Clause 15 (Consequential amendments)

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Gobin: Madam Chairperson, I move for the following amendments in clause 15 -

“(i) in subclause (1), by deleting paragraph (b);

(ii) by adding the following new subclause –

(5) The Transcription and Mortgage Act is amended, in section 3B(2)(a), by inserting, after subparagraph (ii), the following new subparagraph –

(iia) an acquisitive prescription under the Acquisitive Prescription Act 2018;”

Amendments agreed to.

Clause 15, as amended, ordered to stand part of the Bill.

Clause 16 ordered to stand part of the Bill.

The Schedule ordered to stand part of the Bill.

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

On the Assembly resuming with Madam Speaker in the Chair, Madam Speaker reported accordingly.

Third Reading

On motion made and seconded, the Acquisitive Prescription Bill (No. XII of 2018) was read a third time and passed.

ADJOURNMENT

The Deputy Prime Minister: Madam Speaker, I beg to move that this Assembly do now adjourn to Tuesday 23 October 2018 at 11.30 a.m.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureawoo) rose and seconded.

Question put and agreed to.

Madam Speaker: The House stands adjourned.

Hon. Members, I have a long list of Members who wish to intervene on Adjournment matters at this late hour. I would request the hon. Members to be very brief so that everybody has an opportunity to have his Adjournment matter read. Thank you.

Hon. Uteem!

MATTERS RAISED

(11.32 p.m.)

SURTEE SUNNEE GOVERNMENT SCHOOL - WASTEWATER PIPE LEAKAGE

Mr R. Uteem (First Member for Port Louis South & Port Louis Central): Thank you, Madam Speaker. I would like to raise a matter which concerns both the hon. Minister of Education and the hon. Deputy Prime Minister. It is a problem at Surtee Sunnee Government School in Vallée Pitot.

Madam Speaker, for the past couple of days, if not weeks, there has been a leakage in the waste water pipe and water is seeping from wastewater. This is causing a lot of inconvenience, apart from the smell; it has now seeped into the football ground which is adjacent to the school.

I will table a copy of the photo I have taken from that school where you can see the dirt coming from this wastewater.

Madam Speaker, during the weekend, there was supposed to be a football tournament, with people from Reunion Island who were supposed to come and play. Obviously, all this has been cancelled. I would urge the hon. Minister of Education and the Deputy Prime Minister, if they can convey the message to the Wastewater Management Authority to look into the matter because there may be a serious health issue with the children attending the school.

Thank you.

The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. D. Dookun-Luchoomun): I will look into the matter.

Madam Speaker: Hon. Baloomoody!

RICHELIEU CEMETERY- GRAVES - DISPLACEMENT

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you, Madam Speaker. My intervention today is addressed to the hon. Vice-Prime Minister, Minister of Local Government and Outer Islands, with regard to the concern of the inhabitants of Richelieu.

Last week, I think it was last Friday, Officers of the District Council accompanied by members of the RDA visited the cemetery of Richelieu, the St Jean Cemetery, which is situated at Petite Rivière and they have traced a path, where apparently there will be a diversion road - whether it will be permanent or provisional.

On this path, there are 52 graves which apparently will have to be displaced and the inhabitants have been informed of same. In fact, the Councillor of Richelieu Village Council has been informed of same and this is causing much distress to the inhabitants, the more so that some have buried their loved ones not more than six months ago or one or two years ago on the concerned path. We know from the hon. Minister of Infrastructure that this does not concern the Metro; he said so this morning.

May the hon. Vice-Prime Minister look into the matter and enlighten us of what is happening exactly and how many graves, if any, if there will be any displacement, and whether there will be consultations with the inhabitants of Richelieu?

Thank you.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): First of all, I would like to thank hon. Baloomoody for having raised this issue with me earlier today.

I am informed that there was a request, but I can assure the hon. Member that the Black River District Council, which was consulted, is not agreeable to the proposal. So, I will try to get more information and pass it over to the hon. Member.

Thank you.

Madam Speaker: Hon. Ameer Meea!

PLAINE VERTE GARDEN - DRUG ADDICTS & DRUG DEALERS

Mr A. Ameer Meea (Second Member for Port Louis Maritime & Port Louis East): Thank you, Madam Speaker. The issue I am raising tonight is addressed to both the Rt. hon. Minister Mentor, who is in charge of the Police Force and the Vice-Prime Minister, Minister of Local Government and Outer Islands.

