

50th

Annual Report of the Ombudsman 2023

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of
the Ombudsman
2023

OFFICE OF THE OMBUDSMAN

OMB 13/04 VOL. XLVIII

25th June ,2024

His Excellency, Mr. Prithvirajsing Roopun, G.C.S.K. President of the Republic of Mauritius State House

Le Réduit

Your Excellency,

In accordance with section 101(3) of the Constitution of Mauritius, the Ombudsman is required to make an Annual Report to the President concerning the discharge of his functions.

I am pleased and have the honour to present to Your Excellency the 50^{th} Annual Report of the Ombudsman for the year 2023.

A copy of this Report is to be laid before the National Assembly.

I have the honour to be, Your Excellency's obedient Servant,

> Harry Ganoo, G.O.S.K. Ombudsman

Office of the Ombudsman, 2nd Floor, City Centre Building, Cnr Corderie No. 31 & Leoville L'Homme No. 11 Streets, Port Louis Tel: 260 0111, Fax: 211 3125, Website://ombudsman.govmu.org, Email: omb@govmu.org

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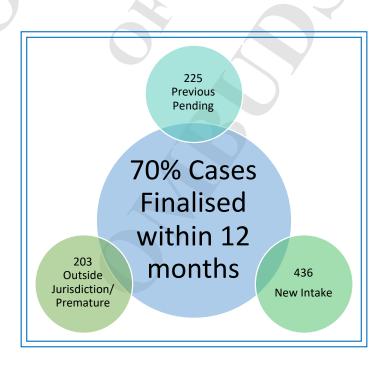
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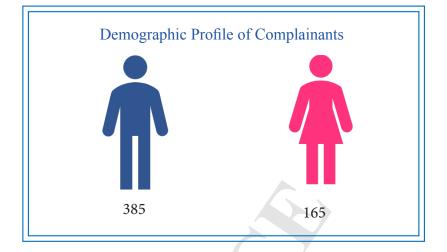
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HIGHLIGHTS







Service Information

639

100

Acknowledgement
Letter
97 % ≤ 5 Days
3 % > 5 Days

- 35% more Own-Motion Cases initiated
- 100% visitors satisfied with our Service information

7 AWARENESS RAISING CAMPAIGNS CONDUCTED

1. OUR MISSION

The mission of the Ombudsman is to improve public service by investigating and reporting alleged maladministration by public authorities and by raising public awareness.

2. OUR COMMITMENT

The Office of the Ombudsman is committed to be an effective Constitutional Office that addresses administrative injustices and promotes principles of good administration.

3. YEAR UNDER REVIEW

This is the 50th Annual Report of the Ombudsman. It concerns the discharge of the functions of this Office during the year 2023 in the course of which **639 new** complaints were received and a total of **436** new cases were assessed to be within our jurisdiction.

4. STATISTICS

COMPLAINTS RECEIVED

Complaints Received for The Year 2023				
Cases Opened	436			
Cases Outside Jurisdiction or Premature	203			
Total	639			

Table 1 Complaints Received for the Year 2023

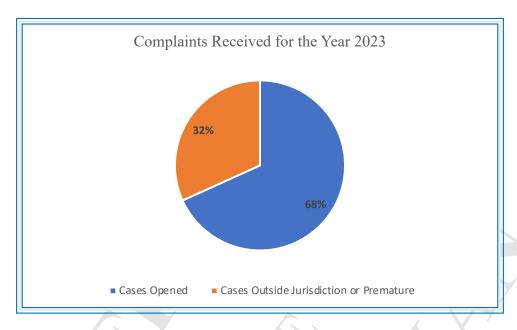


Figure 1 Complaints Received for the Year 2023

Comparative Table of Complaints Received Year on Year			
	2021	2022	2023
Complaints Received	686	645	639

Table 2 Comparative Table of Complaints Received Year on Year

CASES DEALT WITH AND INVESTIGATED

Cases Dealt with for the Year 2023			
Ministries/Departments			
Local Authorities			
Rodrigues Regional Assembly	28		
Pending Cases as at 30 December 2022	225		
Cases Outside jurisdiction (Miscellaneous/Copies)	203		
Total	864		

Table 3 Cases Dealt with for the Year 2023

CASES INVESTIGATED FOR THE YEAR 2023

Cases Investigated for the Year 2023		
Ministries/Departments	311	
Local Authorities	97	
Rodrigues Regional Assembly	28	
Pending Cases as at 30 December 2021	225	
Total	661	

Table 4 Cases Investigated for the Year 2023

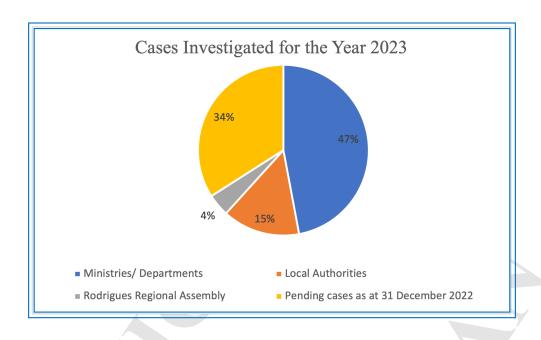


Figure 2 Cases Investigated for the Year 2023

Cases Investigated Year on Year

Cases Investigated Year on Year				
	2021	2022	2023	
Ministries/Departments	236	300	311	
Local Authorities	80	65	97	
Rodrigues Regional Assembly	108	39	28	
Pending Cases as at 31 December	199	225	258	
Total	628	603	661	

Table 5 Cases Investigated Year on Year

Ministries/Departments

Decision taken	Number of Cases
Explained	132
Rectified	112
Discontinued	29
Not Investigated	2
Not entertained	1
No maladministration disclosed	10
Not Sustained	2
Pending	173
Total	461

Table 6 Cases Investigated - Ministries/ Departments for the Year 2023

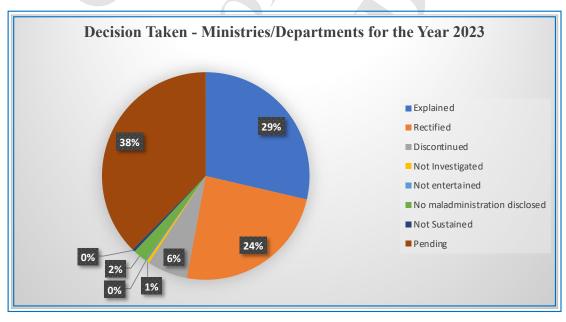


Figure 3 Cases Investigated - Ministries/ Departments for the Year 2023

Local Authorities

Decision taken	Number of Cases
Rectified	38
Explained	30
Discontinued	8
No maladministration disclosed	3
Pending	66
Total	145

Table 7 Cases Investigated - Local Authorities for the Year 2023

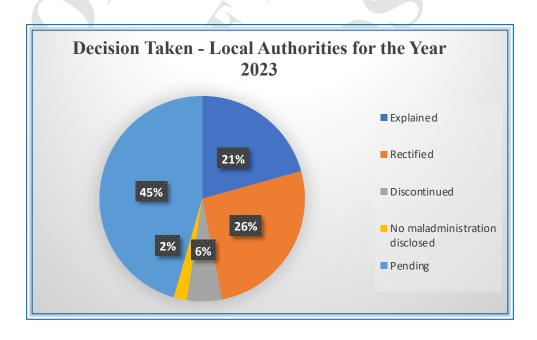


Figure 4 Cases Investigated - Local Authorities for the Year 2023

Rodrigues Regional Assembly

Decision taken	Number of Cases
Rectified	22
Explained	14
Pending	19
Total	55

Table 8 Cases Investigated - Rodrigues Regional Assembly for the Year 2023

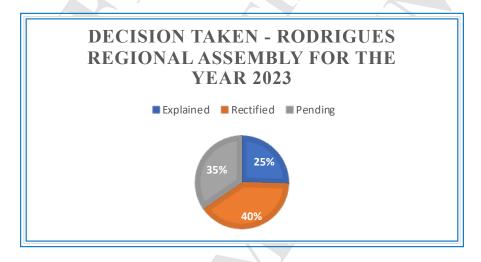


Figure 5 Cases Investigated - Rodrigues Regional Assembly for the Year 2023

An overview of statistics for Year 2023 is as follows –

Cases pending as at 31 December 2022	225
Case intake/investigated	436
Cases dealt with	864 (includes 436 new cases, 203 miscellaneous & copies of complaints and 225 cases pending as at 31.12.2022)
Cases rectified	172
Cases explained	176
Cases discontinued	37
Cases not investigated	2
Cases not sustained	2
Case not entertained	1
Cases no maladministration disclosed	13
Miscellaneous and copies of complaints	203
Cases pending as at 31 December 2023	258

Table 9 Statistics for the Year 2023

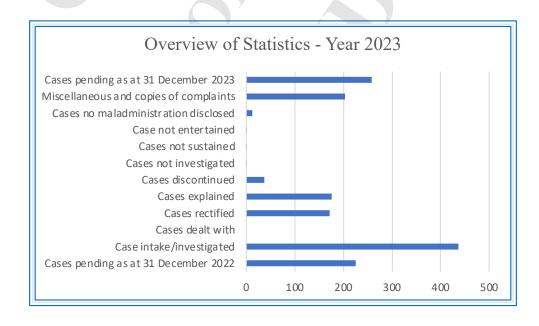


Figure 6 Statistics for the Year 2023

5. STRATEGIC PLAN – 2020/21 TO 2024/25

One of the striking features of this year continues to be the increasing number of complaints. Compared to last year, we saw **2.4% more cases dealt with**, and within that, a **9.7% increase** in the overall number of complaints investigated. More complaints mean more opportunities for the Office to provide justice to the public and promote systemic improvement of public services.

Despite the rising number of complaints, operational requirements and impediments, the Office met its objectives of finalizing 70% of complaints. This is a significant achievement by our staff, but with the rising caseload, coupled with other extensive functions of the Office, we fear that it will not be easy to maintain this performance.

We continue to provide the necessary support to our staff, who are handling with year-on-year increases in caseloads, by providing them continuous capacity building through collaboration with the Ministry of Public Service, Administrative and Institutional Reforms, the Civil Service College as well as the International Ombudsman Institute and the African Ombudsman and Mediators Association. In 2023 our staff attended 17 training courses and 7 seminars/webinars in order to enable them develop the skills and knowledge needed to offer an efficient and professional service.

In line with the Paris Principles and the Venice Principles, the Office continued to conduct awareness-raising activities on its roles and functions in collaboration with relevant stakeholders. The Office conducted 7 outreach activities jointly and in collaboration with the Citizens' Advice Bureau (CAB) in the island of Mauritius and Rodrigues. Recognizing the pivotal role that other human rights entities, namely Non-Governmental Organisations and Civil Societies, play in the promotion and protection of human rights, the Ombudsman decided to strengthen collaboration with 20 NGOs. To commemorate the 'International Ombudsman's Day', they were invited to join the Ombudsman for an exchange of ideas with a view to working together in improving the communications gap between the authorities and the public. 163 individual participants from NGOs including the general public attended and discussions centred on the role and services

of the Office on service delivery. **525** pamphlets were distributed to participants during the in-person sessions.

The Ombudsman believes that it is important that findings and insights relating to our investigations are shared as widely as possible to help improve public services and promote public awareness. In the spirit of transparency and accountability, the Office published on its website, within the parameters of the provisions of the Constitution, i.e without disclosing the identity of the complainants, summaries of "own-motion" investigations (including selected anonymous ones) carried out (i.e https://ombudsman.govmu.org/Pages/Index.aspx).

Strategic Objectives

In line with our mission of improving the public service by investigating and reporting alleged maladministration by public authorities, the Office developed its objectives that are the guiding principles to achieve its purpose. Our strategic objectives are:

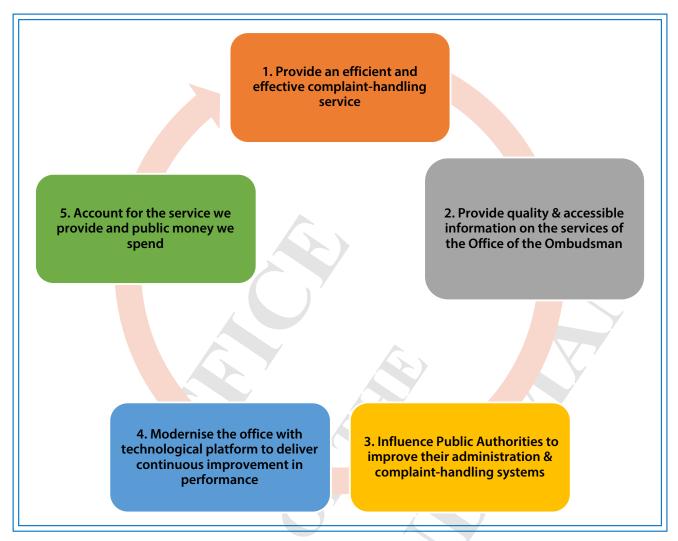


Figure 6 Our Strategic Plan 2020/21-2024/25

Performance Analysis

This year the Office received a total of 639 new complaints and dealt with 864 cases overall. This was 2.4% more than in 2022, (844 cases) and means that our caseload continues to rise year on year. 436 of these cases were complaints against Ministries/ Departments, Local Authorities and the Rodrigues Regional Assembly, 203 cases were miscellaneous and copies of letters, (i.e. complaints outside our jurisdiction/frivolous/ trifling as well as those considered premature), and 225 were pending cases carried forward from the previous year.

We investigated 661 complaints comprising of 436 new cases and 225 cases carried forward from previous year. This was 9.7% more than last year, (603 cases in 2022).

We finalized **606** cases during the period under review. These included new intake cases, pending cases carried forward from the previous year and matters that were finalized without investigating such as no jurisdiction or premature complaints. This represents **70%** of the cases dealt with and the remaining **30%** (258 cases) was carried forward to 2024 and was still under investigation at the time of the preparation of this Report.

The Office noted an increase in the number of complaints carried forward year on year, (i.e, **204 cases** in **2021** and **225 cases** in **2022**). The number of complaints which was still pending at the end of 2023 increased to **258**, i.e., an increase of **14%**. The reasons for the unresolved complaints can be attributed to complex cases requiring specialized resources not readily available in-house, expansion of our operational requirements, and lengthy period of time in responding to our queries by some public authorities.

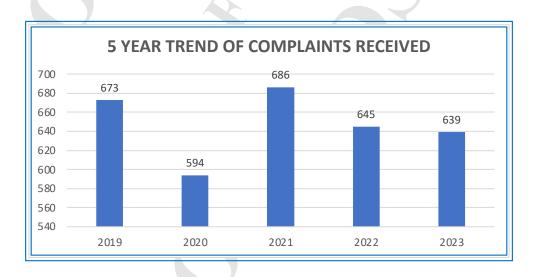


Figure 7 5 Year Trend of Complaints Received



Figure 8 5 Year Trend of Complaints Dealt With

OUR KEY PERFORMANCE INDICATORS (KPIs)

We measure our performance against a set of key performance indicators (KPIs) and the scores for the year.

KPI 1: CASES FINALISED WITHIN THE YEAR 2023

A. % of cases finalised within a period of 12 months

The Office has a three-stage decision process namely:

- (a) Complaints that are assessed to be out of jurisdiction, time barred, frivolous, trivial, no sufficient interest or premature.
- (b) Complaints that are finalised after having been provided with the requested information.
- (c) Complaints where decisions are made after detailed investigations.

The data below represents the cases finalised in respect of the three-stage process.

Cases Finalised during the Year 2023		
Cases dealt with	864	
Cases finalized	606	
Cases pending as at 31 December 2023 258		

Table 10 Cases Finalised during the Year 2023

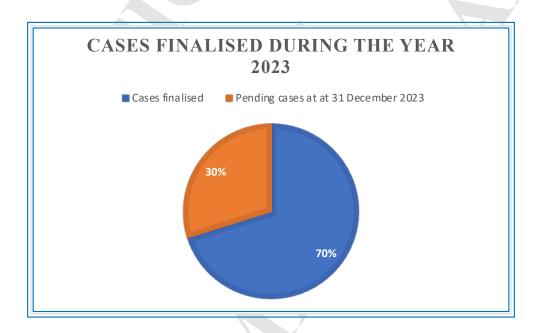


Figure 9 Cases Finalised during the Year 2023

Comparative Table- Finalised Cases Year on Year				
Tawaat	Scores %	Scores %	Scores %	
Target 2021		2022	2023	
70%	78%	73%	70%	

Table 11 Comparative Table- Finalised Cases Year on Year

KPI 2: ACKNOWLEDGEMENT OF COMPLAINTS RECEIVED FOR THE YEAR 2023

B. % of complaint letters addressed to the Ombudsman acknowledged within five working days

In 2023, of the total number of complaints received (639), 528 were acknowledged within the statutory timeframe, 17 were acknowledged beyond 5 working days and the remaining 94, being anonymous and own-motion cases, did not require any acknowledgement. The timeliness of complaints acknowledged within 5 working days has shown a constant improvement as we have achieved our target for the fourth consecutive year.

Timeliness of Complaints Acknowledged for the Year 2023	Number of Cases	Score %
Complaints acknowledged within 5 days	528	97%
Complaints acknowledged beyond 5 days	17	3%

Table 12 Timeliness of Complaints Acknowledged for the Year 2023



Figure 10 Acknowledgement of Complaints

Comparative Table - Acknowledgement of complaints within 5 working days						
Target	2021 2022 2023					
Target	No.	%	No.	0/0	No.	%
90%	592	95%	565	99%	528	97%

Table 13 Comparative Table - Acknowledgement of complaints within 5 working days

KPI 3: INVESTIGATIONS MONITORED AND FOLLOWED UP WITHIN THE YEAR 2023

C. % of investigations monitored and followed up within 12 months

Despite its extensive operation, the Office has throughout the year continually monitored and followed up the on-going investigations with authorities concerned. The target was therefore achieved as per our KPI.

Key Performance Indicator	Target	Score
% of investigation monitored and followed up within 12 months	100%	100%

Table 14 Key Performance Indicator

Comparative Table- Investigations monitored and followed Year on Year				
Tawaat	Score %	Score %	Score %	
Target	2021	2022	2023	
100%	95%	100%	100%	

Table 15 Comparative Table- Investigations monitored and followed Year on Year

KPI 4: COMPLAINANT SATISFACTION SURVEY

The Office is committed to the delivery of excellent services. We seek and welcome feedback from our service users and strive to learn from our shortcomings.

The survey gathers feedback on areas mentioned below:

- Overall satisfaction with our customer service; and
- Overall satisfaction on service information received





In 2023, **105** members of the public visited our Office for assistance or service information and **52** of them **who were on their first visit** responded positively to our Customer Feedback Survey.

Overall satisfaction with our Customer service

We asked the public to give us an indication of how satisfied they were with the level of customer service we provided, i.e. facilities put at their disposal for comfort, welcome, etc...

The survey found that **100** % of the public who completed the survey form were satisfied with the customer service.

Overall satisfaction with service information

We also asked the public to indicate their overall satisfaction with regard to the Service Information received from our staff during their visit.

All of them expressed their full satisfaction with regard to the service information obtained from us during their visit.

In its quest for communications improvement, the Office implemented an online mechanism to afford its service users an opportunity to inform us of their experiences and satisfaction level in terms of service delivery or outcome of their complaints. However, due to poor response, we could not gather insights into what the public considered was of value.

Based on available record of rectified cases, this Office can safely infer that complainants who were satisfied with the outcome of our investigations remain consistently satisfied with our service. However, since there cannot be maladministration in all cases, those who were not happy with outcomes were also less happy with the handling of their complaints.

The Office recognizes that members of the public making complaints to it are often desperate for help. Our staff inevitably had to work hard- and with empathy- to consider complaints as efficiently as possible. We aim to finalize investigations as quickly as we can. This year, we have managed to finalize most cases in a timely way in all complaints that were assessed to be outside our purview, frivolous, trifling or premature. However, with our high workload, we have struggled to meet our tight time targets in cases that were investigated. In 2023 we finalized 193, out of 436 investigations, within a period of 6 months from receipt of the complaint to completion. At the end of the year, 185 complaints were still under investigation and were carried forward to the year 2024. The rise in the number of complaints received, the expansion of our operational requirements, the complex nature of complaints and the lengthy period of time taken to respond by Authorities/Departments are some of the reasons for our inability to resolve complaints in a timely manner. At times complainants do not explain their predicament in a clear way and have to be called at the Office for more clarifications.

General Observation

The overall score of percentage of complainants' satisfaction survey, which provide an average of 'satisfied' or 'very satisfied' for our service, has continued to remain steady in respect of the majority of visitors.

The Office noted an increase in the level of satisfaction among those visitors i.e., 100%, compared to last year's result (98.5%).

Key Performance Indicator	Target	Score
% of complainants' satisfaction survey which provide an average of 'satisfied' or 'very satisfied' to our service	75%	100%

Table 16 Key Performance Indicator – Complainants' Satisfaction

Disaggregated Data

The Office continued to improve its data collection in line with the Sustainable Development Goals (SDG) in order to assess the diversity of the complainants who use the services of the Ombudsman and help us identify barriers to complaining and steps we can take to support the public particularly the vulnerable groups such as elderly persons or persons with disability. Records available indicate that the demographic profile of complainants has remained broadly similar to the previous year.