The situation at Plaine Verte garden, more specifically near Khadafi Square, is chaotic due to the presence of drug addicts and drug dealers in the garden for the whole day. There have been cases of several attacks on inhabitants and the general public nearby and what is more alarming is that there are two secondary schools nearby. In my opinion, what is more shocking is that the Plaine Verte Police Station is situated *vis-à-vis* the Plaine Verte garden. Long before, maybe some 10 years back, there was a Flying Squad. When the Squad was there, they were the masters of the garden, but now it is the drug dealers who are the real masters of this beautiful garden.

To add to this problem, from Khadafi Square up to Diego Garcia Street, there is a total blackout at night. There is no lighting in the garden and this is adding up to the problem that I have just mentioned earlier. Tonight, I am urging Government to take the necessary strong actions, *de façon durable*, so as to remedy the situation.

Thank you, Madam Speaker.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Madam Speaker, I will look into the matter. I think it is very important to know whether the Police Station, which is nearby, has been made aware of this particular issue and why actions are not being taken.

I will look into the matter and inform the hon. Member accordingly.

Madam Speaker: Hon. Abbas Mamode!

**JEAN LEBRUN GOVERNMENT SCHOOL – ADJACENT LAND – DUST
POLLUTION**

Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East): Thank you, Madam Speaker. My issue is addressed to the hon. Minister of Education

and it concerns the Jean Lebrun Government School. Adjacent to the place where parents normally feed their children, there is a piece of land and, during windy seasons, there is much dust. So, either there be some plantation or concrete on it because when it concerns food consumption, specially the kids, this is not a good situation to have their lunch there.

The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. D. Dookun-Luchoomun): Madam Speaker, the matter will be looked into. I am going to make sure that the Maintenance Section of the Zone I Directorate takes care of the situation.

Madam Speaker: Hon. Dr. Boolell!

QUATRE BORNES & BELLE ROSE - STREET LIGHTING & WATER SUPPLY

Dr. A. Boolell (Second Member Belle Rose & Quatre Bornes): Madam Speaker, I would like to raise a matter which concerns the Ministry of Public Utilities and the Ministry of Local Government.

My attention has been drawn by worshippers attending prayer meeting, that in some localities in Quatre Bornes and Belle Rose, there is no proper street lighting and, in some areas, I can give the area where there is no running water. So, can I impress upon the Ministers concerned to act and to do the needful?

The Deputy Prime Minister: Well, I will need more details than just some areas where there is no running water.

Dr. Boolell: In Raj Kumar Lane in Quatre Bornes and in some areas in Palma.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): Madam Speaker, I will look into the matter. Maybe, me too, I will need more information about the streets where there are no lighting.

(Interruptions)

Only one street? Okay! I will look into the matter.

Madam Speaker: Hon. Tarolah!

MELROSE & SEBASTOPOL – NHDC UNITS - BUS STOPS

Mr K. Tarolah (Third Member for Montagne Blanche & GRSE): Thank you, Madam Speaker. My intervention is in relation to the hon. Minister of Public Infrastructure and Land Transport regarding the provision of bus stops with layby and bus shelter at the NHDC units of Melrose and Sebastopol. These two housing units are along the main road and the nearing bus stops are almost two kilometres far away.

Therefore, it is my humble request to the hon. Minister, if necessary can be done to provide same in both directions the earliest possible.

Thank you.

The Minister of Education and Human Resources, Tertiary Education and Scientific Research (Mrs L. Dookun-Luchoomun): I will convey the message to my colleague.

Madam Speaker: Hon. Rughoobur!

NTC - MR M. S. – TERMINATION OF EMPLOYMENT

Mr S. Rughoobur (Third Member for Grand' Baie & Poudre d'Or): Thank you, Madam Speaker. My request is addressed to the hon. Minister of Public Infrastructure and Land Transport and possibly also to the Ministry of Social Security, National Solidarity, and Environment and Sustainable Development.

Madam Speaker, my request relates to the case of Mr M. S., residing at Petit Raffray, formerly a bus conductor at the Corporation. He was involved in an accident and, unfortunately, had to be amputated with one of his legs. He was subsequently posted to a new position and was performing a light job and was serving the Corporation to the satisfaction of the Rivière du Rempart Depot Manager. It is very unfortunate that the HR Department of the Corporation thought that he was not productive enough as a disabled employee and terminated his employment without taking into consideration the plight of the employee and his family as he was the sole breadwinner.

I have written three letters to the Permanent Secretary of the Ministry of Public Infrastructure and Land Transport with copies to the Minister and the Corporation. I have submitted a copy to the Ministry of Social Security, National Solidarity, and Environment

and Sustainable Development because I believe that in this case there has been violation of the Training and Employment of Disabled Persons Act as the Corporation is compelled to appoint 3% of its total workforce from among disabled persons. I am tabling copies of correspondences exchanged.

I make a humble request to both the hon. Ministers to please intervene on this particular case and ensure that Mr M. S. is appointed back in the shortest possible delay at the Corporation and ensure that justice prevails.

Thank you, Madam Speaker.

The Minister of Social Security, National Solidarity, and Environment and Sustainable Development (Mr E. Sinatambou): Madam Speaker, I will take up the matter with the Minister of Public Infrastructure and Land Transport and go back to the hon. Member.

Thank you.

Madam Speaker: Hon. Henry!

MARE D'ALBERT – WATER SUPPLY

Mr T. Henry (Fourth Member for Mahebourg & Plaine Magnien): Merci, Madame la présidente. Je voudrais attirer l'attention du *Deputy Prime Minister* en ce qui concerne un problème d'eau qui perdure à Mare d'Albert. Les habitants sont un peu désespérés parce que c'est toute une organisation à faire le matin et le soir pour pouvoir garder de l'eau et c'est un problème qui dure pendant plus de quatre mois et les rares fois que l'eau coule, les gens qui habitent à l'étage, ils n'arrivent pas à avoir de l'eau.

Donc, je demanderai au *DPM* de voir avec la CWA pour résoudre ce problème afin que le calvaire de ces habitants puisse se terminer.

The Deputy Prime Minister: Le problème de Mare d'Albert est connu. Nous regarderons le problème de près.

Madam Speaker: Hon. Armance!

RICHELIEU CEMETERY – GRAVES

Mr P. Armance (First Member for GRNW & Port Louis West): Thank you, Madam Speaker. I have the same request as my good friend, hon. Baloomoody, regarding the graves at Richelieu. I understand from you that you are taking care of the matter and I also reinstate my request to you to please have a look at it.

SOREZE, PAILLES – DRAINS

My second request is regarding the region of Pailles, namely at Sorèze. There have been several correspondences that have been sent to the Ministry and also to the Municipality of Port Louis regarding the poor maintenance of drains. The roads are completely damaged. The natural drain has been disturbed.

I would like to hand over copies of all correspondences to the Minister so that she can have a look at them.

Thank you.

The Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare (Mrs F. Jeewa-Daureeawoo): I will look into it.

At 11.44 p.m., the Assembly was, on its rising, adjourned to Tuesday 23 October 2018 at 11.30 a.m.

WRITTEN ANSWERS TO QUESTIONS

MAURITIUS TELECOM - PREFERENTIAL BUYER CREDIT LOAN - EXPORT IMPORT (EXIM) BANK OF CHINA

(No. B/800) Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central) asked the Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development whether, in regard to the guarantee given by Government to the Export Import (EXIM) Bank of China for the loan contracted by Mauritius Telecom for the implementation of the Safe City Project, he will state –

- (a) the terms and conditions thereof, and
- (b) if a feasibility study of the project was conducted by his Ministry prior to giving the said guarantee and, if so, indicate the outcome thereof.

Reply (Rt. hon. Minister Mentor): I will reply to Parliamentary Questions B/800 and B/841 together as they relate to the same subject matter.

I am informed by the Ministry of Finance and Economic Development that the terms and conditions of the guarantee given by the Government on the Preferential Buyer Credit Loan contracted by Mauritius Telecom from the EXIM Bank of China are as follows –

- (i) Government is guaranteeing the due and the punctual payment of the principal, interest and any other sums payable by Mauritius Telecom under the loan agreement;
- (ii) Government shall pay any overdue amount by Mauritius Telecom within 30 days after receiving the lender's written payment request;
- (iii) Government shall not have any right of immunity in connection with any proceedings or any enforcement of an arbitral award or court decision on the grounds of sovereignty;
- (iv) any dispute arising in connection with the Letter of Guarantee shall be resolved through friendly consultation. If no settlement can be reached through such consultation, each party shall have the right to submit such dispute to the China International Economic and Trade Arbitration Commission (CIETAC) for arbitration, and
- (v) the letter of Guarantee shall be governed by and construed in accordance with the Laws of the People's Republic of China.