The Office acknowledges that it is a very complex task that requires both a dedicated and competent analyst as well as the collaboration of the public. The data below except for gender (i.e. computed on a total of 550 complaints received), represents scores for the new intake cases (i.e. 436) excluding miscellaneous, copies of letters, anonymous and own-motion for the year 2023.

Disaggregated Data	%
Male	70%
Female	30%
18 – 30 yrs	2.52%
31- 45 yrs	21.56%
46 – 59 yrs	9.86%
60 and above	10.78%
Not specified	55.284%
Disabled	3.90%
Not disabled	41.51%
Not specified	54.59%
Public Officers	21.79%
Private Entities/Individuals	10.78%
Retirees	7.80%
Not specified	59.63%

Table 17 Disaggregated Data

N.B Retirees represent complainants who are no longer in employment.

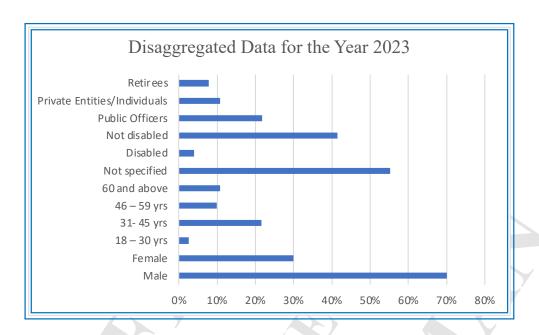
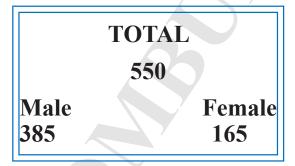


Figure 11 Disaggregated Data

A. Demographic Profile







B. Age Range

Age Range	%
18 – 30 yrs	2.52%
31- 45 yrs	21.56%
46 – 59 yrs	9.86%
60 and above	10.78%
Not specified	55.28%

Table 18 Age Range of Complainants

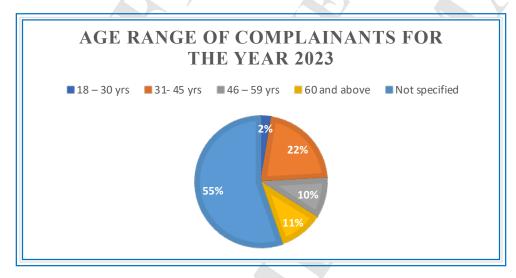


Figure 12 Age Range of Complainants for the Year 2023

C. Disability

Complainants with Disability for the Year 2023	
Disabled	17
Not disabled	181
No available information	238

Table 19 Complainants with Disability for the Year 2023

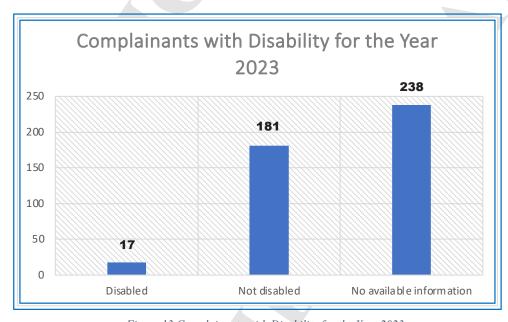


Figure 13 Complainants with Disability for the Year 2023

D. Profession of Complainants

Profession of Complainants for the Year 2023	
Public Officers	95
Private Entities/Individuals	47
Retirees	34
Not specified	260

Table 20 Profession of Complainants for the Year 2023

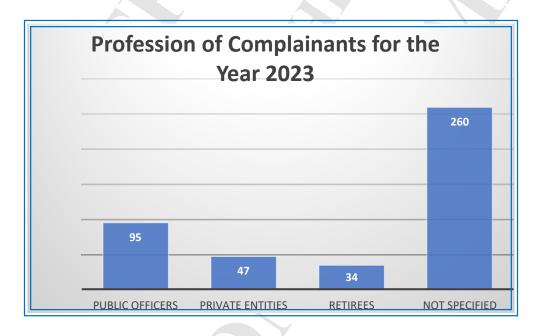


Figure 14 Profession of Complainants for the Year 2023

Demographic Profile of Complainants/ Visitors for the Year 2023			
Visitors		Complainants	
Male	72	385	
Female	33	165	
Total	105	550	

Table 21 Demographic Profile of Complainants/ Visitors for the Year 2023

*NB. The figures for the complainants represent the number of complaints received excluding own-motion and anonymous for the year 2023.

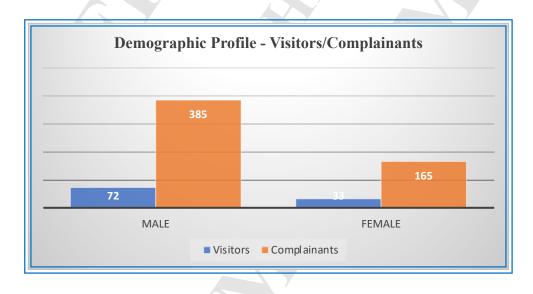


Figure 15 Demographic Profile of Complainants/ Visitors for the Year 2023

Service Information to Visitors

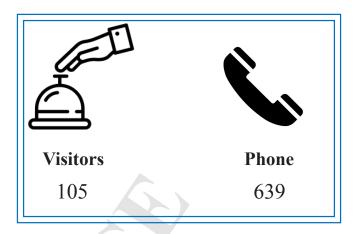


Figure 16 Service Information to Visitors

Looking Forward

In 2024, the Office will continue to focus on the following key areas:

- (a). Ensuring greater awareness of and access to the Office of the Ombudsman;
- (b). Ensuring compliance with our statutory obligations;
- (c). Enhancing our visitors' satisfaction by learning from their experience;
- (d). Improving our access to and use of data with the introduction of new technology, and
- (e). Improving the scores of our KPIs as well as timeliness of our investigations.

6. Rodrigues Regional Assembly

The Ombudsman, Mr Harry Ganoo, G.O.S.K and his delegation comprising of Mr Amarnath Ramtahul, Senior Investigations Officer and Mrs Geetika Devi Kissoon-Sungsam, Investigations Officer effected two visits to Rodrigues from 28 March to 01 April 2023 and from 10 to 14 October 2023. The primary aim of the mission was to follow up on the progress in investigations and raise awareness among Rodriguans on the role and services offered by the Office.

WORKING TRIP TO RODRIGUES: 28 MARCH TO 01 APRIL 2023

During the visit, the Ombudsman also met the Island Chief Executive, Mr Jean Claude Pierre Louis, O.S.K. He took the opportunity to thank him for the collaboration of the Administration on ongoing investigations and expressed his satisfaction with the responses from the different Commissions. A copy of our Annual Report for the year 2021 was also submitted to the Island Chief Executive.



A site visit was effected on 31 March 2023 at 14.30hrs at Rivière Coco by the delegation in order to assess the progress of works as reported by the Deputy Chief Commissioner's Office in connection with a complaint made by a group of residents, some of whom were bedridden and old, averring that their request for the construction of a track road to connect their residence to the main road had remained unheeded. They reported that during rainy days, access to their residence was hindered. Upon first taking up the matter, this Office was informed on 12 September 2022 that the construction of the main track road of length 110m has already been handed over to the contractor. The completion date was expected to be by 24 December 2022.

After continuous follow-up with the Deputy Chief Commissioner's Office, this Office was informed on 13 February 2023 that excavation works have been completed and casting works were ongoing.

Meetings with Departmental Heads

During the visit to Rodrigues in September 2022, the Ombudsman held a working session with Departmental Heads to request their continued collaboration in delivering a quality service to the citizens. This time, four Departmental Heads were invited for further clarifications in cases under investigation.

On 29 March 2023, the delegation met the Departmental Head, Commission for State Land in connection with five complaints received at the Office regarding the application for State Land lease made since 10 years or more. The delegation took note of the positive progress in the cases but also noticed that the number of pending applications for lease since the previous year had remained nearly the same. It was observed however, that there was a potential issue of scarcity of residential land in Rodrigues.

The Ombudsman also met the Departmental Heads of the Deputy Chief Commissioner's Office and the Commission for Social Security as well as a representative of the Commission for Agriculture to assess the progress of complaints. The importance of enhancing communication between the Administration and the service users in order to better address the complaints was emphasized.







Working sessions with members of the public and complainants

The public was informed of our visit by means of a Communiqué dated 13 March 2023, which was broadcast on the radio and published in the press and on our website were delegation received a total of 13 members of the public in connection with new complaints or existing ones. Two new cases were received on the spot while the remaining persons who had a valid complaint were requested to write to us the soonest possible after following the statutory procedures.

200 pamphlets were distributed to members of the public during the visit

A copy of our pamphlet which contains general information (in three languages i.e English, French & Creole) on the role and powers of the Ombudsman, including the procedures to be followed to lodge a complaint of alleged maladministration, were distributed to participants during the awareness raising campaign and our interaction with members of the public in various regions of the island.

Awareness Raising Session on 30 March 2023 in collaboration with DIS-MOI Rodrigues and Edycs (Rodrigues)

On 30 March 2023, the delegation conducted an awareness-raising session from 09hrs to 11hrs at La Ferme in collaboration with DIS-MOI Rodrigues and Edycs (Rodrigues) with a view to informing people suffering from epilepsy, parents of epileptic children and staff working at the Edycs Centre on the services provided by the Office of the Ombudsman and encouraging the participants to reach out to the Office whenever they felt that they were victims of maladministration on the part of public

authorities



A total of 21 persons participated in the session and they related difficulties they encountered when approaching public services, as hereunder -

- (i). They felt marginalised on a daily basis. Some shared their experience in public places and hospitals, where there was a lack of sensitisation on the issue of epilepsy and the specific needs of people suffering from it.
- (ii). Although they were unable to work due to their particular condition, they were denied a pension for not meeting the prescribed criteria in the prevailing legislation.
- (iii). They had to be accompanied by someone when attending a medical board but often had to pay that person when they were already in financial difficulties.
- (iv). They expressed their dissatisfaction regarding the manner in which the Medical Board was conducted and a decision was very often reached without proper examination.
- (v). Children attending the Edycs Centre did not benefit from any free transport facility.



The poignant experiences shared by the participants portrayed the difficult situation in which they were living....and the need to redress this shortcoming/injustice. The Service Coordinator was requested to gather all the issues faced by the participants and submit a complaint to the Ombudsman so that this matter could be taken up with the relevant authorities in order to remedy the situation.

At the end of the awareness session, a light refreshment was distributed to all participants as well as the students in the Edycs Centre.

A copy of our Annual Report for the year 2021 was also presented to Ms Jenila Lindor of DIS-MOI Rodrigues by the Ombudsman.



Site visit effected at Rivière Coco on 31 March 2023 at 14.30hrs in connection with case ROD/C/7/2022

A site visit was effected on 31 March 2023 at 14.30hrs at Rivière Coco by the delegation in order to assess the progress of works as reported by the Deputy Chief Commissioner's Office in connection with a complaint made by a group of residents, some of whom were bedridden and old, averring that their request for the construction of a track road to connect their residence to the main road had remained unheeded. They reported that during rainy days, access to their residence was hindered. Upon first taking up the matter, this Office was informed on 12 September 2022 that the construction of the main track road of length 110m has already been handed over to the contractor. The completion date was expected to be by 24 December 2022.

After continuous follow-up with the Deputy Chief Commissioner's Office, this Office was informed on 13 February 2023 that excavation works have been completed and casting works were ongoing.

On-site Observations

Two Technical Officers from the Deputy Chief Commissioner's Office attended the joint site visit and reported on the progress of the construction.

After having informed of the purpose of the visit, they showed the Ombudsman and his delegation the new track road which has been constructed by their Office to enable access of the inhabitants to the main road. Given the topography of the location, it was visually confirmed that the road was indeed steep and the new track road would undoubtedly facilitate the access of the inhabitants.

However, the Officers reported that no lateral roads could be constructed to connect the individual houses to the track road due to financial constraints



Moreover, it was observed that a stretch of the existing track road connecting the new one to the main road was muddy due to the flow of soil and other materials during rains and owing to the topography of the land.





Muddy stretch connecting the new track road to the main road

It was also reported that no lateral roads were constructed to connect the individual houses and the 'muddy' track was not revamped as same were not approved in the Works Order. Upon enquiry, the delegation was informed that the cost for the lateral roads would be approximately Rs 1.5 million while the completion of the muddy stretch of the existing track road would be around Rs 100,000.





The Ombudsman took note of the situation and the prevailing financial constraints of the Rodrigues Regional Assembly but was of the opinion that consideration could be given, in the first instance, to the revamping of the muddy stretch of the track road in view of the negligible expenses involved and also to enhance accessibility for the inhabitants. The lateral roads could be constructed when funds would be made available.

At the end of the visit, the delegation thanked the Officers for their presence and invaluable inputs.

WORKING TRIP TO RODRIGUES: 10 to 14 October 2023

The main objective of the mission was twofold: to monitor the progress of ongoing investigations and to raise awareness among Rodriguans about the mandate and services provided by our Office.

Meeting with the Island Chief Executive on 13 October 2023

The Ombudsman met the Island Chief Executive, Mr Jean Claude Pierre Louis, O.S.K. Discussions primarily revolved around ongoing investigations, complaints trends and reinforcing our working relationships with the Administration. Mr. Pierre Louis, O.S.K. assured our Office of the Administration's commitment to ensuring that the public receives good public service. Additionally, a copy of our Annual Report for the year 2022 was submitted to the Island Chief Executive during the meeting.



Meetings with Departmental Heads

A total of 26 cases were pending prior to our visit to Rodrigues. In this context, Departmental Heads of the Deputy Chief Commissioner's Office, Commission for Health, Social Security, and State Lands were invited for further clarifications in cases under investigation.



These meetings have been instrumental in achieving significant progress, with successful resolutions reached for certain cases and active processing underway for the remaining pending ones. We acknowledge the constructive approach demonstrated by the Departmental Heads. Their engagement in addressing complaints has played a crucial role in advancing our objectives and ensuring effective resolution of grievances.

Working sessions with members of the public and complainants

Prior to our visit, the public was informed well in advance through a Communiqué dated 04 October 2023, specifying the available time slots during which they could visit us. From 11 to 13 October 2023, our delegation received a total of 33 members of the public, either presenting new complaints or seeking updates on existing ones. Among them, 7 new cases were promptly registered on-site, while those with valid complaints were advised to follow statutory procedures and submit their concerns to us in writing at the earliest convenience.









Awareness Raising Session on 11 October 2023

The delegation undertook a first awareness-raising session at Mont Lubin Community Centre in collaboration with DIS-MOI Rodrigues to sensitize the public on the services provided by the Office of the Ombudsman and also on the promotion of Human Rights.





A total of 15 persons attended the awareness-raising session. The session was also covered by MBC Rodrigues and the calendar of activities of the delegation was disseminated to the wider public.



Group photo with the representatives of DIS-MOI Rodrigues and some attendees

Awareness Raising Session on 11 October 2023

A second awareness raising session was organised in collaboration with the Citizen's Advice Bureau of Rodrigues at the Cultural and Leisure Centre at Mon Plaisir. The session reached 40 representatives of associations. The participants welcomed that initiative and were invited to share the information acquired with the members of their associations.



Moreover, questions from the participants were attended to. During the session, our attention was drawn to the fact that senior citizens benefitting from the Free Travel Scheme in Rodrigues were not issued with any ticket when travelling by bus and that the absence of such a travel proof would entail difficulties for the passenger to claim insurance in case of accidents or to lodge a civil case against the bus company. The Ombudsman therefore initiated an own-motion investigation in this matter and wrote to the Ministry of Land Transport and Light Rail, requesting whether due consideration could be given to the possibility of issuing a ticket or other documentary proof to beneficiaries of the Free Travel Scheme, i.e. senior citizens, disabled persons and students etc., when travelling by bus. We must place on record the positive response received from the Ministry in this matter.

At the end of the session, the participants expressed their satisfaction with the information provided and thanked the delegation.



In summary, the trip to Rodrigues yielded fruitful outcomes on multiple fronts. It served to reassure complainants that their cases were receiving due consideration while also strengthening collaboration with the Administration to enhance service delivery. Additionally, the trip provided an opportunity to raise awareness about our services through campaigns, engagement with the MBC channel, and direct interactions with the public. More importantly, the mission to Rodrigues demonstrated the commitment of our Office to extend the same treatment to Rodriguans in so far as delivery of public services are concerned. A total of 250 pamphlets were distributed during the visit, furthering our outreach efforts.

7. AWARENESS-RAISING CAMPAIGN

With a view to sensitizing members of the public on its services and also to promote Human Rights, the Office of the Ombudsman pursued its Awareness Raising Campaign during the year 2023. Seven (07) sessions were conducted, during which participants were explained the role, powers and services of the Office of the Ombudsman.

Date	e Venue	
26 January 2023	Quatre Bornes (in collaboration with CAB)	
16 February 2023	Bambous (in collaboration with CAB)	33
30 March 2023	Edycs Centre, Rodrigues (in collaboration with DIS-MOI Rodrigues)	21
26 September 2023	In-house (NGOs)	12
03 October 2023	In-house (NGOs)	6
11 October 2023	DIS-MOI Rodrigues	15
13 October 2023	CAB Rodrigues	40

Table 22 Awareness Raising Campaigns

Altogether, 163 people were sensitised and 525 pamphlets were distributed to the public at large.

Comments/Feedbacks received from members of public during Awareness Raising Campaign

- > "Très bien. Bien interessant. J'ai eu un bon éclaircissement avec ma question."
- "Interesting. Good to know that there is still a door which can be knocked".
- right "Très bien. La Constitution a tout prévu pour le bon fonctionnement d'une société."
- ➤ "Cette campagne a été au-delà de mes attentes. La partie interactive formidable."
- ➤ "It can be called an awareness campaign which will help fight injustice"
- ➤ "It was interesting and most important it was very assuring that there is an Office that takes care of the complaints of residents."

Table 23 Comments/Feedback from Members of Public

Snapshots of Awareness Raising Campaign





Interactive session with the participants at Quatre Bornes





Campaign at Bambous

Commemoration of the International Ombudsman Day Working Session with Non-Governmental Organisations (NGOs)

The Office of the Ombudsman celebrated the International Ombudsman Day on Thursday, 12th October 2023. The theme for Ombuds Day 2023 was "*Ombuds: Diverse Role United in Service*".

Recognizing the pivotal role that Non-Governmental Organisations (NGOs) play in promoting the human rights of our citizens, Mr. Harry Ganoo, G.O.S.K, Ombudsman decided to strengthen collaboration with them. Representatives of twenty (20) Non-Governmental Organizations (NGOs) were invited to join the Ombudsman for an exchange of ideas in the context of the celebration of the International Ombudsman Day 2023.

Four working sessions both in Mauritius and Rodrigues island were conducted on 26th September, 03rd October,11th October and 13th October 2023 where twenty (20) NGOs as tabled below participated.

SN	Name of NGOs		
1.	Association Alzheimer		
2.	Association Bien Etre de Mahebourg		
3.	Hindu Maha Jana Sangham-Meenatchee Home		
4.	Human Service Trust		
5.	Kolektif Riviere Noire		
6.	Mouvement Forces-Vives Quartier EDC Rose Belle		
7.	Wi Nou Kapav		
8.	Women with Disabilities		
9.	Al-Waadjidah Ladies Welfare Foundation		
10.	Droits Human Ocean Indien (Dis-Moi)		
11.	Phoenix Tamil Association		
12.	Anges du Soleil ONG		
13.	Fondation de la Solidarite		
14.	Reef Conservation		
15.	Mauritius Council of Social Service (MACOSS)		
16.	SAFIRE		
17.	Rodrigues Government Employees Association (RGEA)		
18.	Rodrigues Public Service Workers Union (RPSWU)		
19.	Rodrigues Blood Donors Association		
20.	Droits Human Ocean Indien (Dis-Moi Rodrigues)		

Table 24 List of Non-Government Organisations

The participants were received and provided with an overview of the role, functions, jurisdiction and limitations of the Office as well as procedures to follow in order to lodge a complaint. The first session was also covered by the Mauritius Broadcasting Corporation.





During the interactive sessions with the Ombudsman and the Investigations Officers, the participants were given the opportunity to voice their questions as well as difficulties that they usually encounter. The difficulties explained by them are as follows:

- Dr G, representative of the Hindu Maha Jana Sangham apprised that being an old age home association, its main challenge was the payment of monthly charges/expenditures. He pointed out that, beneficiaries were usually receiving their monthly pension by the Ministry of Social Integration, Social Security and National Solidarity but their family members were often reluctant to pay the association.
- The representatives from the Women with Disabilities highlighted the difficulties encountered by Persons with Disabilities while travelling by public transport.
- Members of the Al-Waadjidah Ladies Welfare Foundation complained that very often the Ministry of Social Integration, Social Security and National Solidarity disallowed the pension payable to disabled children thereby causing difficulties in their daily lives.
- Dr S, representative of the Association Alzheimer pointed out that there was no "Courtoisie" nowadays in respect of elderly persons with low visibility.
- The representative of DIS MOI Association complained that they were denied access to schools or colleges to cater for needy children contrary to other associations which easily got through the school premises.
- Mr A. from Mouvement Forces Vives Quartier EDC Rose Belle raised the issues of drugs prevailing in the society where more youngsters were involved.
- Wi Nou Kapav association represented by Mrs C thanked the Office of Ombudsman for the remarkable task performed in the successful allocation and leasing of State Land to the neediest ones of the Western region.

At the end of the working session the participants expressed their appreciation for the warm welcome and the standard of customer service delivered by the Office. The participants welcomed the initiative

and indicated that they would willingly seek the assistance of the Office whenever the need arises.

8. International Co-operation

African Ombudsman and Mediators Association (AOMA)

The Office is a long-standing member of the African Ombudsman and Mediators Association (AOMA). The Association held its 7th General Assembly in Kigali, Rwanda from 27-29 November 2023 and it unfolded with the election of new Office bearers. The Assembly also included the crucial election of Regional Coordinators for each of the six regions within AOMA. Mr. Harry Ganoo, G.O.S.K Ombudsman was appointed as Coordinator for the Indian Ocean Region. The newly elected leadership is poised to guide the association towards greater heights, ensuring its objectives are met with dedication.

The under-named newly elected Office bearers will serve the Office for a period of 4 years:

- 1. President: Hon. Antónia Florbela Roacha Araújo (Angola South Africa Region)
- 2. 1st Vice President: Hon. Beti Kamya Turwomwe (Uganda East Africa Region)
- 3. 2nd Vice President: Hon. Laurent Ngon-Baba (Central African Republic Central Africa Region)
- 4. Secretary General: Hon. Caroline Sokoni (Zambia Southern Africa Region)
- 5. Deputy Secretary General: Hon. Abimbola Ayo Yusuf (Nigeria West Africa Region)
- 6. Treasurer: Hon. Pascal Essou (Benin West Africa Region)
- 7. Deputy Treasurer: Hon. Alexis Boutamba MBINA (Gabon Central Africa)
- 8. Coordinators: Hon. Adv. Stephen Basi Tiroyakgosi (Southern African Region), Hon. Aimée Laurentine Kanyana (Burundi -Central African Region), Hon. Harry Ganoo, G.O.S.K (Republic of Mauritius Indian Ocean Region), Hon. Matthew Pauwa Mhina Mwa'imu (Tanzania East Africa Region), Hon. Fatimata Sanou (Burkina Faso West Africa Region), HON. Abdalla Mohamed Qaderbo (Libya Northern African Region)
- 9. African Ombudsman Research Centre (AORC) Chairperson: Hon. ADV. Kholeka Gcaleka (South Africa).

Due to unforeseen constraints the Ombudsman could not attend the General Assembly. However, at the 27th AOMA Executive Committee meeting which was held at Blue Waters Hotel, in Durban from 26th to 29th February 2024 our Office was represented by Mr. Amarnath Ramtahul, Senior Investigations Officer.

Regional Co-operation

The Ombudsman being a voting member of the International Ombudsman Institute (IOI), African Ombudsman and Mediators Association (AOMA) and the Association des Ombudsmans et Médiateurs de la Francophonie (AOMF), regularly engages and collaborates with his counterparts Ombudsman and Mediator in the Indian Ocean Region. This engagement is in line with the objectives of these associations in order to foster mutual support, co-operation, affiliation and joint activity for the promotion of good relations with oversight bodies. It is also very important as it gives the Office of the Ombudsman an opportunity to share relevant insights, information and best practices with a view to driving up the standards of complaint handling and improving service delivery. A virtual meeting was held with Honourable Nichole Tirant-Gherardi, Ombudsman of the Republic of Seychelles on 2nd October 2023 and the topics of interest discussed included the promotion of administrative justice, integrity and human rights as well as the objectives of our association/institute, General Assembly and



Webinars/Seminars

Through our membership of international Ombudsman organisations, the Office has continuously developed the capacity building of its staff. In 2023, our staff attended 7 virtual webinars and trainings sessions organized by our international partners and 17 training courses were provided locally by the Ministry of Public Service, Administrative and Institutional Reforms and the Civil Service College, Mauritius.

The table below shows the number of webinars and training courses attended by the Investigations Officers, Support Team and other staff in 2023:

SN	Торіс	Host
1	Webinar-Mediation/Alternative Dispute Resolution	AOMA/AORC
2	Webinar-Training on Crisis Communication	IOI
3	Webinar-Showcasing Higher Education Ombudsman	AOMA/AORC
4	Webinar-Strengthening Cyber Security in Ombudsman Institutions.	AOMA/AORC
5	Webinar-Gender Based Violence and Harassment	AOMA/AORC
6	La force de proposition des Médiateurs et Ombudsmans : mécanisme important pour soutenir la réforme administrative et juridique	AOMF
7	Enhancing productivity and safeguarding confidentiality	AOMA/AORC
8	Training on Effective Performance Appraisal	Civil Service College, Mauritius
9	Professional Development Programme for WPOs/ SWPOs	Sponsored by MPSAIR
10	Training on Public Sector Financial Management	Civil Service College, Mauritius
11	Training Course on writing effective minutes of meeting	Civil Service College, Mauritius
12	Training Programme for Support Staff	Sponsored by MPSAIR
13	Induction course for Word Processing Operator	Sponsored by MPSAIR
14	Induction course for Office Management Assistant	Sponsored by MPSAIR
15	Awareness session on IT Security	Ministry of Information Technology

16	Fire Safety and Risk Management for Fire Warden Team	Sponsored by MPSAIR
17	Training on Report Writing	Civil Service College, Mauritius
18	Training Programme on Safety & Health for Office Auxiliaries	Sponsored by MPSAIR
19	Training on Handling Difficult Customers Civil Service Colle Mauritius	
20	Capacity Building & Capability Development Programme (Frontline/Supervisory/Technical Grade)	Sponsored by MPSAIR
21	Capacity Building & Capability Development Programme (Support Staff)	Sponsored by MPSAIR
22	Training Programme on Safety & Health in the workplace	Sponsored by MPSAIR
23	Managing Risk at the workplace	Sponsored by MPSAIR
24	Strategic Management and Leadership Training Programme for Middle Management	Sponsored by MPSAIR

Table 25 Webinars and Training Courses attended

9. Meetings with Authorities in connection with Investigations

Chapter IX of the Constitution confers on the Ombudsman the discretion of how to resolve a dispute of alleged maladministration as well as the format and procedure to be followed in conducting an investigation with due regard to the circumstances of each case. Therefore, whenever the need arises and the Ombudsman considers it appropriate to do so, he convenes the Authority concerned or complainant(s) for more clarification and enlightenment or he delegates his Investigations Officers to conduct site visits.

In the course of the year under review, ten meetings were held with public officials of the following Ministries/ Departments in connection with cases under investigation:

- Ministry of Housing and Land Use Planning
- Ministry of Social Integration, Social Security and National Solidarity
- Ministry of Labour, Human Resource Development and Training
- Municipal City Council of Port Louis
- Municipal Council of Quatre Bornes
- District Council of Black River
- District Council of Moka
- District Council of Flacq
- Mauritius Examinations Syndicate
- Road Development Authority
- Mauritius Institute of Training and Development

These meetings served as valuable opportunities to foster collaborative relationships, resulting in expeditious resolutions of many complaints. Additionally, they facilitated a thorough examination of cases that warranted deeper analysis beyond the assertions of the involved parties.

We extend our gratitude to these Authorities for their cooperative responses to our queries, contributing significantly to the enhancement of public service quality.



Meeting held with Mr Ramanjooloo, Chief Executive, District Council of Moka on 11 April 2023



Meeting with representatives of Road Development Authority and Municipal City Council of Port Louis on 21 September 2023

10. Visitors from abroad

On **08**th **September 2023**, the Ombudsman received Mrs C. Cesar, Legal/ Investigations Officer at the Office of the Ombudsman, Seychelles, for a courtesy call. The visit was centred on the role, functions and powers of the Ombudsman in Mauritius. Moreover, a copy of our annual report was handed over to Mrs Cesar.





On 30th November 2023, we also received Dr Ana Brian Nougrères, Special Rapporteur on the Right to Privacy, appointed by the United Nations Human Rights Council. The mandate of the Special Rapporteur is to develop and promote best practices, report alleged violations and raise awareness of the Right to Privacy taking into account the influence and impact of new and emerging technologies.





Working session with the Special Rapporteur and Presentation of the Annual Report to Dr Nougrères by the Ombudsman

11. A Note from the Ombudsman

- 1. "... Powers of investigation can bring to light cases of bureaucratic maladministration that would otherwise pass unnoticed. The Ombudsman "can bring the lamp of scrutiny to otherwise dark places, even over the resistance of those who would draw the blinds"... On the other hand, he may find the complaint groundless, not a rare occurrence, in which event his impartial and independent report, absolving the public authority, may well serve to enhance the morale and restore the self-confidence of the public employees impugned." (Justice Brian Dickson, Supreme Court of Canada)
- 2. It is generally recognised that the role of an Ombudsman is to promote accountability, transparency, and fairness in the public sector. This mandate is fulfilled by receiving citizens' complaints regarding alleged maladministration on the part of a public authority, determining whether the complaint has merit, and if so, working collaboratively with stakeholders to get the problem resolved.
- 3. In the 49th Annual Report of the Ombudsman for the year 2022, I stated that the powers conferred upon the Ombudsman by the Constitution were wide-ranging but reflect the balance between executive authority and redress of maladministration. There were, nonetheless, certain areas of concern that could impact upon the function of the Office of the Ombudsman. These were identified as Independence and Autonomy, Accessibility, Resource and Accountability and Reporting.
- 4. In this year's Report, I would wish to highlight two other challenges the Office faces to fully implement its mandate under the Constitution and the Ombudsman Act 1969. These relate to –
- (a) Timely Responsiveness from Authorities; and
- (b) Own Motion and Anonymous cases.

5. Responsiveness

- (a) Throughout the year under report, we have taken note of a commendable level of responsiveness from numerous public authorities in providing prompt replies to our queries following complaints received. However, we have also observed that a few public authorities have chosen to remain silent, in complete disregard of legal provisions and despite numerous reminders being sent to them. This lack of communication has been a cause of concern for us and the complainants who legitimately await a resolution of their problems.
- (b) Whilst the Ombudsman's principal objective is not to name, blame, and shame the public authority against which a complaint has been lodged, it may be necessary as a last resort to venture into moral suasion if the authority is stubbornly unresponsive. I am as a start naming the following authorities who have failed to submit a reply to my Office within the delay prescribed in the Ombudsman Act 1969 despite several reminders:

Authority	Case No.	Nature of complaint	Letters remained unanswered
Police Department	C/63/2022	Reply not received to letter addressed to the Police Department concerning request for information in connection with complainant's arrest and subsequent decision of DPP not to prosecute.	05.12.2023 10.01.2024 30.01.2024 16.02.2024
Prisons Department	C/156/2020	Request for information regarding Prison Rules.	01.12.2023 26.01.2024 16.02.2024 20.03.2024
Ministry of Health and Wellness	C/246/2022	Distribution of Bread in metallic containers without cover and stand.	19.01.2024 16.02.2024 20.03.2024 03.04.2024
Mauritius Broadcasting Corporation	C/297/2022	Averment that a TV licence fee is being charged although complainant duly informed MBC that he did not have any TV set.	19.01.2024 07.02.2024 27.02.2024 22.03.2024

(Note: The list includes pending cases for previous years to which a reply has not been submitted at the time of drafting)

Table 26 List of unresponsive authorities

(c) Another revealing case of failure to respond in good time is a complaint received in the year 2020 regarding the nuisance being caused from a dormitory – meant for industrial workers - within a residential area (LA/C/25/2020). The Ministry of Labour, Human Resource Development and Training

(MLHRDT) had issued a Lodging Accommodation Permit (LAP) for the dormitory. Whilst the Local Authority reported that a dormitory did not have its place within an approved residential morcellement, it was noted that the Occupational Safety and Health (Employees Lodging Accommodation) Regulation 2011 did not explicitly prohibit the lodging accommodation within a residential zone.

A recommendation was therefore made to the MLHRDT on 09th November 2021 to make necessary amendments to the Regulations to improve its effectiveness. Consultations were held with different stakeholders, including the Ministry of Local Government and Disaster Risk Management, and on 24th February 2023, we were informed that the MLHRDT was proposing to make necessary amendments to the Regulations to include, amongst others, requiring a Building and Land Use Permit(BLUP) issued by the Local Authorities for LAP applications or renewals as this would impose more appropriate conditions for the setting up of a dormitory, particularly in a residential area.

In a letter addressed to the Ministry of Local Government on 25th October 2023, the MLHRDT requested information regarding the issue of BLUPs but received no response. This Office even followed up on the matter with the Ministry of Local Government and Disaster Risk Management on 07th February, 28th February, 18th March and 03rd April 2024 to no avail.

This case has, since the year 2020, remained at a standstill.

We can only hope that resorting to the process of "naming" will contribute to Authorities improving their responsiveness to queries from our Office.

6. Own Motion and Anonymous Cases

The Constitution confers upon the Ombudsman the power to conduct own-motion investigations which gives him the opportunity to take a pro-active approach to investigating where he has reasonable suspicion of maladministration or service failure. Exercising this power is a challenging task. The cases are meticulously analysed to identify instances of injustice, threats to public safety, poor public service delivery, and other issues stemming from maladministration before taking any action. This thorough scrutiny ensures that we address the most pressing and substantiated concerns.

The power to conduct own-motion investigations gives the Ombudsman an opportunity to provide a voice for the voiceless and focuses mainly on improving public services for the benefit of the public, through training of public officials or review of current practice.

In 2023, a total of 65 own-motion investigations were initiated against Ministries, Local Authorities and the Rodrigues Regional Assembly. Compared to last year, the Ombudsman initiated 35% more own-motion investigations to drive systemic improvement in public services. Hereunder are some examples of such cases in a tabular form which establishes the identity of the Authority concerned and the problem it was called upon by our Office to look into with a view to taking appropriate remedial action.

CASE NO.	NATURE OF PROBLEM	AUTHORITY SEIZED	ACTION TAKEN
C/1/2023	Reinstatement of roads after Central Water Authority water pipes repaired.	Ministry of Energy and Public Utilities	The road in question reinstated to its original state by the Central Water Authority.
C/52/2023	Appropriate action not taken against an Officer for reprehensible conduct, viz, sexual harassment, verbal abuse, physical assault, etc. against colleagues, senior officers in various Agricultural Services Departments.	Ministry of Agro Industry and Food Security	In accordance with Regulations 31(1) of the Public Service Commission Regulations 1967, the Ministry has, following a recommendation of the Ombudsman, initiated action against the Officer for his retirement on ground of interest of the public service.
C/238/2023	Allegation of irregularities from part-time students of the University of Technology, Mauritius regarding absenteeism of full time students.	Ministry of Education, Tertiary Education, Science and Technology	Remedial action taken by the UTM to address the alleged irregularities.
C/244/2023	Unethical behaviour and harassment by Deputy Rector of a State Secondary School.	Ministry of Education, Tertiary Education, Science and Technology	The Zone Directorate conducted an enquiry and recommended that the Rector ensures proper monitoring of the Deputy Rector.
LA/C/49/2023	Development works being carried out contrary to approved plans in breach of conditions of BLUP.	District Council of Black River.	Prosecution initiated against the alleged developer before the District Court of Black River.

LA/C/57/2023	Installation of electric fence protruding from the boundary wall of a villa bordering a public beach is a potential threat to life	District Council of Pamplemousses	A Technical Committee has been set up at the level of the Ministry of Energy & PU following a recommendation made by this Office to establish comprehensive regulations and guidelines governing the installation of electric fences.
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Table 29 Examples of Own Motion Cases

The own-motion power is also exercised by the Ombudsman when he receives an anonymous letter that highlights the facts of a particular case/situation with possible service failure that causes or may cause prejudice or injustice towards any person or group of persons.

In response to an inquiry regarding an anonymous complaint lodged at this Office, we were informed that "according to existing policy as laid down at paragraph 2.9.4 of the Human Resource Management Manual, anonymous representations shall not, as a normal rule, be considered".

Handling anonymous complaints, like own motion cases, demands a balanced approach to determine whether an investigation is warranted or not. Evidently, not all anonymous complaints received call for an investigation. The credibility of the allegation is carefully evaluated based on factors such as the reasonableness of the facts put forth, similar allegations observed across multiple complaints, consistency of statements, and supporting evidence, amongst others.

This Office wishes to highlight that investigating these complaints is crucial as they often serve as early warning signs of potential issues within the public administration. Investigating them allows for proactive measures to be taken to address underlying problems before they escalate into more significant issues. Moreover, it is acknowledged that anonymity may provide a sense of security for individuals reporting issues, particularly when fearing retaliation, the more so in the absence of an adequate legal framework to protect whistleblowers.

It is worth noting that this Office has observed numerous instances where investigating anonymous complaints has led to positive outcomes. Examples include anonymous complaints regarding Building and Land Use Permits issued within an irrigation area, highlighting shortcomings in current procedures which should be addressed to deter questionable practices, and the use of smartwatches during examinations in a tertiary institution, which prompted a policy to regulate the use of smart/electronic devices in Assessment Halls in Educational Institutions of Mauritius (a summary of these complaints is available at Appendix C of this Report). This underscores the value and effectiveness of this approach in addressing concerns within the public administration.

Moreover, it must be highlighted that the Financial Crime Commission (FCC) Act 2023 provides that any person may, without disclosing his identity, notify the FCC of an offence.

Being given that the aggrieved persons cannot be informed of the outcome of investigations, the Ombudsman considers it important to publish the findings on our website as it is a useful way of emphasizing the key issues identified. Moreover, it provides an opportunity for the Office to share that information across the public.

On a similar note, I wish to highlight the case (ROD/C/5/2022) whereby following a change in the requirement to be registered with the Allied Health Professionals Council, Medical Laboratory Technologists/Senior Medical Laboratory Technologists(S/MLTs) on the establishment of the Rodrigues Regional Assembly (RRA) had to enrol on the Top-Up Degree programme offered by the University of Mauritius. While agreeing that the current requirement, viz, a Diploma in Medical Laboratory Technology has been justly upgraded to a Degree in order to be registered with the Council, the S/MLTs, deplored the fact that they were not given the necessary facilities to pursue the Degree course, i.e., air tickets, lodging and living costs when they had to come to Mauritius for examinations as well as face-to-face sessions. This Office intervened with the RRA to provide necessary assistance to the Officers concerned. It must, nonetheless, be stressed that it is imperative for the Pay Research Bureau to look into all the logistics aspects of requiring Rodriguan Officers to follow a course – as a direct cause of their employment – in the Island of Mauritius.

A final word

Despite the significant challenges we face in handling and resolving complaints, we remain committed to addressing each case with fairness and impartiality. We understand that citizens rely on the Ombudsman to serve as an unbiased authority. We take this responsibility seriously, ensuring that every complaint is treated with the integrity and objectivity it deserves and I thank very heartily the staff of the Office for their unreserved contributions for this.

We strongly believe that the public must be treated with utmost respect and dignity. It is for this reason that we, at the Office of the Ombudsman, are committed to respecting the rights of every individual we serve and to ensure that the public service embraces fully its time-honoured values and lives up to the expectations of administrative decency.



12. APPENDICES

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

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

Appendix C contains summaries of a number of selected complaints against Ministries/Government Departments, Local Authorities and the Rodrigues Regional Assembly.

Appendix D is a statistical summary of the complaints received according to the Ministry/Department or Local Authority concerned as well as the Rodrigues Regional Assembly.

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

Appendix F demonstrates some notes of appreciation received from Complainants.

 $Appendix\,G\,indicates\,the\,Organisational\,Structure\,of\,the\,Office\,of\,the\,Ombudsman.$

It should be underscored that at times a particular Ministry falls under different appellations, e.g., formerly Ministry of Civil Service and Administrative Reforms and now Ministry of Public Service, Administrative and Institutional Reforms. This is mainly due to the fact that changes are made in the attribution of responsibilities of certain Ministries. For the purpose of this Report, however, the appellation of Ministries at the time of opening of files has been maintained.

25th June, 2024

Harry Ganoo, G.O.S.K. Ombudsman

CHAPTER IX OF THE CONSTITUTION - THE OMBUDSMAN

96. Office of Ombudsman

- (1) There shall be an Ombudsman, whose office shall be a public office.
- (2) The Ombudsman shall be appointed by the President, acting after consultation with the Prime Minister, the Leader of the Opposition and such other persons, if any, as appear to the President, acting in his own deliberate judgment, to be leaders of parties in the Assembly.
- (3) No person shall be qualified for appointment as Ombudsman if he is a member of, or a candidate for election to, the Assembly or any local authority or is a local government officer, and no person holding the Office of Ombudsman shall perform the functions of any other public office.
- (4) The offices of the staff of the Ombudsman shall be public offices and shall consist of that of a Senior Investigations Officer and such other offices as may be prescribed by the President, acting after consultation with the Prime Minister.

97. Investigations by Ombudsman

- (1) Subject to this section, the Ombudsman may investigate any action taken by any officer or authority to which this section applies in the exercise of administrative functions of that officer or authority, in any case in which a member of the public claims, or appears to the Ombudsman, to have sustained injustice in consequence of maladministration in connection with the action so taken and in which
 - (a) a complaint under this section is made;
 - (b) he is invited to do so by any Minister or other member of the Assembly; or
 - (c) he considers it desirable to do so of his own motion.
- (2) This section applies to the following officers and authorities -

- (a) any department of the Government;
- (b) the Police Force or any member thereof;
- (c) the Mauritius Prison Service or any other service maintained and controlled by the government or any officer or authority of any such service;
- (d) any authority empowered to determine the person with whom any contract or class of contracts is to be entered into by or on behalf of the Government or any such officer or authority;
- (e) the Rodrigues Regional Assembly or any officer of the said Assembly;
- (f) any local authority or any officer of such local authority;
- (g) such other officers or authorities as may be prescribed by Parliament:

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

- (i) the President or his personal staff;
- (ii) the Chief Justice;
- (iii) any Commission established by this Constitution or its staff;
- (iv) the Director of Public Prosecutions or any person acting in accordance with his instructions;
- (v) any person exercising powers delegated to him by the Public Service Commission or the Disciplined Forces Service Commission, being powers the exercise of which is subject to review or confirmation by the Commission by which they were delegated.
- (3) A complaint under this section may be made by an individual, or by anybody of persons whether incorporated or not, not being -
 - (a) an authority of the government or a local authority or other authority or body constituted for purposes of the public service or local government; or
 - (b) any other authority or body whose members are appointed by the President or

by a Minister or whose revenues consist wholly or mainly of money provided from public funds.