As regards part (b) of the question, the House may wish to note that a feasibility study of the project was carried out by Deloitte. I am informed by the Ministry of Finance and Economic Development that three firms were shortlisted and after an evaluation, Deloitte was selected to undertake the assessment. The exercise, which was carried out prior to the implementation of the project revealed the following –

- (i) the Safe City Project is expected to generate tangible socio-economic benefits that will underpin the Government Vision 2030 of becoming a smart country. As a matter of fact, the implementation of Safe City Projects in various countries has brought positive contributions in terms of reduction in crime rate, improved emergency response time, improved road safety and traffic monitoring, and an increase in number of tourist arrivals, amongst others;

- (ii) based on the main features required by the Mauritius Police Force, Deloitte has compared the infrastructure of the proposal of Mauritius Telecom with prices offered by other branded suppliers and has concluded that –
 - (a) the costs appear to be in line with benchmark rates;
 - (b) the solution offered by Mauritius Telecom technology partner, namely, Huawei Technologies, has a competitive edge over alternative solution providers, and,
 - (c) the operation and maintenance costs proposed by Mauritius Telecom are in line with market rates.

VICTORIA HOSPITAL - Mr J. P. A – DEATH

(No. B/840) Mr K. Ramano ((Third Member for Belle Rose & Quatre Bornes) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to late J. P. A., he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the outcome of the Police Inquiry carried out into the death thereof.

Reply: I am informed by the Commissioner of Police that on Sunday 06 May 2018, Mr J. P. A. was conveyed to Victoria Hospital by his nephew as he was complaining of head pain. After having received treatment, he was allowed to proceed to his residence.

On Monday 07 May 2018, as Mr J. P. A. was still suffering, he was conveyed anew to Victoria Hospital and after examination, he was admitted to Ward F11. On Thursday 10 May 2018, Mr J. P. A. was transferred to the ICU as his state of health was deteriorating.

On the same day, i.e. 10 May 2018, his nephew reported at the Quatre Bornes Police Station that Mr J. P.A. had been assaulted and same was registered as Serious Assault.

On Thursday 17 May 2018, Mr J. P. A. passed away without having been able to state to the Police the facts and circumstances of his plight. Unfortunately, the personnel of CID Quatre Bornes, who are enquiring into the case, could not record any statement from Mr J. P. A. in view of his serious state of health. Following an autopsy carried out, the cause of death was attributed to ‘Traumatic Subarachnoid Haemorrhage’ (blood leakage in the brain).

I am further informed that Police enquiry into the matter is still ongoing and no arrest has been effected so far.

**MAURITIUS TELECOM - EXPORT IMPORT (EXIM) BANK OF CHINA -
LOAN**

(No. B/841) Mr K. Ramano ((Third Member for Belle Rose & Quatre Bornes) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Safe City Project, he will state the terms and conditions of the guarantee given by Government to the Export Import (EXIM) Bank of China in relation to the loan contracted by Mauritius Telecom for the implementation thereof.

(Vide reply to P.Q. No. B/800)

**STATE RECOGNITION ALLOWANCE SCHEME FOR RETIRED
ATHLETES - CRITERIA**

(No. B/842) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to the State Recognition Allowance Scheme for Retired Athletes, he will state if the eligibility criteria therefor have been reviewed and, if so, give details thereof.

(Withdrawn)

FOOTBALL – PROFESSIONAL FOOTBALL LEAGUE

(No. B/843) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Youth and Sports whether, in regard to football, he will, for the benefit of the House, obtain from the Mauritius Football Association, information as to if the Professional Football League has been cancelled and, if so, indicate the reasons therefor.

(Withdrawn)

**AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS - RIGHTS OF
PERSONS WITH DISABILITIES IN AFRICA -RATIFICATION**

(No. B/844) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Foreign Affairs, Regional Integration and International Trade whether, in regard to the ratification by Mauritius of the Protocol to the African Charter on Human and Peoples' Rights and on the Rights of Persons with Disabilities in Africa, adopted at the 19th Extraordinary Session of the African Commission on Human and Peoples' Rights held in February 2016 in Gambia, he will state where matters stand.