- (4) Where any person by whom a complaint might have been made under subsection (3) has died or is for any reason unable to act for himself, the complaint may be made by his personal representative or by a member of his family or other individual suitable to represent him; but except as specified in this subsection, a complaint shall not be entertained unless made by the person aggrieved himself.
- (5) The Ombudsman shall not conduct an investigation in respect of any complaint under this section unless the person aggrieved is resident in Mauritius (or, if he is dead, was so resident at the time of his death) or the complaint relates to action taken in relation to him while he was present in Mauritius or in relation to rights or obligations that accrued or arose in Mauritius.
- (6) The Ombudsman shall not conduct an investigation under this section in respect of any complaint under this section in so far as it relates to
 - (a) any action in respect of which the person aggrieved has or had a right of appeal, reference or review to or before a tribunal constituted by or under any law in force in Mauritius; or
 - (b) any action in respect of which the person aggrieved has or had a remedy by way of proceedings in any court of law:

Provided that -

- (i) the Ombudsman may conduct such an investigation notwithstanding that the person aggrieved has or had such a right or remedy if satisfied that in the particular circumstances it is not reasonable to expect him to avail himself or to have availed himself of that right or remedy; and
- (ii) nothing in this subsection shall preclude the Ombudsman from conducting any investigation as to whether any of the provisions of Chapter II has been contravened.
- (7) The Ombudsman shall not conduct an investigation in respect of any complaint made under this section in respect of any action if he is given notice in writing by the Prime Minister that the action was taken by a Minister in person in the exercise of his own deliberate judgment.

- (8) The Ombudsman shall not conduct an investigation in respect of any complaint made under this section where it appears to him -
 - (a) that the complaint is merely frivolous or vexatious;
 - (b) that the subject-matter of the complaint is trivial;
 - (c) that the person aggrieved has no sufficient interest in the subject-matter of the complaint; or
 - (d) that the making of the complaint has, without reasonable cause, been delayed for more than 12 months.
- (9) The Ombudsman shall not conduct an investigation under this section in respect of any matter where he is given notice by the Prime Minister that the investigation of that matter would not be in the interests of the security of Mauritius.
- (10) In this section, "action" includes failure to act.

98. Procedure in respect of investigations

- (1) Where the Ombudsman proposes to conduct an investigation under section 97, he shall afford to the principal officer of any department or authority concerned, and to any other person who is alleged to have taken or authorised the action in question, an opportunity to comment on any allegations made to the Ombudsman in respect of it.
- (2) Every such investigation shall be conducted in private but, except as provided in this Constitution or as prescribed under section 102, the procedure for conducting an investigation shall be such as the Ombudsman considers appropriate in the circumstances of the case; and without prejudice to subsection (1), the Ombudsman may obtain information from such persons and in such manner, and make such enquiries, as he thinks fit, and may determine whether any person may be represented, by counsel or attorney or otherwise, in the investigation.

99. Disclosure of information

- (1) For the purposes of an investigation under section 97, the Ombudsman may require any Minister, officer or member of any department or authority concerned or any other person who in his opinion is able to furnish information or produce documents relevant to the investigation to furnish any such information or produce any such document.
- (2) For the purposes of any such investigation, the Ombudsman shall have the same powers as the Supreme Court in respect of the attendance and examination of witnesses (including

- the administration of oaths and the examination of witnesses abroad) and in respect of the production of documents.
- (3) No obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to persons in the public service imposed by any law in force in Mauritius or any rule of law shall apply to the disclosure of information for the purposes of any such investigation, and the State shall not be entitled in relation to any such investigation to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings.
- (4) No person shall be required or authorised by virtue of this section to furnish any information or answer any question or produce any document relating to proceedings of the Cabinet or any committee of Cabinet, and for the purposes of this subsection, a certificate issued by the Secretary to the Cabinet with the approval of the Prime Minister and certifying that any information, question or document so relates shall be conclusive.
- (5) The Attorney-General may give notice to the Ombudsman, with respect to any document or information specified in the notice, or any class of documents or information so specified, that in his opinion the disclosure of that document or information, or of documents or information of that class, would be contrary to the public interest in relation to defence, external relations or internal security; and where such a notice is given nothing in this section shall be construed as authorising or requiring the Ombudsman or any member of his staff to communicate to any person for any purpose any document or information specified in the notice, or any document or information of a class so specified.
- (6) Subject to subsection (3), no person shall be compelled for the purposes of an investigation under section 97 to give any evidence or produce any document which he could not be compelled to give or produce in proceedings before the Supreme Court.

100. Proceedings after investigation

- (1) This section shall apply in every case where, after making an investigation, the Ombudsman is of the opinion that the action that was the subject-matter of investigation was
 - (a) contrary to law;
 - (b) based wholly or partly on a mistake of law or fact;
 - (c) unreasonably delayed; or
 - (d) otherwise unjust or manifestly unreasonable.

- (2) Where in any case to which this section applies the Ombudsman is of the opinion
 - (a) that the matter should be given further consideration;
 - (b) that an omission should be rectified;
 - (c) that a decision should be cancelled, reversed or varied;
 - (d) that any practice on which the act, omission, decision or recommendation was based should be altered;
 - (e) that any law on which the act, omission, decision or recommendation was based should be reconsidered;
 - (f) that reasons should have been given for the decision; or
 - (g) that any other steps should be taken,

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

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

101. Discharge of functions of Ombudsman

- (1) In the discharge of his functions, the Ombudsman shall not be subject to the direction or control of any other person or authority and no proceedings of the Ombudsman shall be called in question in any court of law.
- (2) In determining whether to initiate, to continue or discontinue an investigation under section 97, the Ombudsman shall act in accordance with his own discretion, and any question whether a complaint is duly made for the purposes of that section shall be

determined by the Ombudsman.

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

102. Supplementary and ancillary provision

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

- (a) for the procedure to be observed by the Ombudsman in performing his functions;
- (b) for the manner in which complaints under section 97 may be made (including a requirement that such complaints should be transmitted to the Ombudsman through the intermediary of a member of the Assembly);
- (c) for the payment of fees in respect of any complaint or investigation;
- (d) for the powers, protection and privileges of the Ombudsman and his staff or of other persons or authorities with respect to any investigation or report by the Ombudsman, including the privilege of communications to and from the Ombudsman and his staff; and
- (e) the definition and trial of offences connected with the functions of the Ombudsman and his staff and the imposition of penalties for such offences.

THE OMBUDSMAN ACT

1. **Short title**

This Act may be cited as the Ombudsman Act.

2. Oaths of office

- (1) Before performing the duties of their respective offices, the Ombudsman and the Senior Investigations Officer shall take an oath before a Judge that they will faithfully and impartially perform the duties of their offices and that they will not, except in accordance with Chapter IX of the Constitution and this Act, divulge any information received by them in the exercise of their duties.
- (2) The other members of the staff of the Ombudsman shall maintain secrecy in respect of all matters that come to their knowledge in the exercise of their duties.
- (3) Every person mentioned in subsection (2) shall, before entering upon the exercise of his duties, take an oath to be administered by the Ombudsman, that he will not, except in accordance with Chapter IX of the Constitution and this Act, divulge any information received by him in the exercise of his duties.

3. Procedure

- (1) Every complaint made to the Ombudsman shall be in writing.
- (2) Notwithstanding any other enactment, where a letter is written to the Ombudsman by a person who is in legal custody or who is an inmate of a mental hospital or other similar institution, the person in charge of the place where the writer of the letter is detained or is an inmate shall immediately forward the letter, unopened, by registered post to the Ombudsman.
- (3) No complaint shall be entertained by the Ombudsman unless the complainant
 - (a) has, before making the complaint, made a written representation to the relevant department or authority and not received within 5 working days
 - (i) a written substantive reply; or

- (ii) a written reply in which the department or authority states the action it is initiating and the date by which a substantive reply shall be made, such date being not more than 45 days of the date of receipt of the written representation by the department or authority;
- (b) is dissatisfied with any reply given to him by the department or authority;
- (c) has sufficient interest in the subject matter of the complaint;
- (d) specifies the nature of the complaint, the reasons for his grievance and the redress being sought; and
- (e) encloses every document or other information which is relevant to the complaint.
- (4) Where a department or authority receives a written representation under subsection (3), it shall make a written reply or written substantive reply, as the case may be, within the time limit specified in that subsection.
- (5) (a) On receipt of a complaint under this section, the Ombudsman shall, within working days of the date receipt
 - (i) make a written reply to the complainant, stating the action the Ombudsman is taking; and
 - (ii) where the department or authority has failed to comply with subsection (4), order the department or authority concerned to make, not later than 7 working days from the date of the order, a substantive reply to the complainant.
 - (b) The department or authority shall
 - (i) comply with an order under paragraph (a)(ii); and
 - (ii) at the same time, forward a copy of its reply to the Ombudsman.
- (6) In the discharge of his functions relating to an investigation, the Ombudsman may order a department or authority to submit comments and to provide such information and documents relating to the investigation, within such time as may be specified in the order, and the department or authority shall comply with the order.
- (7) Where a department or authority fails to comply with subsection (4) or an order under subsection (5)(a)(ii) or (6), the Ombudsman shall request the principal officer of that

department or authority to take such action as he considers appropriate.

(8) In the discharge of his functions relating to the report of his opinion and reasons pursuant to his investigation, the Ombudsman shall endeavour, within 45 days of the date of receipt of a copy of the written reply under subsection (5), to forward the report to the principal officer of the department or authority concerned.

4. Action by department not affected by investigation

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

5. Privilege of communication

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

5A. Annual Report

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

6. Offences

- (1) Any person who, otherwise than in the course of his duty, directly or indirectly, by himself or by any other person, in any manner influences or attempts to influence the decision of the Ombudsman with regard to any complaint made to him or to any investigation made by him, shall commit an offence.
- (2) Subject to Chapter IX of the Constitution, any person who is requested by the Ombudsman or by any member of his staff, acting in the exercise of his duties, to furnish any information or to produce any document and who wilfully fails to furnish the information or to produce the document, shall commit an offence.
- (3) Any person who, in connection with any matter which lies within the province of the Ombudsman, wilfully gives him any information which is false or misleading in a material particular, shall commit an offence.

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

7. Expenses and allowances

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

8. Administrative expenses

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

9. Regulations

- (1) The Cabinet may make such regulations as it thinks fit for the purposes of this Act.
- (2) Notwithstanding the generality of subsection (1), such regulations may provide for the scale according to which any sum may be paid to complainants or to persons attending, or furnishing information for the purposes of, an investigation.

SELECTED COMPLAINTS MINISTRIES/DEPARTMENTS

AGRO INDUSTRY AND FOOD SECURITY

C/167/2022

Action not taken regarding continued harassment at work of a female senior officer by a junior officer working in the same department as her

On 26th August 2022, Mrs X, a very Senior Officer at the Ministry of Agro-Industry and Food Security wrote to the Ombudsman complaining that despite several correspondences sent to the Senior Chief Executive, no action had been taken regarding continuous harassment on her person by a junior officer working in the same department as her.

Upon enquiry, the Ministry reported as follows:

- i. Mrs X reported a case of harassment against Mr Y, a junior officer, posted in another division which was located within the same compound.
- ii. Mr Y was transferred to a substation in Plaisance.
- iii. Upon investigation, Mr Y was administered a warning for unsatisfactory conduct.
- iv. Mr Y was found permanently fit to discharge the duties of his post upon examination by a medical board.
- v. Mr Y was instructed to cease sending emails to the complainant not related to his duties.
- vi. Mrs X had lodged a complaint of alleged harassment at the Moka Police Station.
- vii. The alleged offence was of criminal nature and the Ministry was awaiting the outcome of the enquiry and action would then be taken in the light thereof.

On 29th September 2022, the Office received yet another letter from Mrs X who reported that in spite of the police enquiry, she was still being harassed by Mr Y.

Given the seriousness of the matter, the Ombudsman decided to solicit the assistance of the Police Department which apprised that three cases had been lodged against Mr Y and all the cases were still under enquiry.

Having considered the unacceptable behaviour and conduct of Mr Y (including violence upon the husband of Mrs X), the Ombudsman decided to make the following recommendations to the Ministry of Agro Industry and Food Security:

"It is noted that although Mr Y has already been warned on a couple of occasions about his "unsatisfactory conduct" – to say least – there does not seem to have been any improvement on his part. The risk of his continuous reprehensible conduct and behaviour giving rise to all sorts of casualties, including physical and violent ones, does exist."

"In the circumstances, and for the sake of irreproachable public administration, this Office cannot but recommend - and strongly too – that your Ministry initiate urgent disciplinary action against Mr Y for his retirement in the interest of the Public Service."

In a letter dated 08th May 2023, the Ministry of Agro Industry informed this Office that Mr Y had been interdicted from the exercise of the powers and functions of his office with effect from 24 February 2023 and procedures had been initiated for disciplinary action under Regulations 39 of the Public Service Commission Regulations for his retirement on grounds of interest of the public service.

C/113/2023

Anonymous complaint from staff of Forestry Services regarding nomination of Officers to attend seminars locally and overseas

By way of letter dated 15th May 2023, staff members of the Forestry Services wrote to us expressing their concerns regarding the nomination of six (6) Forest Conservation and Enforcement Officers (FCEO) to attend seminars in China. It was alleged that these Officers have been favoured whilst others were never given the opportunity to attend such seminars either locally or overseas.

The Ministry of Agro-Industry and Food Security was requested to submit its comments on this matter and on 31st May 2023, submitted a detailed report on the nomination criteria and training courses attended by Officers, amongst others. After perusal of all documents the following observations were made:

- (a) One of the eligibility criteria for nomination for a seminar in China was that the Officer should not be above 45 years old.
- (b) According to the staff list submitted, there are 8 Principal FCEOs (all above 45 years old), 22 Senior FCEOs (all above 45 years old) and 56 FCEOs (out of whom 14 are above 45 years old).
- (c) Out of the 42 eligible FCEOs, some had already been sponsored to follow a Diploma in Forestry.
- (d) Several Officers in the ranks of Principal FCEO, Senior FCEO and FCEO have not followed any training course over the recent years. It was also noted that some were also not willing to follow the sponsored Diploma course.

Whilst appropriate justifications were provided by the Ministry to substantiate the nomination of the Officers for the course in China, this Office highlighted that several Officers having reached 45 years had not been given the opportunity to follow any training course over the recent years.

This Office therefore considered that all Officers should be afforded equal opportunity to follow at least one course locally or abroad in order to enhance their knowledge, skills and competencies. A recommendation was therefore made by our Office to the Ministry on 16th June 2023, requesting that a Training Plan be worked out to include all the Officers in the Forestry cadre, irrespective of age, in order to eliminate any perception of discrimination or favouritism.

On 13th August 2023, the Ministry of Agro-Industry and Food Security responded positively and reported that its Training Committee has decided that all Heads of Divisions should submit their respective requests for training, taking into consideration the training requirements of their Officers and the operational need of the sector while ensuring that all Officers are given the opportunity to

enhance their knowledge, skills and competence.

This Office would therefore wish to put on record the positive response of the Ministry and considers that this measure will address the grievances of the complainants.



C/228/2023

Remedial action taken to address harassment and assault at the workplace

In an email forwarded to this Office on 17th August 2023, Mrs. D.G., an Assistant Research Scientist, stated that following her reluctance to sign "Purchase Material Forms", she received a letter from her employer where she was "compelled (else disciplinary actions might entail) to give explanations for why I sent my doleances to various mentioned institutions". In a subsequent email dated 10 September 2023, she informed that she had been the victim of an assault on the part of the Senior Manager and had even lodged a police case.

Upon enquiry, the Ministry of Agro-Industry and Food Security reported having enquired on the complaint and confirmed that the matter had reached a very critical situation whereby the physical assault sustained by Mrs. D.G. at her workplace during working hours had resulted in physical injury and moral trauma to Ms D.G.

The Ministry also informed that given the allegations made against the workmen's group, immediate supervisors, and colleagues, a conflictual working environment had been created which was disrupting the smooth operation of the station where Ms D.G. was posted. In this respect, she was transferred to another station so as to enable the Police to enquire on the assault and to avoid further conflicts at her previous site of work.

On 16 November 2023, Ms. D.G. was informed of the reports submitted to this Office and she wrote back to us stating "I wish to extend my sincere gratitude for your response as well as for the rapid intervention".

Commerce and Consumer Protection

C/128/2022

Complaint against the State Trading Corporation (STC) in Rodrigues from a group of Casual Unloaders (Harbour Workers)

A group of harbour workers of the State Trading Corporation (STC) in Rodrigues lodged a written complaint before the Ombudsman wherein they, in the main, alleged that they had been working for STC Rodrigues since 1990 and were not aware of the types of jobs they had to perform and the terms and conditions attached to their working agreement. They averred that they had written to request STC Rodrigues for clarification thereon, without success. The said workers further alleged that the prevailing situation was causing prejudices to them insofar as they had never enjoyed any sick, casual or vacation leave as provided for in law.

Most of the workers reckon 32 years of service and 9 years ago, they were informed by the STC, Rodrigues that each worker would receive a sum of Rs 1000/ per year representing their lumpsum. Some of the workers had retired with the sum of Rs 1000 per year of service and since many amongst them would soon be reaching retirement age, they were wondering if the said lumpsum was fair and reasonable as per the labour law in force.

In view of the seriousness of the allegations concerning the rights of workers, the General Manager of the State Trading Corporation, Mauritius was requested to enlighten the Office of the Ombudsman on the complaint made by these workers and stating the types of work agreements of the workers including the terms and conditions attached or agreed upon as well as the benefits entitlement during their employment and on their retirement.

In response to our investigation, the STC, Mauritius reported as follows:

(i) The STC had actually recourse to about 40 Casual Unloaders at STC Rodrigues Division on a freelance basis. These Casual Unloaders were called upon to provide their services for the unstuffing of containers, for an average of 05 days during a month, for products such as rice, sugar and flour, on arrival of vessels from Mauritius (at least twice a month). The Causal Unloaders were well aware of their working conditions and earnings which had been reviewed over the past thirty (30) years, particularly, following several representations and meetings Management had with

- them. The actual daily wages of the Casual Unloaders were Rs 710.84 and they were also being paid an additional unstuffing allowance of Rs 482.40 on 2000 bags of 50 kg each.
- (ii) The services of the Casual Unloaders had effectively been sought back in February 1990 for unloading of bags of rice, flour and sugar. At that time, it was the Ministry of Employment which had submitted an initial list of forty-four (44) unemployed persons and thereafter, another batch, to be considered as casual unloaders on a purely "as and when required basis".
- (iii) Since the past few years, the Casual Unloaders had made representations to be considered as employees of the STC. It was not been possible to promote them to permanent unloaders since their conditions of work were different given that they were required to work an average of 05 days per month only. The STC had sought legal advice of the State Law Office in 2004 and the latter had ruled that their work was considered to be of an accessory nature and that, accordingly, they may not be considered as employees of the STC based upon provisions of the then labour law.
- (iv) In 2011, a mutual agreement was signed between the Casual Unloaders and the STC wherein the said workers agreed to the impossibility for the STC to entertain their claims and that STC was in no way ill-treating them. They were also briefed on the detailed calculation of their daily wages and the provision made for certain benefits as a gesture of STC's contribution to their welfare, for instance, payment of end-of-year bonus; provision of two pairs of uniforms; one pair of safety shoes per year; dust mask, eyes, goggles, tea, towels and soaps; contributions towards the National Pension Fund (Now the "Contribution Sociale Généralisée"); and provision of insurance cover under the 'Occupational Insurance Coverage Policy'.
- (v) In 2013, the STC Board agreed to revise the basic daily wages including the introduction of payment of Rs 1,000 of service allowance for each year of service and payment of Rs 5,000 as funeral grant to their heirs or nearest relatives.
- (vi) In 2018, a Management Team comprising the Chairman, General Manager, Human Resource Manager, Officer-in-Charge of the Administration Division and Officer in Charge of Rodrigues Division met the representatives of Causal Unloaders and their advisor with the objective to sorting out their persistent request for permanent employment and to increase the actual amount of service allowance payable. However, before proceeding further with discussions/negotiations, the Causal Unloaders insisted

- that Management recognized their Union, i.e, Port Mathurin Harbour Workers Union (PMHWU) as a bargaining agent on their behalf.
- (vii) The advice of the State Law Office was sought, and the latter advised that the question of recognition of the Port Mathurin Harbour Workers Union (PMHWU) would have to be dealt with in accordance with the relevant provisions of the Employment Relations Act. A Procedure Agreement, after recommendation of SLO, was drafted and presented to the Casual Unloaders for vetting in February 2020. Though they gave their verbal assent, no further action, for instance, finalization and signature of the Procedure Agreement was made possible because of the emergence of Covid-19 pandemic, including the lockdown period, and closing of Rodrigues' border.
- (viii) The STC also informed that in view of the promulgation of the Workers' Rights Act 2019, a fresh advice was being sought from the State Law Office concerning the terms and conditions of the work of the Casual Unloaders.
- (ix) On 15th February 2023, the STC Board had, upon the advice of the SLO, approved the revision of the terms and conditions pertaining to the services rendered by the casual Unloaders in Rodrigues which included, among others, increased benefits and grant of leave.
- (x) On 31st July 2023, the STC informed this Office that a Collective Agreement between the STC and the representative of the Casual Unloaders was signed on 20th July 2023 in Rodrigues.

In August 2023, the Office wrote and informed the representative of the group of workers about the Collective Agreement, and he was requested to inform us whether they were satisfied with our intervention but they did not reply to our letter. This Office hopes that its intervention was fruitful in improving the terms and conditions of employment of these workers.

EDUCATION, TERTIARY EDUCATION, SCIENCE AND TECHNOLOGY

C/207/2020

Payment of Incremental credit for Experience Acquired Prior to joining the service as from the date of first application

On 11th August 2020, Mr A.B., an Educator at the Mahatma Gandhi Institute (MGI) wrote to us explaining that he had applied for incremental credit for experience acquired in UK prior to joining the service since 2014. However, he was granted only two increments instead of three as his experience in one of the schools, namely Monk's Walk School, was not recognised. In addition, he was granted the increments from the year 2017 instead of the date of application in the year 2014.

Upon enquiry, the Ministry of Education, Tertiary Education, Science and Technology informed this Office as follows:

- i. There was insufficient evidence to substantiate the status of Monk's Walk School. Hence, the MGI was instructed to request Mr A.B. to liaise with the Higher Education Commission (HEC) for a letter certifying the recognition of the Monk's Walk School, in accordance with the requirement specified in the 2016 PRB Report.
- ii. Regarding the backdating of incremental credits previously paid to Mr A.B. by MGI for his experience at another school, the PRB, in its Addendum to its 2016 Report, specified that "incremental credit for experience should be payable as from the date of application". Therefore, his representation made thereon, did not stand.
- iii. Following Mr A.B.'s request, the MGI was also requested to submit all applications, previous and recent on the prescribed form, together with all relevant documents for transmission to the Ministry of Public Service, Administrative and Institutional Reforms (MPSAIR) for consideration by its Standing Committee in accordance with paragraph 18.9.5(iii) of the 2016 PRB Report.
- iv. When the request of Mr A.B. was transmitted to the MPSAIR, the latter requested Mr A.B. to submit further documentary evidence as well as the recognition of the school from the HEC.

Finally, on 29th August 2022, the Ministry reported that the Standing Committee, set up to determine the Award of Higher Qualification Incentive and Incremental Credit for Experience Acquired prior to joining the Service had re-examined Mr A.B.'s request for the award of incremental credit for experience acquired at Monk's Walk School and approved the grant of one incremental credit to him with effect from 05 March 2021 (date of application) in accordance with paragraph 16.9.10(ii) of the PRB Report.

Being given that the complainant was not satisfied with the effective date of payment of the incremental

credit, this Office wrote to the MPSAIR on 17th November 2022 requesting the reasons why the date of **05 March 2021** was considered as the date of application while the application was made in the year **2017.**

This Office was informed that this decision was in line with paragraph 10.9.10(ii) of the PRB Report 2021. However, the attention of the MPSAIR was drawn by our Office to the fact that Mr. A.B applied for Incremental Credit for Past Experience in **2014** and **2017** and based on that application made in 2017, he was awarded two increments for past experience at Thomas Tallis School - although the application was not made on the "prescribed form" which in any case did not even exist at that time. It was therefore unfair to penalize him for the inappropriate application procedures which existed at the MGI.

In the circumstances and in a spirit of fairness, on 11th May 2023, the Ombudsman recommended under Section 100 (2) of the Constitution that the date of application be reconsidered.

On 01st September 2023, the MPSAIR informed this Office that the Standing Committee approved the grant of three incremental credits to Mr. A.B, in accordance with paragraph 18.9.5 (iv) of the 2016 PRB Report, with effect from 11 January 2014, date he was confirmed in his post instead of 05 March 2021, date he applied for the award of incremental credits

Mr. A.B was informed accordingly on 21st September 2023 but the Office did not receive any reaction from him.

C/98/2022

Implementation of a Policy to regulate the use of smart devices in Assessment Halls in Educational Institutions of Mauritius recommended by the Ombudsman

On 27th June 2022, this Office received an anonymous complaint regarding a suspected case of cheating during an examination by a student of BA Hons Business Accounting and Finance. It was alleged that action was not taken at the level of the University although the attention of the invigilators was drawn that the student had a smart watch which was strictly against the rules and regulations of the examination conditions set up by the University.

The views of the Ministry of Education, Tertiary Education, Science and Technology were therefore sought and on 01st August 2022, the Ministry informed this Office that the complaint was referred to the Higher Education Commission (HEC) and the Quality Assurance Authority (QAA) for investigation. The QAA apprised that clarifications were sought from the University which informed that no formal or informal complaint was received by the University or was reported to the Chief Invigilator during the examinations. Given that the alleged complaint was an anonymous one, QAA reported that the version of the complainant could not be obtained and hence the Authority was not able to verify the authenticity of the alleged cheating.

The University further informed that as per information all three examinations attended by the alleged student during the semester and the report from the Chief Invigilators/Invigilators did not mention any irregularity noted with any student. Therefore, there was no ground to take any action against any student.

The Ministry subsequently advised the University to consider introducing a ban on wristwatches of any kind in examination rooms and affixing one (or several) wall clock(s) in examination rooms for all candidates.

Not entirely satisfied with the decision taken, this Office wrote to the Ministry on 17th July 2023, highlighting that given the changing technology landscape, such as new devices, emerging methods of communication and AI software, cheating at examinations using technology had become an issue that all educational institutions around the world were addressing. There was thus, a greater need for regular reviews of the existing policy for all educational institutions and the adoption of specialized tools, such as smartwatch trackers/detectors and radio frequency detectors, to identify unauthorized devices in order to maintain the integrity and fairness of the examination process.

Considering that a Prohibited Device Policy in one institution alone would not eliminate the issue of technology-aided cheating, the Ombudsman recommended, under Section 100(2) of the Constitution, that a holistic approach be adopted to identify emerging issues regarding cheating in examinations and to implement a standard policy across all educational institutions around the island.

On 08th September 2023, the Ministry reported that proposals had been submitted by the HEC, the QAA and the Mauritius Examinations Syndicate. A committee was set up at the level of the Ministry to discuss the proposals submitted and to come up with a policy to address cheating in Educational Institutions in Mauritius.

Since then, the Ministry has been holding consultative meetings in order to finalise a policy paper to regulate the use of smart devices in Assessment Halls in Educational Institutions of Mauritius.

Follow-up in this matter is ongoing.

C/203/2022

<u>Complaints from Students of Polytechnics Mauritius of Pamplemousses against an Officer of the Nursing cadre</u>

On 13th September 2022, this Office received a complaint from students of Polytechnics Mauritius Pamplemousses (PML) regarding malpractices and allegations of corruption on the part of one Officer of the Nursing cadre who visited their institution, without any cause and interfered in the PML's activities and the inaction of the management in spite of several complaints from them. Taking into consideration the serious nature of allegations, the views of the Ministry of Health and Wellness and the Ministry of Education, Tertiary Education Science and Technology were sought.

The Ministry of Education, Tertiary Education Science and Technology apprised that the Officer in question was not an employee or Lecturer of the PML. Therefore, the Officer did not have any involvement and could not intervene in any activity performed at the PML including the Pamplemousses Campus. The PML also reported that no complaint had been received from the students, contrary to what was averred in the letter of complaint.

The Ministry of Health and Wellness reported, on its part, that several anonymous letters from the students of PML targeting one of its staff members had been received and an internal enquiry was carried out on 25 July 2022 where it was found that the allegations made against the Officers were erroneous, malicious and only aimed at tarnishing their professional image. It was therefore concluded that these anonymous letters should be set aside.

However, the Officer concerned was informed to seek the authorization of the Ministry of Health and Wellness prior to acting in any capacity, at any training institution and to discontinue his performance in such capacity in the event he was already doing so.

In view of the new complaint received, the Ministry proposed to refer the matter to the ICAC for investigation.

Being given the allegation of corruption made, this Office is satisfied with the action taken by the Ministry of Health and Wellness.

C/224/2022

Anonymous complaint from Educators regarding school mismanagement, poor leadership and bullying at a State Secondary School Girls.

On 12 October 2022, this Office received an anonymous complaint on behalf of Educators of a State Secondary School regarding alleged school mismanagement, poor leadership and bullying. The comments of the Ministry of Education, Tertiary Education and Science Technology were sought in line with Section 97 (1) (c) of the Constitution.

Subsequently on 15 November 2022, the Ministry informed this Office that the allegations made have been investigated and a meeting had been held with the Rector, who was advised to work on improving the organizational climate at the school. The Ministry further reported that close monitoring of the school will be carried out by the Zone Directorate.

Unfortunately, this Office was unable to contact the complainants - whose identity remained unknown - in order to ascertain whether the situation has improved. It is however hoped that the problem has been resolved.

C/9/2023

A girl student was not admitted to an Academy although her grade aggregate was better than a boy student admitted to the same Academy

Mrs D.D lodged a complaint before the Ombudsman on 17th January 2023 wherein she averred that her daughter had obtained an aggregate 10 for the National Certificate of Education (NCE) 2022 and was awarded a seat at Sookdeo Bissoondoyal SC (SB SC). The complainant further stated that she had applied for a transfer on 09th January 2023 and had not received any response from the Ministry of Education, Tertiary Education, Science and Technology. According to the complainant, her daughter deserved a better academy.

She was therefore not satisfied with the treatment accorded to her daughter. In a subsequent letter received at our Office on 18th January 2023, the complainant alleged that 2 boys with aggregate 12 and 13 had been offered seats at Queen Elizabeth College (QEC) and Dr. Maurice Cure SC (DMC SC) respectively.

The comments of the Ministry of Education, Tertiary Education, Science and Technology were sought in the matter which informed as follows:

- i. In accordance with Regulation 18B of the Education Regulations, the Mauritius Examinations Syndicate (MES) allocated seats in Academies based on the Grade Aggregate and the relative performance of the eligible pupil in the best eights core subjects at the NCE Assessment and the choice of the responsible party.
- ii. The number of seats available in each of the 12 Academies which was co-educational institutions was evenly distributed between girls and boys so as to ensure gender parity.
- iii. The allocation of seats in Academies was carried out on separate lists, and independently of each other given that 50% of seats were offered to boys and 50% of seats were offered to girls in the Academies.
- iv. Further to the issue of results for the NCE, the Ministry issued a communique on 19th December 2022 inviting parents to apply for a transfer/seat in Academies in respect of their wards to fill in any vacant seat subsequent to the registration exercise. The responsible party had applied for seats in 5 academies namely: Royal College Curepipe (RCC), QEC, Royal College Port Louis (RCPL), Dr Maurice Cure State College (DMC SC) and Sookdeo Bissoondoyal State College (SB SC) in order of preference during the first allocation exercise and her ward was granted her last choice, i.e SB SC.

Mrs D.D applied for a transfer following the Press Communique from the Ministry on 19th December 2022 (second allocation exercise) to the following academies in order of preference: RCC, DMC SC, QEC and RCPL.

Given that the exercise for the allocation of seats in Academies was within the purview of the Mauritius Examinations Syndicate (MES), more clarifications were sought from the said Syndicate which reported that:

- i. Admission to an academy was determined on the basis of aggregate and the relative performance of the eligible pupil in the best 8 core subjects, including English, French, and Mathematics at the NCE Assessment and the choice of the responsible party.
- ii. All candidates who were offered seats at QEC had a grade aggregate of '8'. Hence the complainant's daughter could not be allocated a seat in that Academy.
- iii. Her daughter was not allocated a seat at RCPL upon the first admission exercise and at the transfer exercise because the relative performance in her 8 best subjects was lower than the last candidate who was offered a seat in that academy.
- iv. The selection and allocation of seats were carried out through the use of a computer programs.
- v. MES Officers were required to declare whether they had any close relatives taking the examinations.

After examination of all the relevant documents in respects of the results, admission and transfer to academies, it was noted that the allocation of seats to girl candidates in Academies was done in accordance with the Education Regulations. The Ombudsman concluded that the admission and transfer exercises were fair and based on merit.

Upon being informed of the outcome of our investigation, the complainant thanked our Office for its intervention while at the same time shared her apprehension that "gender parity may override hard work and good performance. If this is the case, it is going to be heart-breaking for some."

C/61/2023

Challenges in providing glasses to a visually impaired pupil

On 17th March 2023, we received a complaint from the Head Master of a SEN Integrated Unit Government School, to the effect that the glasses of a visually impaired pupil were broken the preceding year as a consequence of which he did not attend school for quite some time. It had also been reported that the Ministry of Education, Tertiary Education, Science and Technology as well as Educational Social Workers were aware of this situation but remedial action was not taken.

The Ombudsman therefore requested the urgent intervention of the Ministry of Education so that the child could be provided with the necessary facility in order to enable him to pursue his education.

The Ministry reported on 13th April 2023 that the parent was contacted to no avail and several home visits were effected but since the father of the child did not make any arrangement for the new spectacles, the case was reported to the Child Development Unit (CDU). This Office was also apprised that the Ministry would purchase a new pair of spectacles for the child as soon as the specifications for same were received so as to ensure that the child's education. However, the parent did not provide the Ministry with the specifications.

This Office therefore requested the Ministry of Health and Wellness to exceptionally make arrangements for the student to be examined and the required specifications be provided to the Ministry of Education. On 14th July 2023, the Ministry of Health reported that the child attended the Subramania Bharati Eye Hospital on 10th April 2023 and the required specifications were provided on 14th April 2023.

This Office was also informed of the following:

- A social enquiry was conducted by the Ministry of Social Integration, Social Security and National Solidarity and the pupil was found ineligible to benefit from the cash grant for the purchase of assistive device. The father was requested to submit an application to the National Solidarity Fund to avail himself of facilities granted to vulnerable persons for assistive devices but no application was submitted.
- The Educator of the SEN Unit could not retrieve the specifications "owing to the brutal and uncooperative attitude of the minor's father".
- The Ministry of Gender and Family Welfare informed that the father stated having already placed an order for the spectacles.

After lengthy follow-ups, this Office was finally informed that the Ministry of Education, Tertiary Education, Science and Technology has been informed on 9th October 2023, that pupil received his spectacles on Friday 6th October 2023 and he was now attending school.

This Office is deeply concerned that despite the involvement of several authorities, the parents themselves had to procure the spectacles after more than one year.



C/62/2023

Complaint regarding alleged cheating in examinations by a university student through the use of a smart watch

By way of letter dated 28th February 2023, one Ms S.P informed the Office that a student, who had worn a smart watch during her examinations at a University, received a first-class degree and would thus qualify for the award of a scholarship. She requested our Office to "ask the University to conduct an internal investigation".

Upon enquiry, the Ministry of Education, Tertiary Education, Science and Technology informed that the said student was not awarded any scholarship by the University and submitted an extract of the University's Rules and Regulations pertaining to examination irregularities, including possession of any unauthorised materials such as smart watches.

However, no comment was submitted on whether any enquiry was conducted to ascertain whether the student had indeed worn a smart watch or if a check had been carried out before or during examinations. When queried further, the Ministry reported as follows:

- (a) Given the time that has elapsed, the tertiary institution cannot obtain the information as to whether the Chief Invigilator/Invigilators had checked each and every student individually regarding smart watches as this was not a normal procedure for the conduct of examination.
- (b) As per existing procedure, it is only if they consider that there is any anomaly that they carry out a thorough check of any student e.g., suspicion of possession of an unauthorized material like mobile phone, written notes or smart watch, etc....
- (c) At first glance it is not possible to distinguish a normal watch from a smartwatch and thus it is not possible and practical to do such checks with each and every student for each exam session as it will disrupt the smooth running of the whole examination.
- (d) As per information available, for all the three examinations attended by students, the report from the Chief Invigilators/Invigilators did not mention any irregularity noted in respect of any student. There was therefore no ground to take any action against any student.

In the light of the above, the Ministry subsequently advised the University to consider introducing a ban on wristwatches of any kind in examination rooms and affixing one (or several) wall clock(s) in examination rooms for all candidates.

This Office wishes to underline that following an investigation in a similar case and being fully aware that different types of electronic devices including Magic Calculator V2, Livestream Wifi glasses, Bluetooth Pen, Smart watch, Smart phone Controller, Invisible watch, Spy Bluetooth ear piece could be used for cheating, a recommendation was made by this Office for the Ministry to identify all emerging issues regarding cheating in examinations and cheating deterrent techniques and to implement a standard policy across all Educational Institutions. The Ministry responded positively and informed that a Committee has been set up to discuss proposals submitted by the Higher Education Commission, the Quality Assurance Authority and the Mauritius Examinations Syndicate in respect of the recommendation made and to come up with a policy to address cheating in Educational Institutions in Mauritius.

C/135/2023

Anonymous complaint against the Rector of a State Secondary School for being rude towards Staff members and Students

On 29th May 2023, this Office received an anonymous complaint against the Rector of a State Secondary School, alleging that the Rector was rude and was using foul language with the students and staff members. Moreover, the students of the school were not being given access to the school library during free periods.

In view of the nature of the allegations, the Ministry of Education, Tertiary Education, Science and Technology was requested to investigate into the matter. The Ministry subsequently reported that the case had been referred to the Zone Directorate for enquiry. The Rector was advised to review her leadership style, to adopt a Collegial approach and to practice an open-door policy. The students, the Staff and the Rector were encouraged to work conjointly.

As regard the denial of access to the School Library, this Office was informed that students have never been denied such access. As per established procedure at the school, students intending to use library facilities during their free periods need to seek prior approval from the School Management, in order to ensure space management within the library premises.

The Ministry of Education reassured this Office that the Directorate Zone has been requested to continue monitoring the situation with the school.

ENERGY AND PUBLIC UTILITIES

(Central Electricity Board)

C/151/2023

Application to be connected to CEB network made since August 2022 not yet acceded to

On 13th June 2023, Ms M.R, a Port Louis resident, complained to this Office that she applied for electricity connection since August 2022 and no action had been taken thereon.

Upon investigation, the Central Electricity Board (CEB) reported on 21st July 2023 as follows:

- i. Ms M.R applied for electricity supply at Le Hochet Terre Rouge on 16 August 2022.
- ii. Following an inspection carried on 18 August 2022 by CEB's Technical Officer, a network extension project, of one span, was initiated to supply electricity to Ms. M.R.
- iii. On 24th August 2022, the applicant was reminded to submit her Building and Land Use Permit (BLUP) and surveyor's report which were not submitted at time of application.
- iv. Upon submission of the required documents on 16th November 2022, the project cost estimate was completed and implementation thereof was included in the waiting list of the "Assistance Scheme for Supply to Domestic Customers and Social, Religious and Charitable Organisation".
- v. Ms M.R was eligible for this scheme whereby the first 5 spans of LV extension were at CEB's cost.
- vi. The execution of the LV extension project was completed on 06th July 2023. However, due to pending works by applicant, supply had yet to be released.

Upon further follow up on 29th September 2023 with the CEB, this Office was apprised that Ms M.R was connected to the CEB network on 22 August 2023.

The Ombudsman found that the time taken by the complainant to submit the requested documents to enable the Authority concerned to process her application and the policy in place with regard to the said 'Assistance Scheme' were the main reasons for the delay in connecting Ms. M.R to the CEB network.

Complainant was apprised of the outcome of our investigation but she did not revert to us.

(Central Water Authority)

C/260/2023

Complainant charged for water consumption services in respect of an unoccupied residence

Complainant, a resident of Ligne Berthaud, Vacoas complained to the Ombudsman on 08th October 2023 that he had registered a complaint of "Excessive Bill" on an unspecified date at the Central Water Authority (CWA) but no action had been taken thereon. According to the complainant, his house was unoccupied and the meter read zero volume of water charged as per the monthly payment voucher received from the CWA. However, he was being charged Rs 110 each month.

The Ombudsman initiated an investigation and upon follow up with the CWA, this Office was informed on 12 December 2023 that the water supply under investigation was registered in the name of Mrs. B who was abroad and was locally represented by her brother, i.e the complainant.

The Meter Reading Staff of the CWA effected a site visit on 13 November 2023 and the bills for period June and July 2023 were amended accordingly.

Complainant was apprised of the outcome of our investigation and he wrote back to express his satisfaction with our intervention.

ENVIRONMENT, SOLID WASTE MANAGEMENT & CLIMATE CHANGE (ENVIRONMENT AND CLIMATE CHANGE DIVISION)

C/238/2022

Inconveniences caused to the neighbours of a Smart City finally addressed

In a petition dated 14th October 2022 addressed to Transinvest Construction Ltd and copied to this Office, a group of inhabitants highlighted inconveniences arising from construction works at the Smart City next to their Morcellement. This resulted in dust, mud, damaged infrastructure and traffic hazards. They stated that "our lives have become a hell".