(Withdrawn)

SCHOOLS – DEPUTY HEAD TEACHER – PROMOTION EXERCISE

(No. B/845) Mr F. Quirin (Fourth Member for Beau Bassin & Petite Rivière) asked the Minister of Education and Human Resources, Tertiary Education and Scientific Research whether, in regard to the recent promotion exercise carried out for the posts of Deputy Head Teacher, she will state the –

- (a) selection criteria used therefor and
- (b) names of those who have been promoted, indicating in each case the –
 - (i) number of years of experience held, and
 - (ii) posting thereof.

(Withdrawn)

MR M. L. , ASSISTANT SUPERINTENDENT OF POLICE – POLITICAL MEETING

(No. B/846) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to Mr M. L., Assistant Superintendent of Police, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if an inquiry has been carried out to ascertain the alleged presence thereof at a political meeting of the Mouvement Socialist Militant in August 2018, and, if so, indicate the outcome thereof and the sanctions, if any, taken against him.

Reply: I am informed by the Commissioner of Police that as soon as this matter was brought to his attention, he called for an inquiry to be carried out at the level of the Central Criminal Investigation Department (CCID) in order to ascertain whether Mr L. was present at the meeting of the *Comité Central du Mouvement Socialist Militant (MSM)* on 11 August 2018 at the Sun Trust Building.

In addition, pending the completion of the inquiry, Mr L. was transferred from the Passport and Immigration Office to the Special Support Unit on 16 August 2018.

The CCID completed its inquiry and submitted a report to the Commissioner of Police on 21 August 2018. Based on the conclusions of the report, Mr L. was issued a warning on 22 August 2018, at the same time reminding him of his responsibilities and obligations as a Police Officer, which are characterized by a strong sense of impartiality.

POLICE – INFORMANTS – REWARD MONEY

(No. B/847) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the reward money paid to the Informants, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the amount thereof paid for each of the years 2014 to 2018, indicating in each case the –

- (a) offence in relation to which the reward money was paid, and
- (b) procedure followed for the payment thereof.

Reply: I am informed by the Commissioner of Police that informants have been instrumental in assisting the Police to fight the scourge of crime and drugs amongst others. This is a practice which is being used worldwide. The amount paid to informants from year to 2014 to 2018 is as follows –

Year	Amount Paid
January to December 2014	4,987,764.45
January to June 2015	622,700 (6 Months)
July 2015 to June 2016	4,544,860
July 2016 to June 2017	5,649,520
July 2017 to July 2018	4,399,000
July 2018 to date	2,136,500

As regards part (a) of the question, I wish to inform the House that the information asked for is of a highly sensitive nature and has to be handled with utmost care, confidentiality and secrecy in order to preserve the integrity of information and the sanctity of operations and investigations. Moreover, the identity of the informants and Police Officers dealing with these cases need to be preserved, especially for the safety and security of these persons. Therefore, it would not be appropriate to give such details.

With regard to part (b) of the question, the procedures for the payment of rewards to informants are governed by the “Police Standing Orders 122” and are as follows -

1. On detection of a case deserving retribution, Divisional Commanders/Branch Officers may apply for reward although the case has not been disposed of by Court.

2. Recommendations for payment of rewards to informers are submitted by Officers-in-Charge of Division/Branches to the Commissioner of Police through the Deputy Commissioner of Police for approval.
3. Upon approval by the Commissioner, the Officer concerned transmits a duly certified voucher to the Manager Financial Operations who will forward the cheque and the voucher to the Officer who has applied for payment. A record of payments is kept by the Officer.
4. The Standing Order provides for the informer to acknowledge receipt of the reward. The receipt together with the original recommendation are sent to the Commissioner under confidential cover.

COMMISSION OF INQUIRY ON DRUG TRAFFICKING – RECOMMENDATIONS

(No. B/848) Mr R. Uteem (First Member for Port Louis South & Port Louis Central) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether he will state if Government proposes to set up a National Drug Investigation Commission as recommended by the Commission of Inquiry on Drug Trafficking in Mauritius.

Reply: As publicly announced in the Press communiqué following Cabinet meeting of Friday 12 October 2018, a Committee has been set up under the Chair of the Secretary to Cabinet and Head of the Civil Service and comprising representatives of Ministries/Departments/ Organisations to look into the legal/institutional/administrative issues contained in the Report.

I am informed that consultations are ongoing with Ministries/Departments concerned regarding recommendations which require major policy decisions, review of legislations and review of existing organisational structures.

However, it is considered that the implementation of certain recommendations are not considered to be feasible or practical.