Being given that prior to the issue of a Smart City Scheme Certificate, an EIA licence and a Building and Land Use Permit were required, the matter was referred to the District Council of Moka, Ministry of Environment, Solid Waste Management and Climate Change as well as the Economic Development Board.

The District Council of Moka reported that the following corrective measures were taken:

- Reinstatement of the full width of the road,
- Full width asphalting of roads, and
- Exit drain into Rivière Profonde.

In addition, the Council convened a meeting with the Promoter and Contractors for follow-up and monitoring of the compliance to the EIA License Conditions.

The Ministry of Environment, Solid Waste Management and Climate Change reported having carried out site visits to assess the effectiveness of remedial actions implemented by the Promoter, and no environmental nuisance was noted. However, since debris and mud entrainment by the contractor's lorries were observed on Motorway M3, it was immediately cleaned by the Contractor. The latter was also requested to ensure that all public roads used for haulage are free from mud and dust. The Contractor also decreased the height of excavated soil/stockpiles (covered with screens to avoid dust emanation) from 5m to 2.5m and informed that the cleaning of houses affected by disaster, within the Morcellement, would be considered at a later stage.

After subsequent follow-ups, the Ministry reported that a few complainants who had been contacted verbally had informed that the problem had been resolved to their satisfaction.

Besides the verbal request made to the Contractor for the removal of debris, a correspondence was officially issued to the proponent on 25th April 2023 regarding non- compliance with EIA Condition No. 20 which stipulated that "During the construction phase, the proponent shall, at all times, maintain and keep clean the main roads free from entrainment mud and other construction materials....". As such, the proponent was requested to ensure that all public roads used for the haulage of materials, including Motorway M3, were free from mud and debris.

When informed, the representative of the inhabitants Mr V.R. wrote back to us on 13th July 2023 stating other issues *viz* potholes on the main access road and haphazard parking of lorries belonging to the contractor were still pending. The matter was therefore referred to the District Council which reported that the patching of the potholes would be completed by 16th August 2023 and the broken slab would be replaced accordingly.

Regarding the issue of lorries, the promoter had been informed to take appropriate measures with regard to his contractors and to carry out reinstatement works.

On 11th October 2023, the District Council updated this Office that following a site visit, all the asphalted roads in the Morcellement were found in good vehicular condition without any potholes. The footpath on the roadside was also found in good condition without any broken slab.

Mr V.R. was contacted and as per his indication, the mentioned region was visited by Officers of the Council and slabs that had settled and minor damages on the concrete of the footpath were identified. The repair works throughout the whole Morcellement were listed for maintenance work and were to be completed by end of October 2023.

FINANCE, ECONOMIC PLANNING AND DEVELOPMENT

C/51/2023

Increment due to complainant not paid resulting in shortfall of pension paid

On 02 March 2023, Mr. J.E.N, a retired Procurement and Supply Officer/Senior Procurement and Supply Officer (PSO/SPSO) complained to the Ombudsman that the request he made to the Ministry of Finance, Economic Planning and Development (MOFED) for salary adjustment prior to his retirement was pending since December 2020. He averred that he was not allowed to proceed incrementally in the master salary scale up to the salary point of Rs 42,325 prior to his retirement. This discrepancy has caused him serious financial prejudice as it has impacted on his gross pension.

An investigation was initiated and the MOFED informed that:

- (i) Mr. J.E.N was posted to the Human Rights Division of the Ministry of Foreign Affairs, Regional Integration and International Trade.
- (ii) The personal file of the PSO/SPSO was recalled and his case was re-examined. The Performance Appraisal Report for assessment periods 2017/2018 and 2018/2019 was "good".
- (iii) No adverse report on the performance of Mr. J.E.N was made to the Ministry.
- (iv) Mr J.E.N. satisfied the conditions laid down at paragraph 18.62. of the Pay Research Bureau Report 2016.
- (v) The Ministry approved the grant of increment which was due to him on 01 January 2019 and necessary action was being initiated to adjust the salary and pensions benefits of Mr. J.E.N accordingly.

Upon being informed of the action taken by the Ministry, Mr J.E.N. thereafter wrote to us expressing his satisfaction with the work carried out, stating "I am delighted that an injustice of which I was victim for such a long time has just been corrected. This has become a reality today due to the prompt intervention of your office. My special thanks goes to you Mrs G. Kissoon-Sungsam for your empathy towards me"

Post Script: Mrs G.Kissoon Sungsam is an Investigations Officer at the Office of the Ombudsman.

C/269/2023

Application for travel grant not approved on account of non-payment of increment

On 27th September 2023, Mr J.E.N, a retired Procurement and Supply Officer wrote to the Ombudsman complaining that he was not paid any travel grant for the period March 2019 to May 2020. Mr J.E.N was some times back unfairly debarred from one increment and following the intervention of this Office, he was granted an adjustment of salary as per Paragraph 18.79 of the Pay Research Bureau Report 2021. However, his request for travel grant following the salary adjustment was not entertained.

Upon enquiry, the Ministry of Finance, Economic Planning and Development (MOFED) reported that as laid down at paragraph 3.5.5 of the Human Resource Management Manual:

- (i). the Officer should make an application for travel grant on the prescribed form;
- (ii). a Supervising Officer may authorize payment of travel grant at their level subject to the following conditions namely (a) the Officer must use his private car to attend duty and for official travelling; and (b) the car must be registered in the name of the Officer.
- (iii). A travel grant is payable as from the date the Officer satisfies all the conditions and since Mr. J.E.N did not satisfy these conditions the Ministry was not in a position to convey approval.

The Ombudsman recommended as follows:

"Had the proper administrative procedures been strictly followed (i.e PMS) in the processing of the approval, the complainant should have drawn his increment during his tenure of Office and not after his retirement from the service. In view of the evidence uncovered during the investigation, I consider the Complainant's request to grant him approval to recover the unpaid/unclaimed Travel Grant is legitimate and fair.

Although this Office is aware of the financial implication involved, the refund of his travel grant would compensate the officer fairly for the prejudice he has suffered due to the non-observance of existing rules and regulations by the Administration.

It is considered that administrative decency should prevail over the consideration of additional expenditure even if it means charging the officers 'responsible' for not assessing the KT properly-to recoup the amount that Government would incur to effect appropriate payment to the Complainant."

On 12th January 2024, the MOFED informed us that payment of travel grant for period 01 March 2019 to 03 May 2020 had been effected to Mr J.E.N by the Ministry of Foreign Affairs, Regional Integration and International Trade.

FOREIGN AFFAIRS, REGIONAL INTEGRATION AND INTERNATIONAL TRADE

C/152/2022

Recommendation made for the payment of rent and utilities allowance during the Complainant's posting abroad

On 12th August 2022, this Office received a complaint from a Minister Counsellor of the Ministry of Foreign Affairs, Regional Integration and International Trade regarding the non-payment of rent and utilities during the period 16th January 2021 to 11th April 2021 for his accommodation at 25, Rue de Vallard, Gaillard, France during his posting in Geneva.

Upon taking up the matter with the Ministry, this Office was informed on 26th August 2022 that the Complainant was posted to Geneva in August 2016 for three years and this period was extended following his requests. Following the Ministry's instruction to return by November 2020, he requested for sick leave up to 22nd March 2021. Subsequently, on 20th January 2021, he shifted to a temporary apartment at 26 Rue de Vallard, France without the approval of the Ministry. The Ministry also stated that as per the PRB Report, Ambassadors, High Commissioners and Permanent Representatives were refunded full charges of rent and utilities while home-based staff were refunded the charges up to a prescribed ceiling to enable them to avail of a convenient accommodation in the country of posting. Consequently, the Complainant's request to be refunded rent and utilities for the temporary accommodation was not acceded to.

Following the Complainant's request, a meeting was held at our Office on 25th November 2022, whereby the Complainant was able to clarify the points brought forward by the Ministry, supported by documentary evidence. This Office was *interalia*, apprised of the following:

(i) The Complainant's return was delayed initially due to the COVID-19 pandemic whereby international travel was impacted and securing a place on a flight was challenging. Secondly, he suffered from an injury and could not take the flight scheduled for 13th December 2020 due to his medical condition.

- (ii) During his posting in Geneva, he was residing in the country itself and arrangements were already made to terminate the lease agreement when he received the instruction to return to Mauritius. When he suffered the injury, he had to vacate his accommodation in Geneva and find temporary lodging until his return to Mauritius.
- (iii) From copies of correspondences exchanged between the Complainant and the Mission, it was evident that he requested the Mission to assist him in finding temporary lodging in Geneva and the unsuccessful attempts to secure accommodation.
- (iv) Being given that he found no accommodation in Geneva itself, he chose the only one found at 26, Rue de Vallard, Gaillard, France and informed the Mission and Ministry accordingly.
- (v) The distance from the country of posting and the temporary accommodation was approximately 10 km only and the monthly rent was only CHF 1,500 compared to the monthly rent of CHF 6,716 in Geneva.

Having considered all the facts and evidence produced in the case, this Office drew the attention of the Ministry on the following:

- (a) In the present case, no convenient accommodation was found in the country of posting and the temporary accommodation was located in Gaillard, which was next to the south-eastern border between France and Geneva, and which was only some 10 km away.
- (b) According to the Complainant's contract for overseas posting, he was eligible for "furnished accommodation or rent free accommodation furnished in accordance with the standard list of furniture for Mission staff. Government would pay full charges in respect of rent and utilities up to a ceiling of CHF 6,716". At no point in time was the requirement for an accommodation in the country of posting spelt out in the contract.
- (c) The question of the Ministry's approval did not arise as it was duly informed of the situation by the Mission as per the record of correspondences. Should there have been any objection to the temporary accommodation, the Ministry should have informed the Mission and not wait for the Complainant to stay there up to his departure.
- (d) Taking into consideration, the reduced monthly rent and the exceptional

circumstances in this case, the concept of 'country of posting' should be applied in a flexible and contextual manner in the interest of the Government, the moreso as the Vienna Convention on Diplomatic Relations does not expressly specify that a diplomatic agent of a sending State should reside in the receiving State.

On 15th May 2023, the Office informed the Ministry that it was of the view that the decision not to refund the rent and utilities for the temporary accommodation is wednesbury unreasonable as well as unfair towards the Complainant. The Ombudsman therefore recommended under Section 100(2) of the Constitution that this decision be reviewed without any further delay.

On 18th May 2023, the Ministry informed us that "the matter is in process and a reply will be made to your Office in due course" and finally on 07th August 2023, the Ministry reported that necessary arrangements were being made for the payment of the rent and utilities allowance to the Complainant.

The Complainant promptly wrote to us on 10^{th} August 2023 and expressed his thanks for our intervention in this matter, stating the following:

"... I must here congratulate You, Sir, for Your and Your Officers' impartiality, professionalism, steadfastness and fairness, and have a special thought for the Drafters of our 1968 Constitution for providing the Ombudsman with constitutional powers against the maladministration by a few civil servants and to redress wrongs committed by them."

C/169/2022

Former High Commissioner complaint relates to non-payment of passage benefits and under payment of salary resulting from miscalculation of leave taken

On 30th August 2022, a former High Commissioner wrote to the Ombudsman complaining that she had requested the Ministry of Foreign Affairs, Regional Integration and International Trade for a breakdown of payment of passage benefit effected in her favour for the period 2020 to 2022 but did not receive any reply. She also averred that she had noted a deduction in her salary in August 2022 which she considered as unjustified.

The comments of the Ministry of Foreign Affairs, Regional Integration and International Trade which were sought were as follows:

(a) Passage benefits

- i. As per the terms and conditions of Office of the former High Commissioner, she earned passage benefits at the rate of 5% of her gross salary annually. However, she did not earn passage benefits during the 21 days annual leave whether taken or cashed.
- ii. Passage benefits were computed on a yearly basis
- iii. A contractual officer may use the passage benefits for payment of her air tickets and any outstanding balance of passage benefits was paid in cash to the officer on expiry/termination of her contract.

(b) Leave and Salary

For the third year of contract, effective as from 05 February 2022, she had a balance of 42 days annual leave since she had opted to carry forward the 21 days' unutilised annual leave of the second year of contract. However, through inadvertence, the leave sheet was not updated to include the 21 days annual leave carried forward. Corrective action would therefore be taken.

On 03rd November 2022, this Office informed the complainant accordingly. However, on 21st November 2022, the complainant again wrote to us informing that she was on duty on some of the days that she was marked absent. She further stated that she had proof for the days that she was present in terms of log books, note of meeting, etc.

The matter was taken again with the Ministry and this Office was informed that the case has been reconsidered in light of the additional information obtained. The Ministry would refund all the deductions effected from her gratuity and salary.

Complainant was apprised of the outcome of our investigation but she did not revert to us.

HEALTH AND WELLNESS

C/210/2021

Noise and air pollution caused by aluminium workshop

This Office received an anonymous complaint from a student regarding noise and air pollution caused by an aluminium workshop at la Paix Piton. The student explained that the workshop was being operated by a Police Officer and did not know where to channel the complaint.

- 2. A case was opened and the complaint was referred to the Ministry of Health and Wellness. The Environmental Health Engineering Unit of Rivière du Rempart Health Office reported the following on 16 December 2021:
 - (a) The incriminated aluminium workshop is registered at the Registrar of Businesses as "Aluminium/Welding of Metal works pieces' workshop" at Independence Street, La Paix, Piton. The workshop which is located in a highly residential area was not in operation at the time of visit. However, the presence of machineries (cutting saw, grinder and drilling machine) was noted inside the workshop. A representative of the company informed that the workshop had no Building and Land Use Permit for the Aluminium workshop and no permit to operate electric motors therein.
 - (b) As per the Standards for Noise Regulations under the Environment Protection Act for any noise monitoring, the noise survey must be conducted from the premises of the complainant. In the present case as the complaint is anonymous, no noise survey could be carried out.
 - (c) As the alleged workshop was being operated without a Building and Land Use Permit for Aluminium workshop and permit to run electric motors therein, the matter was referred to the District Council of Rivière du Rempart for necessary action through correspondence dated 10 December 2021.
- 3. On 16 February 2022 the Office of the Ombudsman queried the District Council of Rivière du Rempart which reported as follows:
 - (a) A first joint site visit was effected by the Inspectorate staff of the Land Use & Planning and Health Departments on 23 December 2021, where the site was found closed.
 - (b) On 10 January 2022, a second site visit was effected and one Mr Vedanand Beekharry was met on site handling aluminium frames. He informed that he was not carrying out any commercial activity but doing renovation works for his residence.

- (c) As per records available, no Building and Land Use Permit had been issued to operate aluminium workshop or electric motors at the locus.
- (d) Following a site visit on 28 March 2022, no renovation works were observed but some aluminium doors were seen on the site and the proprietor who was also present at the time of the site visit informed that he has not yet replaced the doors.
- (e) The Council was contemplating to initiate legal action against the alleged offender for operating an aluminium workshop without a building and land use permit.
- 4. On 07 April 2022 the Office of the Ombudsman queried the District Council of Rivière du Rempart on action taken to prevent the recurrence of the said nuisance in order to ensure that no noise pollution continued to be caused in the vicinity. In a reply made to this Office the District Council informed that a site visit was effected on 11 January 2023 and no operation was being carried out by the alleged offender which was also confirmed by his immediate neighbour present on site.
- 5. It is therefore hoped that our intervention has resolved the student's problem.

C/53/2022

Complainant contests the probationary period of 12 months upon her appointment as Specialised Nursing Officer

On 18th March 2023, this office received a complaint from Mrs B.A.F, a Specialised Nursing Officer at the Trust Fund for Specialised Medical Care (TFSMC), who was enlisted as Trainee Specialised Nursing Officer in January 2018 at the TFSMC for a period of 3 years.

As per the complainant:

- i. After a period of 3 years, that is in January 2021, she was to be confirmed in her post as Specialised Nursing Officer. She consulted the Manager Human Resources who informed her that she would be confirmed after the Board Meeting. However, in September 2021, she was informed that she was on a probationary period of one year.
- ii. No probationary period was mentioned in her letter of offer/ appointment.
- iii. She was still being paid the salary of a trainee in November 2021.

Our Office initiated an investigation and the Ministry of Health and Wellness whose comments were sought, informed that:

- i. All first appointments were made on twelve months' probation. Mrs B.A.F did not accept the offer on probation and had lodged a complaint at the Ministry of Labour, Human Resource Development and Training for direct confirmation as Specialised Nursing Officer.
- ii. A meeting was held with the Executive Director (TFMSC) whereby the complainant was explained that her appointment on probation was as per established Human Resource regulations.
- iii. Mrs B.A.F accepted the offer on probation on 24 May 2022. Her basic salary and associated remuneration were adjusted as per PRB Report 2021.
- iv. Further to the Staff Committee held on 08 December 2022, Mrs B.A.F was confirmed in her post as Specialised Nursing Officer on the establishment of the TFMSC with effect from 08 January 2022.

In the circumstances explained, the Ombudsman was satisfied that the complainant was confirmed in her position as Specialised Nursing Officer. However, the Ombudsman has continued to raise the issue with the TFSMC as in his view, the letter of offer lacks clear written terms and conditions of the

employment. He has therefore recommended that all letters of offer be drafted in such a manner that all terms and conditions of employment are clearly indicated therein.

It was observed that had the letter of offer indicated all the terms and conditions of employment, this situation might not have arisen.



C/29/2023

Anonymous complaint from Staff- Brown Sequard Mental Health Care Centre

On 06 February 2023, this Office received a copy of an anonymous complaint from the staff of Brown Sequard Mental Health Care Centre complaining of poor management by the Nursing Administrator, the Nursing Supervisors and the Ward Managers amongst others. Allegations were made that the Supervisor was involved in methadone mishandling during the distribution of methadone to drug addicts. Moreover, he was never punctual at work and his tasks were performed by other Officers. He talked very rudely and made use of foul language towards Officers. There was no equity and transparency in the allocation of bank sessions as some Ward Managers had more bank sessions than other staff.

In view of the seriousness of the allegations, the views of the Ministry of Health and Wellness (MOH) were sought and on 27 June 2023 the Ministry informed this Office that an enquiry conducted revealed that the allegations on the issues raised by the staff were unfounded.

The Ministry, nonetheless, informed that the management of the centre would embark on a review of staff management as well as allocation of bank sessions to all Officers concerned. Moreover, the Nursing Administrator has been instructed to hold frequent meetings with Ward Managers and Charge Nurses for the smooth running of the Brown Sequard Mental Health Care Centre.

C/145/2023

Unavailability of vaccines for children in hospitals and health centres

On 14th June 2023, it came to the attention of the Ombudsman, though a radio channel, that hospitals and health centres were experiencing a shortage of vaccines for babies and young children, causing concern among citizens. It was also alleged that these vaccines were available in private health institutions.

In view of the critical importance of vaccines for babies and young children and in accordance with section 97(1) (c) of the Constitution, the Ministry of Health and Wellness was requested on the same day to report whether these complaints were justified and if so, what remedial action was envisaged.

On the <u>29th June 2023</u>, the Ministry reported that BCG vaccines are administered to babies aged 0-3 months. The last dose of BCG vaccine was administered on <u>14th June 2023</u>. Meanwhile, necessary arrangements had been made for the procurement of 1,000 doses of the BCG Vaccines. The new consignment was delivered to the Central Stores Division of the Ministry on 28th June 2023.

Being given that the last dose of the BCG Vaccine was administered on 14th June 2023 and the new consignment of vaccines was delivered fourteen days later, the Ministry was asked to report on measures in place to prevent a shortage of vaccines, the reasons for such a scenario, and the potential impact on infants who could not receive the vaccine.

The Ministry subsequently submitted a report to this Office stating that a Committee has been entrusted with the responsibility for monitoring vaccines as follows:

- (i) review trend of consumption,
- (ii) resort to bridging purchases, and
- (iii) urge the contract management department to follow suppliers/speed up delivery of supplies wherever applicable.

The Ministry also reported that the order for procurement of the 1,000 doses of BCG vaccines was placed on 24th May 2023 and was delivered to the Central Suppliers Division on 28th June 2023. All babies who had missed their BCG vaccine were rescheduled for vaccination in July 2023. They were called at the nearest vaccination point or any other vaccination centre convenient for the parents. It also highlighted that according to the World Health Organisation guidelines, it is medically accepted to administer BCG vaccines to babies even after 3 months.

C/204/2023

Anonymous complaint regarding noise pollution emanating from a place of worship at Forbach Road, Fond du Sac

On 07th August 2023, this Office received an anonymous complaint regarding noise nuisance emanating from a loud speaker placed in a place of worship at Fond du Sac. Despite several letters sent to the Secretary of the place of worship, action was not taken to remedy the situation.

The complaint was referred to the Ministry of Health and Wellness and by way of letter dated 11th September 2023, this Office was informed that a noise monitoring exercise was carried out in the presence of representatives of the place of worship on 26th August 2023. The recorded noise level was found to be above the permissible level as prescribed under the Environment Protection Act.

Upon sensitization, the management of the place of worship informed that they would no longer make use of the loudspeakers at 6.00hrs and 18.00hrs. Information gathered from the inhabitants of Fond du Sac revealed that the loudspeakers from the said place of worship were no longer operational.

C/291/2023

Patient's surgery not performed due to his phone number incorrectly recorded at the hospital

Mr. A.R. wrote to us on 20th November 2023, averring that he had been victim of gross negligence by the personnel of SSRN Hospital. In view of his medical condition, he was initially informed by the treating doctor of the hospital that he had to undergo surgery and was put on a waiting list since May 2021. He was informed that the hospital would inform him of the date when the surgery would be scheduled. However, although he followed-up with the hospital numerous times, he was informed that he should await his turn. Meanwhile, as his condition worsened, he had to seek medical treatment from a private clinic and bear the cost of the surgery by securing a loan at the age of 70.

The Ministry of Health and Wellness, on its part, reported that Mr. A.R., when examined on 27th May 2021, was listed for an operation promptly. He was contacted for surgery on 19th August 2021 but he could not be reached on his phone number.

When queried on the existing procedures whenever a patient was listed for operation but could not be reached by phone, (i.e., whether other alternative modes of communication were used to contact the patient or whether there was any follow-up done at regular intervals to establish contact), the Ministry stated that the phone number of the patient was wrongly recorded in the hospital folder. It remained uncertain as to who was responsible for the incorrect phone number - the patient who provided the wrong number or the staff who recorded it incorrectly. In this connection, remedial action had been initiated and the Regional Health Director had been requested to liaise with the patient for an early appointment with the treating doctor. Moreover, according to existing procedures, a patient who was listed for operation was only contacted by phone to set up an appointment.

It is therefore unfortunate that Mr A.R. had to undergo his ordeal only because of a wrongly recorded telephone number. The Ministry of Health and Wellness was therefore advised by this Office to examine the possibility of using alternative means of communication. An extract of the letter the Ombudsman addressed to the Ministry is reproduced hereunder:

"... this issue is a cause of concern as it impacts on the quality of healthcare services offered in public health institutions. As shortcomings in service delivery have become a matter of daily debate, it is vital to address the problem in order to improve the overall well-being of the community.

In view of the above and pursuant to Section 100(2) of the Constitution, I am recommending that the Ministry examines the possibility of using alternative means of communication in cases where the patient cannot, for some reason or other, be contacted by phone to ensure that he receives the best possible attention and treatment in a timely manner. Meanwhile, the patient could be asked to provide two phone numbers, the second one being that of a close relative."

On 25th March 2024, the Ministry informed this Office that remedial action was taken and a Circular was addressed to all health institutions, to the effect that:

- (a) All patients attending health institutions, should at time of registration, be requested to provide at least two contact numbers.
- (b) Patients unreachable by phone should be contacted by way of letter posted to the address provided at time of registration.



HOUSING AND LAND USE PLANNING

C/165/2023

Application for purchase of ex-CHA Housing Unit (Post Carol) not yet entertained

On 29th June 2023, Complainant, Ms I, a resident of an ex-C.H.A Unit at Port Louis complained to the Ombudsman that she had applied to the Ministry of Housing and Land Use Planning for the sale of her ex-CHA house in year 2022 but did not hear from the Ministry. She solicited the Ombudsman's assistance in order to investigate with the Authority concerned.

This Office took up the matter to the Ministry of Housing and Land Use Planning and was apprised of the following:

- 1. Ms I had applied for the sale of her ex-CHA house and the transfer of her building site lease in the name of Miss R.B.
- 2. Ms I had been informed that subject to the production of a duly registered notarial deed witnessing the sale of the building to Ms R.B within a delay of six months, Government would grant a new building site lease to Miss R.B as from the date of the notarial deed up to 30 June 2060, on the usual terms and conditions at an annual rate of Rs 7000.
- 3. It should be subject to a 50 % increase in annual rental for each and every subsequent period of 10 years up to 30 June 2060.

The Ministry also apprised that the complainant was informed accordingly on 3rd November 2023.

Ms I. was informed of the reply of the Ministry in November 2023 but we did not receive any comment from her.

The Ombudsman noted that the processing of applications in respect of sale or lease of State Lands/ property might at times be lengthy in view of the involvement of various Authorities and private entities. Consequently, the findings of his investigations lacked material evidence to conclude whether there was maladministration or not on the part of the Authority concerned.

LABOUR, HUMAN RESOURCE DEVELOPMENT AND TRAINING

C/288/2023

Alleged injustice towards trainees of the Mauritius Institute of Training and Development (MITD)

On 06th November 2023, this Office received an anonymous complaint from a 'whistle-blower', alleging that "presently, the MITD is forcing all NC level 4 trainees who had been successful in the NC level 3 Exams for their respective trades to stop their NC4 courses." Moreover, it was reported that after review of examination results by the Mauritius Examination Syndicate (MES), some students who paid for the review, were granted better results. The complainant requested this Office to "initiate an investigation by your own. It is hoped that you will bring justice to the trainees. You should ask MES to review the results of all the other trainees who failed even if they did not pay for the review. And ask MITD to re-instate the trainees they kicked out of the NC4 class to be allowed to complete their NC4 course. This must be done immediately so that the trainees can get ready for exam."

After taking up the matter with the Ministry of Labour, Human Resource Development and Training, this Office was apprised of the following from the MITD:

- (i) In November 2022, the MITD advertised courses at National Certificate (NC) Level 2, 3, 4, and 5 for intake of January 2023. In the advert, the Entry Requirement for NC4 courses was mentioned as "Age to be minimum of 17 years old; and Minimum NC3 in a related trade or any alternative qualification acceptable to the MITD."
- (ii) Since the NC3 results were not yet declared by the MES in January 2023, the MITD provided conditional offers to trainees who had completed the NC3 course in 2022 and taken the NC3 examination to follow the NC4 course in the same field in year 2023 so as not to penalize them for one whole year. These trainees were made aware that they would have to discontinue the course if they did not pass the NC3 exam upon receipt of the results.
- (iii) The results of NC3 courses were declared in May 2023 and the MES allowed a period of two(2) weeks to appeal for review of scripts for candidates who were not satisfied with their results. The outcome for review of scripts was expected to be declared in July 2023 (Note: In fact same was received from MES in October 2023). However, the MES had been taking entries for both NC3 and NC4 exams in June 2023. Further, trainees who were following NC4 course but had failed the NC3 semester exam were taking the re-sit, scheduled for July 2023, and results were expected in August 2023. Thus, in order not to penalize trainees, the MITD had no choice than to allow all NC4 trainees to enter for the NC4 exam for their respective course. This included trainees re-sitting the NC3 exam.

- (iv) The NC3 and NC4 Semester 1 exams were concluded in July 2023 and the results of both exams were declared in August 2023.
- (v) In September 2023, the MITD requested training centres to terminate the enrolment of NC4 trainees who were enrolled on conditional offer and had not passed the NC3 exams. For courses under apprenticeship contracts, the MES was provided with the list of trainees who have not passed the NC3 exam and was instructed to withdraw their names as candidates for NC4 exam.
- (vi) The trainees whose enrolment in an NC4 course had been terminated were requested to re-sit the NC3 exam and once they pass same they would be allowed to proceed with the NC4 course.

In the circumstances explained, this Office was satisfied that there was no maladministration <u>on the part of the MITD</u> and decided not to pursue its investigation any further. However, it is observed that had the MES provided the results in good time, this situation might not have arisen.

LAND TRANSPORT AND LIGHT RAIL

C/53/2020

Anonymous complaint regarding illegal use of paid parking by residents of Mgr. Gonin and Suffren Streets

The Office received a complaint from residents of Mgr. Gonin and Suffren streets to the effect that private car owners illegally park their vehicles from 08.00 am to 16.00 pm on a daily basis along Suffren Street, although this is classified as Zone No2, where all parking is paid and vehicles must move after two hours. The complainant further stated that no action was taken by Officers of the National Land Transport Authority (NLTA) as no contraventions were served upon these private car owners.

In view of the above, the matter was taken up with the NLTA, which stated, on 22 June 2020, that a survey was carried out, during which it was observed that the road markings had been defaced and thus, enforcement cannot be done. A Correspondence was sent to Traffic Management and Road Safety Unit (TMRSU) for remedial measures.

The TMRSU was queried of any action taken and was requested to give priority to the situation in Port-Louis. Subsequently, in a letter dated 09 October 2020, the Ministry of Land Transport and Light Rail (MLTLR) averred that the maintenance of all the road markings and the parking zones associated traffic signs will be carried out by the Contractor of TMRSU. On 22 December 2020, the MLTLR informed that the works for Reserved Parking Bays were ongoing and 50 % of the works had been completed and the remaining works would be completed by 01 February 2021.

On 23 February 2023, The TMRSU informed that maintenance works for Reserve Parking Bays in Port-Louis had been completed at 85% and the remaining works could not be completed as many roads in Port-Louis needed resurfacing before application of new road markings and that the Municipal City Council of Port Louis (MCCPL) was contacted for resurfacing of roads. The Ministry also averred that it was only after resurfacing the roads that the TMRSU would undertake maintenance works.

Following a site visit undertaken by TMRSU, it was observed that resurfacing works were still pending and the matter was thereafter forwarded to the Ministry of Local Government and Disaster Risk Management. In an email from the Ministry of Local Government and Disaster Risk Management addressed to the MLTRL, it mentioned that "clearance from the Ministry of Finance, Economic Planning and Development is awaited so that the Council could initiate actions at their level."

On 14 March 2022, the MCCPL reported that financial clearance had been received to undertake the resurfacing works and that procurement procedures for the works would be initiated soon.

On 05 August 2022, this Office was informed that the resurfacing works at Leoville L'Homme Street were expected to start by mid-August 2022 and to be completed by mid-September 2022. Regarding Louis Pasteur Street, bids were under evaluation. The St Georges Street project would be undertaken by the National Development Unit (NDU). Clearance for the implementation of the project had been granted to the NDU by the MCCPL.

This Office followed-up the matter with the MCCPL and on 04 October 2022, the latter apprised that the site for resurfacing works at Leoville L'Homme Street has been handed over to the Contractor on 31 August 2022 but due to the complexity of the works, the resurfacing works has been delayed and is expected to be completed by the end of December 2022.

On 01 August 2023, the Council reported that a contract agreement had been signed and the Works Order for the resurfacing of the roads in Port Louis would be issued. The Council reported that the resurfacing of Mgr. Gonin and Suffren Streets had been completed on 14 September 2023 and 19 November 2022.

In conclusion, the collaboration between relevant authorities has - despite the time taken - culminated in the resolution of the reported issue, together with the successful resurfacing of roads and implementation of road markings.

LOCAL GOVERNMENT AND DISASTER RISK MANAGEMENT

C/55/2022

The Case of the Coconut Trees

Recommendation made to address nuisances arising from bare or abandoned lands

On 28th March 2022, this Office received a complaint from Mrs I.G., averring that two coconut trees on a neighbouring plot of bareland at the back of her house, represented a real danger to her family and her property. She stated having reported the matter for remedial action to several authorities but to no avail.

The matter was initially referred to the Ministry of Local Government and Disaster Risk Management (MLGDRM) and this Office was informed that the owner of the bareland could not be traced and the felling of the two coconut trees could be referred to the Forestry Division. The latter however reported that it could not intervene in this matter as both trees were growing off the limit of a road reserve, more precisely 25 meters off the two sides of the road.

Highlighting the provisions of Section 9 of the Local Government Act, this Office queried the Ministry whether the Local Authority may initiate action to remove the potential threat. An extract of Section 9 of the Local Government Act is reproduced hereunder:

"Where bareland or abandoned premises constitutes, or is likely to constitute a threat to public health and where the owner of the bareland or premises is untraceable, an officer of a Municipal City Council, Municipal Town Council or District Council may enter the bareland or premises and cause all necessary works for the cleaning of the land or premise and removal and disposal of all undergrowth, waste and any other material that may be found thereupon".

On 05th December 2022, the MLGDRM reported that the District Council of Grand Port which had been consulted, had informed that the trees were very tall and <u>represented a potential hazard to the premises of Mrs I.G</u>.

During the enquiry, this Office was further informed on 05th April 2023 that the District Council of Grand Port did not envisage to fell the trees found within private premises. It also reported as follows:

- No further information could be gathered on the particulars of the owners of the private premise on which the coconut trees were found.
- Section 50(2)(C) of the Local Government Act stipulates that:

A Municipal City Council, Municipal Town Council or District Council shall, subject to its financial capability and within the limits of its administrative area, be responsible –

"subject to the Forest and Reserves Act, for the undertaking of works of afforestation, terracing and tree planting alongside public roads, the cutting and removing of any tree growing within 2 metres of a public road unless the owner of the land bordering the road elects to cut and remove the tree within such time as may be fixed by the council"

• As the trees were found within private premises, the situation related to a civil matter and the onus rests on the neighbours to address the situation.

On 01st March 2024, the Ombudsman sent a letter to the Secretary to Cabinet and Head of the Civil Service underlining the incongruous application of Sections 9 and 50(2)(C) of the Local Government Act, where authorities themselves could not fulfil their legally ascribed duties. Although it is the responsibility of the owner or occupier to maintain their property free from waste, undergrowth, or noisome vegetation, this Office pointed out that it was unreasonable to resort to civil action just to have a tree removed, especially when the Local Authority could not even trace the owner.

This Office generally observed that in cases of barelands and abandoned premises, there was a tendency for Local Authorities to redirect this responsibility to other departments, potentially impacting the well-being of the citizens.

The Ombudsman therefore recommended that a policy decision be taken in order to provide a sound basis on which Local Authorities could initiate action to address nuisances being caused by bare or abandoned lands.

Finally, on 25th April 2024, this Office was informed by the Secretary to Cabinet and Head of the Civil Service that the following measures are being taken to address nuisance being caused from bare or abandoned lands:

- An amendment to the Notary Act has been proposed in the forthcoming Finance (Miscellaneous Provisions) Bill so that there is an obligation on Public Notaries to inform Local Authorities whenever there is a change in the ownership of an immovable property. This would make the task of identifying owners of bareland easier for Local Authorities; and
- Several amendments to the Local Government Act have been submitted to the Inter-Ministerial Committee looking at the reform on Local Government and same are under consideration.

This Office is confident that after implementing these amendments, a safer environment will be created for our citizens and Authorities concerned will not shy away from their responsibilities by recommending civil action at any turn of the road.

C/155/2023

Anonymous complaint from Staff of a District Council

On 09th June 2023, this Office received an anonymous letter containing several allegations, including, staff being forced to perform tasks outside their scheme of service, construction materials procured by the Council used by Officers in the Public Health Department, for their personal use, forgery in attendance, etc.

The views of the Ministry of Local Government and Disaster Risk Management and the District Council concerned were sought and this Office was informed, on 30th June 2023, that an enquiry Committee had been set up to conduct a full investigation. The Ministry also stated that some of the allegations could be unfounded as the works mentioned, *viz*, masonry, carpentry, bar bending and electrical were performed by the Public Infrastructure Department, whereas, the accusations were against Officers who were posted in the Health Department.

On 22nd August 2023, this Office was informed by the Ministry that the District Council had reported as follows:

- (i) the masonry, carpenter, welding and electrical works were performed by the Public Infrastructure Department, thus the allegations made against the Public Health Officers were unfounded. The Public Health Department is mainly responsible for refuse collection service, market and fairs, cemeteries and trade fees. To ascertain the allegation of attendance forgery that "ligne pour ligne les noms entrant correspondent a celles des noms sortant" a sample check was carried out but no such practice was observed.
- (ii) Moreover, the daily tasks assigned were measured and certified by the Field Supervisor (Scavenging) and Health Inspectors to confirm effectiveness of responsibilities being carried out.
- (iii) No evidence was gathered regarding the allegation of Supervising staff giving lifts to female staff and going to 'pensionnats'; and
- (iv) One of the Officers named in the letter of complaint displays a positive attitude and is well respected at work.

This complaint being anonymous, the comments of the aggrieved staff could not be sought to cross-check the information provided.

National Infrastructure and Community Development (National Infrastructure Division)

C/229/2022

Complaint against a Senior Officer in the Procurement Cadre

On 13 October 2022, this Office received on anonymous complaint regarding the behaviour of a Senior Officer posted at the Central Procurement and Supply Division of a Ministry. It was averred that he favoured certain Officers, was engaged in malpractices and 'harassed' other officers.

When queried, the Ministry informed that the explanations of the Officer were sought. By way of a letter dated 28 December 2022, this Office was informed that the Officer denied all allegations made against him in the complaint. Based on the explanations provided, supported by testimonies of other staff, it was difficult to investigate the complaint fully in a fair and objective manner and no disciplinary action could be taken by the Ministry.

Nonetheless, the Officer's attention was drawn in writing by the Ministry to stand guided by the provisions of the Code of Ethics for Public Officers and to the consequences of not complying with established procedures in the performance of his/her duties. Moreover, the Ministry reassured this Office that it would continue to monitor the situation closely and that "any departure from ethical values or established procedures will not be tolerated."

POLICE

C/292/2022

Anonymous complaint – No action taken by the Police Department for removal of a car which had remained parked and unattended at Coriolis Street, Rose Hill

On 19 December 2022, this Office received an anonymous complaint from residents of Coriolis Street, Rose Hill, stating that action had not been taken despite a letter addressed to the following: Commissioner of Police, Officer in Charge ADSU, Police de L'environnement, Ministry of Environment etc and Western Division, District Headquarters, Rose Hill regarding a car allegedly belonging to a drug dealer, which had remained parked and unattended along the public road for around six months.

They averred that the car represented a real danger to vehicular traffic at night and was an inconvenience and eyesore to all nearby residents. There were mud debris all around the car and dead animals beneath the car which were causing a strong smell in the neighbourhood. Strangers passing by the car also tried to tamper with it. In addition, the licence and insurance vignettes of the car had expired.

The Ombudsman initiated an own-motion investigation by virtue of section 97(1)(c) and the Commissioner of Police informed that the abandoned car at Coriolis Street, Rose Hill has been towed to the Rose Hill Police Station for enquiry.

C/171/2023

78-year old Basic Retirement Pensioner harassed and abused by nephews for her pension and other belongings

On 02nd July 2023, Mrs H.R, a 78-year-old pensioner and resident of Brisée Verdière, complained to the Ombudsman that she was being harassed and abused by her nephews. She averred that she complained to the local Police Station but her complaint had not been properly recorded. she therefore solicited the assistance of the Ombudsman to help her live peacefully and safely.

This Office initiated an investigation with the Ministry of Social Integration, Social Security and National Solidarity and the Police Department while also requesting the complainant to refer the matter to the Welfare and Elderly Person's Protection Unit.

After follow up, on 22 August 2023 the Ministry informed as follows:

- i. The complainant was visited on 06th July 2023.
- ii. The alleged perpetrators were heard at Bon Accueil Social Security Office, and denied the allegations made against them.
- iii. A family conferencing was carried out whereby the elderly maintained her complaint.

The following measures were taken by the Ministry:

- i. The alleged perpetrators were made aware of the provision of law on elderly abuse (Section 11 of the Protection of Elderly Persons Act 2005)
- ii. The elderly was advised to contact the Bon Accueil Social Security Office in case of further abuse.
- iii. The case was referred to "Brigade pour La Protection de la Famille" of Flacq mandated for home visit to elderly living alone.
- iv. A psychological support was also provided to the elderly.
- v. A follow up visit would be conducted in a month's time.

On 12th December 2023, the Ministry of Social Integration, Social Security and National Solidarity further reported that a follow up visit was effected on 05th September 2023. Mrs H.R provided a written statement whereby she informed that she was not facing any type of abuse from her nephews.

On the other hand, on 13th September 2023, the Police Department informed that the complainant reported a case of Ill-treatment of Elderly Person at Brisée Verdière Police Station. The perpetrators were arrested on 07th August 2023 and they confessed their guilt. They both appeared before the District Magistrate of Flacq Court and were both sentenced to pay a fine of Rs. 500 and costs.

The Ombudsman did not find any maladministration on behalf of these Authorities and was satisfied that effective actions were taken to ensure the provision of necessary support and protection to the complainant.



PRIME MINISTER'S OFFICE

C/43/2023

Complaint from a group of Assistant Permanent Secretary

On 24 February 2023, this Office received an anonymous complaint from "A Group of Assistant Permanent Secretary", averring that following the publication of the PRB Report 2021, the scheme of service for the grade of Deputy Permanent Secretary (DPS) was prescribed on 17 May 2022 to provide for the post to be filled by selection from among Officers in the grade of APS reckoning six years' service in the grade. It was averred that although many of them were qualified to apply for the post, three APS who had been involved in alleged malpractices have recently been assigned duties of DPS based on seniority.

The complainants further stated that the track record of these Officers should have been taken into consideration by the Secretary to Cabinet and Head of the Civil Service and the posts of DPS should be advertised without any further delay "so that competent and morale officers have their equal chance in the selection exercise".

The matter was referred to the Secretary to Cabinet and Head of the Civil Service on 01 March 2023, who reported on 14 March 2023 that "following an advice from the Attorney General's Office in respect of appointment of DPS in a temporary capacity, the selection exercise has been delayed". However, "necessary action has been initiated to advertise the post at the earliest".

The positive reply in this matter is appreciated.

PRISONS

C/183/2022

Refusal of Prisons Department to give methadone treatment to foreign prisoner

On 13 September 2022, this Office received a complaint from a detainee, Mr K.M., a Polish national, who complained that he was allegedly refused the administration of methadone on the grounds that he was a foreign national.

After taking up the matter with the Commissioner of Prisons, this Office was apprised of the following:

- i. The detainee was seen by a Prison Doctor on 25th June 2022 who referred him to the Harms Reduction Unit and was prescribed medications.
- ii. Following the referral, Mr K.M. was seen on 30th June 2022 by Doctors of the Addictology Unit. As he was Polish, the concern for the cost factor associated with the provision was raised at Administrative Level.
- iii. On 26th September 2022, pursuant to discussions from the Medical Officer in Charge for Methadone Substitution Therapy (MST) in Prisons and the Psychiatrist and Adviser for Harms Reduction Unit, it was decided that Mr K.M. could benefit from MST.