PRISONS – POSTS – SCREENING EXERCISE

(No. B/849) Ms M. Sewocksingh (Third Member for Curepipe & Midlands) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the prisons, he will, for the benefit of the House, obtain from the Commissioner of Prisons, information as to if thorough background screening exercises of applicants for posts

thereat and during service thereat, respectively, are carried out and, if so, indicate if consideration will be given for the strengthening thereof.

(Withdrawn)

CENTRAL MEDICAL WASTE INCINERATOR - CONSTRUCTION

(No. B/851) Ms N. Sewocksingh (Third Member for Curepipe & Midlands) asked the Minister of Health and Quality of Life whether, in regard to the proposed construction of a Central Medical Waste Incinerator, he will state where matters stand.

(Withdrawn)

ST BRANDON - FISHING COMPANIES

(No. B/853) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to St Brandon, he will state if consideration will be given for the reviewing of the fishing rights allocated to fishing companies thereat.

(Withdrawn)

BAIN DES DAMES - FISHING PORT

(No. B/854) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the proposed installation of a fishing port at Bain des Dames, he will state where matters stand.

(Withdrawn)

FISHING SECTOR - JAPANESE FISHING VESSELS - LICENCES

(No. B/855) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Minister of Ocean Economy, Marine Resources, Fisheries and Shipping whether, in regard to the fishing sector, he will state if any partnership agreement has been signed between Japan and Mauritius for the –

- (a) construction of a fishing port/jetty, and
- (b) issuing of licences to Japanese fishing vessels besides the existing agreements with the Federation of Japan Tuna Fisheries Co-operative Associations.

(Withdrawn)

UNITED NATIONS HUMAN RIGHTS REPORT 2017 – RACIAL DISCRIMINATION

(No. B/856) Mr E. Jhuboo (Third Member for Savanne & Black River) asked the Attorney-General, Minister of Justice, Human Rights and Institutional Reforms whether, he will state if he has taken cognizance of the United Nations Human Rights Report 2017 with regard to racial discrimination and, if so, indicate the stand of Mauritius in relation thereto.

(Withdrawn)

BEAU VALLON - FOOTBALL PITCH

(No. B/865) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Housing and Lands whether, in regard to the football pitch at Beau Vallon, he will state if the land has been vested in the Ministry of Education and Human Resources for the construction of a building to house the MITD, giving details of the project.

(Withdrawn)

NATIONAL TRANSPORT CORPORATION - CORPORATE OFFICE

(No. B/867) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Minister of Public Infrastructure and Land Transport whether, in regard to the National Transport Corporation, he will, for the benefit of the House, obtain therefrom, information as to if the corporate office thereof has been moved to the NG Tower, at Ebene, and, if so, indicate -

- (a) when;
- (b) the terms and conditions of the lease/purchase agreement thereof, and
- (c) the procurement procedure followed therefor.

(Withdrawn)

POLICE OFFICERS - PERFORMANCE BONUS

(No. B/868) Mr D. Ramful (Third Member for Mahebourg & Plaine Magnien) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Mauritius Police Force, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to if the Pay Research Bureau Recommendations relating to performance bonus will be paid to the Police Officers and, if so, when.

(Withdrawn)

ANTI-DRUG SMUGGLING UNIT - RE-ORGANISATION

(No. B/870) Mr V. Baloomoody (Third Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, following the recommendation of the Commission of Inquiry on Drug Trafficking in Mauritius for the dismantling of the Anti-Drug Smuggling Unit, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the actions taken in relation thereto, if any.

Reply: I am informed that, since its inception in 1983, the Anti-Drug Smuggling Unit (ADSU) has relentlessly been fighting illegal drugs in Mauritius. The recent drug seizures are testimony of the effectiveness of this Unit.

In fact, ADSU has adopted a zero tolerance and multi-sectorial approach to address the drug scourge in the country. It is working in close collaboration with both internal and external agencies such as ICAC, FIU, MRA (Customs), DCA, PATS and the Intelligence Cells of regional countries for profiling, tracking and apprehending drug peddlers and traffickers. ADSU has also intensified crackdown operations around the island. Many drug nexuses are being dismantled and persons who have acquired unexplained wealth over the years are being investigated.

Besides recommending the dismantling of the ADSU, the Commission of Inquiry on Drug Trafficking has also recommended the re-organisation of the Unit. At the moment all efforts are being geared towards its re-organisation. ADSU personnel is being provided with tailor-made training and modern equipment. Moreover, the recruitment process for posting to ADSU has been reviewed and the Unit has been reinforced with additional manpower.

MAURITIUS INTERNATIONAL FINANCIAL CENTRE - BLUEPRINT

(No. B/872) Dr. A. Boolell (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Financial Services and Good Governance whether, in regard to the elaboration of the Blueprint for the Mauritius International Financial Centre, he will state where matters stand.

Reply: The elaboration of the Blueprint for the Mauritius International Financial Centre has already been completed, as mentioned at paragraph (53) of the Budget Speech 2018/2019.

Subsequently, in my reply to Parliamentary Question B/639 of 17 July 2018, I informed the House that all stakeholders concerned with the implementation of the recommendations contained in the Blueprint will be invited to a briefing session to ensure the effective implementation of the measures proposed in the Strategic Document.

In fact, a two-day Conference was organised by the Financial Services Commission on 19 and 20 September 2018, whereby the stakeholders concerned had the opportunity to discuss the recommendations in the Blueprint with panels of high level professionals in the Mauritius International Financial Centre as well as from abroad .

An Executive Summary of the Blueprint has also been uploaded on the website of the Financial Services Commission.

I am further informed that the Financial Services Commission has set up a new cluster, namely, a Project Office which is headed by an experienced person recruited from the private sector. Its main task is to implement the recommendations of the Blueprint.

A National Steering Committee has also been set up under the Prime Minister's Office to ensure effective implementation of these recommendations.

ROSE BELLE - STATE LAND - BENEFICIARIES

(No. B/873) Dr. A Boolell (Second Member for Belle Rose & Quatre Bornes) asked the Minister of Housing and Lands whether, in regard to State Land allocated in the region of Marie Jeannie, in Rose Belle, since January 2015 to date, he will state the names of the beneficiaries thereof, indicating the extent of land allocated in each case.

Reply: In the context of the relocation of families from Mare Chicose, there are 36 families which have been granted a building site lease on 26 September 2018 over a plot of State land at Marie Jeannie, Rose Belle. These plots of land are of the extent of 224m² to 292m². Attached is the list of these 36 beneficiaries.

SAFE CITY PROJECT - VIDEO SURVEILLANCE CAMERAS

(No. B/876) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Rt. hon. Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the Safe City Project, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of video surveillance cameras installed as at to date, indicating the –

- (a) locations thereof, and
- (b) criteria used for the selection of the locations.

Reply: I am informed by the Commissioner of Police that the implementation of the Safe City Project started on 19 December 2017. One of the main components of the project comprises the installation of 4,000 Intelligent Video Surveillance (IVS) Cameras over 2000 sites and 300 Intelligent Traffic Surveillance (ITS) Cameras over 75 sites throughout the island.

As at date, fifty-six (56) ITS cameras have been installed at fourteen (14) sites. The installation of another eight (8) ITS cameras at two (2) other sites is in progress.

Concerning part (a) of the question, I am tabling a list of the sites where the cameras have been installed. I wish to point out that most of the sites at which the cameras have been installed are located along the motorway and at other main roads.

With regard to part (b) of the question, the criteria used for the selection of the locations are based on the following:-

- (a) crime prone areas;
- (b) accident prone areas;
- (c) strategic crowded and commercial areas in cities, towns and villages, and
- (d) major roads with heavy traffic flows.

SOCIAL HOUSING UNITS - IMPLEMENTATION

(No. B/878) Mr P. Armance (First Member for GRNW & Port Louis West) asked the Minister of Housing and Lands whether, in regard to the Project for the construction of 6800 new social housing units, as announced in the Budget Speech 2018/2019, he will state where matters stand, indicating –

- (a) if the services of any consultant have been retained for the carrying out of the feasibility study thereof, and, if so, indicate the cost thereof, and
- (b) the region earmarked for the implementation thereof.

Reply: I wish to inform the House that in view of the high demand for housing units island-wide, especially from low income groups, there is at this stage no need for a feasibility study.

However, the NHDC Ltd will be proceeding with the appointment of Consultant(s) for the design and supervision of the construction of 6,800 housing units.

I am also informed that the Bid documents are presently under preparation and will be ready by end of October 2018. Bids documents will thereafter be floated once necessary clearances are obtained from the Ministry of Finance and Economic Development and the Central Procurement Board.

Regarding part (b) of the question, the list of 19 sites earmarked for the implementation of the 6,800 housing units is being placed in the Library of the National Assembly.