In October 2022, a reply was made to the complainant informing him of the outcome of the investigation. However, on 10 January 2023, this Office received another letter from Mr K.M. wherein he averred that he had not yet been inducted into the Methadone Induction Unit.

Upon further investigations, the Commissioner of Prisons informed this office that Mr K.M was transferred to Beau Bassin Prison on 10th February 2023 after completing all preliminary procedures for MST induction.

Mr K.M. thereafter wrote to us expressing his satisfaction with the work carried out, stating "thank you for helping me to solve what has been a terrible long-term problem."

C/68/2023

Request from complainant to attend to his cardiac problems taking too much time

On 27th March 2023, Mr L.D.L.F, a Prisoner at Eastern High Security Prison Melrose, complained to the Ombudsman that since September 2021, he had been waiting for an appointment at the Jawarharlal Nehru Hospital (JNH) to undergo a Myocardial Perfusion Imaging (MPI) Test. He added that during his subsequent medical appointment in November 2022, he enquired with the treating specialist about the Test whereby he was informed that some medical equipment for the Test which were out of stock at the hospital, had been received and that the Prisons Department would be informed of the date to bring him for the Test. While attending his scheduled appointment in February 2023, the complainant re-activated his request to the treating specialist and he was told that soon it would be prearranged. It is noteworthy that at the time he lodged his complaint to our Office he was still awaiting to undergo the MPI Test.

The Ombudsman initiated an enquiry with the Ministry of Health and Wellness on 10th April 2023 and while we were still awaiting a reply from the said Ministry, on 05th June 2023, our Office received another letter entitled 'A Thank-you letter' from the complainant wherein he expressed his thanks for our prompt interventions. He mentioned that he attended his medical appointment on 26th May 2023 and he was apprised that he was on a waiting list and that in three months' time, he would undergo surgery.

The Office continued following up the matter with the Ministry of Health and on 12th June 2023, it was informed that Mr L.D.L. F was given review at the Cradiac OPD of J.Nehru Hospital with the concerned specialist on 03rd May 2023 and Angiography had been booked at DR A. Jeetoo Hospital.

The Office maintained constant follow-up with the Ministry and on 21st November 2023, it was informed that the complainant underwent Coronary Angiography on 23rd August 2023 at Cardiac Centre which revealed multiple coronary artery disease. He underwent Coronary Artery Bypass Grafting on 29 August 2023. Post-Surgery went uneventful and he was discharged on 04 September 2023 from Cardiac Centre. The Ministry apprised us that it would follow up on the condition of the complainant.

The Office of the Ombudsman cannot but underscore that the medical treatment of prisoners should be given timely consideration by both the Prisons and Health Authorities.

C/188/2023

The booklet "Kone to droit" issued to all detainees on admission following our intervention

On 08th July 2023, one Mr. S.I., a detainee wrote to us regarding his transfer from Central Prison to Phoenix Prison. In another letter dated 27th July 2023, he alleged that his human rights were being breached at Phoenix.

The matter was taken up with the Commissioner of Prisons, who reported that Mr. S.I. was sentenced to undergo penal servitude of 30 years and was transferred to Phoenix Prison according to a transfer order for having committed Prison default under section 34(j) of the Prison Regulations.

Since Phoenix Prison was a high security one, all activities there were strictly observed in accordance with established procedures to ensure proper discipline, control and security measures. In the circumstances and as Mr S.I. was classified as a high-risk detainee, his movements were closely monitored.

As far as his condition of detention at Phoenix Prison was concerned, it was reported that Mr S.I. was treated with humanity and respect at the Prison. He enjoyed all his rights and privileges, which were subject to good behaviour and strict compliance to the Prison Rules and Regulations.

When informed that he enjoyed all rights and privileges, subject to good behaviour and strict compliance with Prison Rules and Regulations, Mr. S.I. addressed a new letter to this Office questionning how could he strictly follow the rules and regulations of the Prisons Service when they were unknown to him. He therefore requested that a copy of the booklet on rights and privileges be provided to him.

On 29th September 2023, the Prisons Department apprised this Office that a booklet, known as "kone to droit", was given to all detainees irrespective of their categories in the year 2008. Besides, the same booklet had been printed in large character and affixed in the Reception Office for the information of all detainees on admission

Although this Office noted that the booklet had been affixed in the Reception Office for the information of all detainees on admission, it also observed that the distribution of booklets to detainees dated back to more than a decade ago.

In view of the above, this Office requested the Commissioner of Prisons to consider the issue of a booklet/factsheet to all detainees on admission and an appropriate record kept so as to ensure that no detainees could claim ignorance of his/her rights and privileges.

Finally, on 13th November 2023, this Office was informed that the following actions were being taken by the Prisons Department:

- i. The publication of additional copies of the booklet entitled "Manual on the Rights and Responsibilities of Detainees" in English and Creole, to be distributed to all detainees.
- ii. The booklet would be printed in a larger format and plastified. Same would be handed over to all institutions so that it could be affixed in the associated yards.

This Office is satisfied with the measures taken by the Prisons Department. It is our expectation that detainees will now be equipped to operate within the prescribed parameters delineated in the booklet "kone to droit".

C/156/2020

Request for information regarding Prison Rules and Regulations

On 7th September 2020, Mr. X, a detainee wrote a letter to the former Ombudsman informing him about the procedures in place at the Mauritius Prisons Service (MPS) in respect of writing letters to the Office of the Ombudsman and other independent institutions. He stated that in Prisons there was an established protocol of 'Request and Applications' through which detainees sought permission to write to any of the above-mentioned institutions. Mr. X solicited the assistance of the Ombudsman to enlighten him on the avenues available in case he was denied the permission and clarify him on the nature of contents that would be deemed objectionable in accordance with Regulations 21(3) of the Prison Regulations 1989.

An investigation was initiated and as per the extant practice, a reply was made to the detainee in October 2020. In July 2022, complainant lodged a new complaint with our Office wherein he alleged that his request for a letter addressed to the Solicitor-General requesting a copy of the Reform Institutions Act 1988, the Prison Regulations 1989, the National Preventive Mechanism Act 2012 (NPMA) and the Prison Standing Order, had been stopped and not entertained by the MPS.

Given the seriousness of the matter, we sought the comments of the MPS. After having duly examined and assessed its reply, our Office drew the attention of the MPS to the Section 3(2) of the Ombudsman Act, 1969, the Prison Regulations 1989 particularly Regulations 3,6 and 17 and the United Nations Standard Minimum Rules for the Treatment of Prisoners, also known as the Nelson Mandela Rules. It was also apprised that the procedures adopted by the Prisons Service could be viewed as inconsistent with the Constitution and the Ombudsman Act 1969, and therefore might be procedurally unfair to detainees as they gave wide powers to the Prisons Service to deal arbitrarily with alleged complaints against treatment of detainees, and had also the potential of abuse.

In response to our letter, the MPS informed, among others, that 'any detainee who writes a letter to the Office of the Ombudsman/National Human Rights Commission was sealed by detainee himself and same was sent for postage unopened. The contents of the letter remained unknown and Prison Authorities strictly complied with Section 3(2) of the Ombudsman Act 1969. In the event where a letter was addressed to other bodies and the contents found to be objectionable thus in accordance with Section 13(B) of the Prison Standing Order No.47, the letter might be suppressed.

MPS further stated that 'every detainee on admission was being informed about their rights and privileges scrupulously by a Senior Officer. Moreover, a booklet 'Kone to droit' written in 'Kreole' language was affixed in Units for the information of all detainees. MPS also added that new circulars emanating from the Office of the Commissioner of Prisons regarding additional privileges for detainees were brought to their attention through a notice affixed in Units/ association yards.'

With regard to 'Nelson Mandela Rules', the MPS averred that 'contents mentioned under rules 54, 55, 56 & 57 were already provided under our existing legislation. Accordingly, there was full compliance of these provisions with a view to ensuring that detainees were not deprived of their rights and were

treated with fairness and human dignity.'

After having thoroughly analyzed the Reform Institutions Act 1988, the Prisons Regulations 1989, the Standing Order No. 47 and the booklet 'Kone to droit', our investigations revealed the following:

- (a) the booklet <u>did not expressly inform detainees that they should make an application to the Commissioner of Prisons requesting permission to send a letter;</u>
- (b) it did not indicate whether <u>detainees should make a complaint either to the Prisons Board or Commissioner of Prisons</u>, as stipulated under the Reform Institutions Act 1988;
- (c) it did not mention whether detainees are entitled to send or receive letters as provided in the Prisons Regulations 1989;
- (d) Regulations 21(3) of the Prison Regulations, was inconsistent with the Ombudsman Act 1969 inasmuch as it empowers a Prison Officer to <u>read every letter</u> to or from a detainee prior to its issue. It also empowers the Officer at his or her own discretion, to <u>stop any letter</u>, or communication on the ground that its, <u>contents were objectionable</u>;
- (e) the Reforms Institution Act and the Prisons Regulations did not define the term 'objectionable' and this led the MPS to apply the grounds enumerated in the Standing Order No.47 which were not meant for that purpose;
- (f) the wordings of the booklet were so poorly and inaccurately drafted that it might confuse detainees and not convey any rationale of their intended purposes;
- (g) absence of streamlined written procedures for Prison Officers to deal with detainees' letters had sparked great confusion within the MPS that had resulted in the deprivation of detainees' rights to complain to the oversight bodies like the Office of the Ombudsman and also write a personal letter to their close relatives;
- (h) lack of clear, unambiguous and strong legislative foundation which led the MPS to knowingly or unknowingly flout the Ombudsman Act 1969; and
- (i) the practice adopted by the MPS was unfair and unreasonable, thus contrary to the best interest of detainees.

It is noteworthy that Section 3(2) of the Ombudsman Act 1969 provides that "Notwithstanding any other enactment, where a letter is written to the Ombudsman by a person who is <u>legally in custody</u> or, the person in charge of the place where the writer of the letter is detained or, <u>shall forward</u> the letter, <u>unopened</u>, by <u>registered</u> post to the Ombudsman."

On the other hand, Regulations 21(3) of the Prison Regulations 1989 stipulates that 'Except as is provided by these regulations or as directed by the Commissioner, every letter to or from a detainee shall be, read by the officer-in-charge or an officer deputed by him, and the officer may, at his discretion, stop any letter or communication on the ground that its, contents are objectionable.'

In the light of the findings, the Office made the following recommendations as provided under Section 100(2) of the Constitution:

- I. The Prime Minister's Office was recommended to set up a Committee comprising all the stakeholders, including the State Law Office, Mauritius Prison Service and other relevant authorities to analyze and review the existing Prison Regulations 1989 and the MPS Standing Order No.47 with a view to legally entrenching the definition of the term 'contents are objectionable' and bringing necessary amendments where required to align them with the Constitution, the Ombudsman Act 1969, other legislations in force as well as international treaties relevant to Treatment of Prisoners;
- II. The Mauritius Prison Service was recommended to:
 - (a) take necessary steps to issue appropriate written instructions/directives to all Senior Prison Officers and Prison Officers on the procedures to be followed whenever a detainee writes a letter to the Ombudsman or to any other independent bodies;
 - (b) take necessary steps to conduct appropriate lectures and training of Prison Officers on the subject-matter concerning Letters/Communication; and
 - (c) take necessary steps to ensure that all detainees are, upon admission, provided with written information about the Reform Institutions Act 1988, the Prison Regulations 1989 as well as relevant laws applicable, rights, obligations and other related matters necessary to enable them adapt to the life of the prison in a disciplined manner.

The Office is still awaiting feedback/response from the Authorities concerned.

PUBLIC SERVICE, ADMINISTRATIVE & INSTITUTIONAL REFORMS

C/183/2020

Claim for allowances due to Complainant

Complainant, a retired public officer reported to the Ombudsman on 12 October 2020 that during his tenure of Office he was responsible for the smooth implementation of the HRMIS Project at Dr A.G. Jeetoo Hospital. He received payment of allowances for extra duty for additional hours of work he performed in the supervision of the Project except for the period of July to December 2019.

An investigation revealed that the Ministry of Public Service, Administrative and Institutional Reforms (MPSAIR) had informed the Ministry of Health and Wellness (MHW) that prior approval could not be conveyed and that it had to submit the application as and when the Officer performed additional hours of work over and above his normal hours. As at 15 December 2020, no official request was sent to MPSAIR and the latter Ministry informed MHW to submit the official request.

On 20 September 2021, MPSAIR informed that MHW had reiterated its request for the payment of overtime allowance to Complainant and on 09 November 2021 approval was conveyed accordingly.

In a postal card sent to this Office, complainant informed that MHW was processing his claims for payment of overtime performed during the period July to December 2019. He thanked the Office and its staff for the precious help and co-operation.

This Office found, with regret, that the misunderstanding that occurred between MPSAIR and MHW resulted in the long delays to resolving this case.

SOCIAL INTEGRATION, SOCIAL SECURITY & NATIONAL SOLIDARITY

(SOCIAL SECURITY AND NATIONAL SOLIDARITY DIVISION)

C/197/2018, C/199/2019, C/200/2019

367 marriages registered under the amendment made to the Civil Status Act to enable the tardy registration of Muslim religious marriages

This Office received complaints from widows in the years 2018 and 2019 regarding the rejection of their application for a Basic Widow's Pension (BWP) on the ground that their religious marriages were not registered with the Muslim Family Council (MFC). Despite appeals to the National Pension Tribunal, these cases were dismissed.

Upon thorough examination of replies submitted by the Ministry of Social Integration, Social Security and National Solidarity in relation to the complaints lodged and the relevant laws and regulations governing the BWP eligibility, this Office wrote to the Ministry on 16th February 2021, highlighting the following:

- the National Pensions Act qualified an applicant for BWP provided that she satisfied the criteria under Section 4, i.e. she was under the age of 60 and had not contracted a subsequent civil or religious marriage and the National Pensions Officer (NPO) was satisfied by documentary evidence or otherwise that the partners had contracted civil or religious marriage.
- the said Act <u>did not require</u> an applicant to show that her marriage was registered at the MFC to qualify her for the pension.
- neither the Civil Status Act nor the Regulations expressly <u>nullified</u> a <u>marriage that was</u> <u>not registered at the MFC</u>. Moreover, an applicant had no legal obligation to register her marriage at the MFC as this duty was conferred upon celebrants.

The Office therefore submitted the opinion that the legality of marriages be assessed rather than the MFC registration status and recommended the Ministry to enquire further with the Registrar of Civil Status and the MFC in respect of registers maintained at their level and thereafter review its stand as to whether the complainants would qualify for a basic widow's pension should the marriages performed according to Muslim rites be considered legal and in compliance with the Code Napoleon and the Civil Status Act.

However, in a letter dated 17th August 2021, the Ministry maintained its stand citing the Civil Status

Act's provision for the compulsory registration of Muslim marriages with the MFC since December 1990.

In a letter addressed to the Ministry on 13th September 2021, the Ombudsman stated the following:

"I take note that the recommendations made in this Office letter dated 16 February 2021 have not been considered and accepted despite the fact that I personally drew the attention of your Officer during the meeting held on 29 June 2021 at my Office, that the Civil Status (Muslim Family Council) Regulations 2005 confers a mandatory obligation upon the celebrant rather than the spouses to register a religious marriage celebrated according to Muslim rites with the Muslim Family Council and as such, the aggrieved widows could not be held at fault for the breach of this provision by the celebrant."

Under Section 100 of the Constitution, the Ministry was recommended to seek legal advice regarding BWP eligibility for pre-2005 religious marriages lacking MFC registration due to celebrant negligence.

The Ministry effectively wrote to the Solicitor General on 17th September 2021 and a policy decision was announced in the Budget Speech 2022/23 regarding the tardy registration of Muslim marriages. Necessary amendments were made to the Finance (Miscellaneous Provisions) Act and Civil Status (Muslim Family Council) Regulations 2005 in order to facilitate the tardy registration of both spouses or the surviving female spouse, not later than 31st December 2022.

Upon enquiry, the MFC also reported having disseminated information to mosques and Imams, resulting in 140 registrations for surviving spouses and 227 for both spouses.

This initiative signifies a crucial step towards rectifying longstanding issues surrounding tardy registration of Muslim marriages, and more generally underscoring the importance of administrative decency, social justice and legal clarity.

C/185/2023

Basic Invalid Pension restored

An article which appeared in Le Mauricien of 19th July 2023 mentioned the alleged disallowance of the Basic Invalidity Pension (BIP) in favour of a blood cancer patient since the month of May. It was also reported that the beneficiary was in the terminal phase of her illness and had been informed that she would be assessed by the Medical Board and await three (3) months to re-apply for the pension.

In view of the beneficiary's reported critical health, the Ombudsman wrote to the Ministry of Social Integration, Social Security and National Solidarity, requesting its comments on the matter.

On 04th August 2023, the Ministry reported that the claimant had received a Domiciliary Visit Medical Examination on 07th May 2023, whereby she was examined by a Medical Doctor who reported that she was ambulant and not in any medical distress. Moreover, the claimant's medical certificate showed that she was suffering from Hodgkin Lymphoma Stage 4, and under the Ministry's Medical Guidelines and procedures, Hodgkin's Lymphoma did not amount to a physical disability of 60% or more.

Having taken note of the comments received, this Office requested the Ministry to further clarify whether the claimant was previously benefiting from a BIP, as reported in the press article.

The Ministry subsequently informed this Office that the claimant was initially medically boarded on 02^{nd} February 2021 and was not recommended a BIP but Social Aid was recommended. The claimant re-applied for BIP on 16^{th} June 2022 and was medically boarded on 04^{th} July 2022. She was then found to suffer from a disablement of 60% or more. BIP was recommended for a period of 1 year.

However, upon further enquiry, the Ministry reported that on 22 August 2023, the case of the claimant was reviewed positively by the Medical Tribunal and she would benefit from BIP as from June 2023 to July 2025. She was also requested to make an application for Carer's Allowance at the nearest regional Social Security Office.

(SOCIAL INTEGRATION DIVISION)

C/19/2023

Anonymous complaint from aggrieved employees of NEF

On 24 January 2023, this Office received an anonymous complaint regarding harassment and bullying by some staff of the Human Resource Department of the National Empowerment Foundation. It was specified that these Officers were treating other employees in a very unprofessional way.

When queried, the Ministry of the Social Integration Social Security and National Solidarity informed that NEF was requested to carry out an internal inquiry and the following was reported:

- (i) The Human Resource Management Officer, who is the immediate supervisor in the HR Department confirmed that he had not received any complaint from any employee of the Foundation either verbal or written;
- (ii) If any verbal or formal complaint would have been obtained on such issues, the Management of the Foundation would have taken immediate action thereon to remedy the situation. Moreover, the NEF Employees Union apprised Management that it would not take any stand on this issue given that the letter was an anonymous one.

With a view to avoiding any future complaint on HR issues, the NEF Management decided to implement the following measures:

- (i) In order to address the problem of shortage of staff and as existing staff was called upon to work under pressure, additional staff would be posted to the HR Department;
- (ii) The personnel of the Human Resource Department has been requested not to contact any employee personally and all issues on human resources would be dealt with through the respective Heads of Department and a general re-shufflement of General Executives would be carried out shortly.

This complaint being anonymous, the comments of the aggrieved staff could not be sought to ascertain if the situation has improved.

TREASURY

C/250/2022

Non-Payment of enhanced retirement benefits as a consequence of injury sustained at work in 1996

On 08th November 2022, Mr P.S.H, a retired Senior Hydrological Technician complained to the Ombudsman that he had not received any additional benefits for injury on his retirement from the service on 16th January 2022. The complainant averred that in 1996, he was severely injured following an accident in a government vehicle during the discharge of his duties and had attended the Injuries Committee. He added that he was informed by the Water Resources Unit of the Ministry of Public Utilities that he would be entitled for additional benefits on retirement under the Pensions Act.

He also pointed out that on the 18th October 2022, he was called to attend a Medical Board at the Victoria Hospital, Candos to re-assess his physical impairment but to his great surprise he was received by a Medical Practitioner and an assistant in a Consultation Office of the hospital.

After taking up the matter with the Ministry of Energy and Public Utilities, this Office was apprised of the following:

- i. Mr.P.S.H retired from the service on the ground of age limit on 16 January 2022 and all documents with respect to the computation of his retirement benefits were transmitted to the Accountant General on 06 December 2021. The attention of the Accountant General was drawn to the injury sustained by Mr P.S.H.
- ii. On 10th February 2022, the Accountant General enquired whether Mr. P.S.H.'s capacity to contribute to his own support was slightly impaired, impaired, materially impaired or totally destroyed by the injury sustained in 1996.
- iii. The Ministry of Health and Wellness was requested to provide necessary information for transmission to the Accountant General in a memorandum dated 22 February 2022.
- iv. In spite of several reminders, the reply from the Ministry of Health was not forthcoming.

On 02nd December 2022, this Office sought clarifications from the Ministry of Health and Wellness which reported that since the Complainant was residing at Phoenix, a request was made at Victoria Hospital to assess the percentage of his permanent incapacity and impairment. The matter was however referred to the SSRN Hospital as the patient was admitted and operated at SSRN Hospital in 1996. Mr P.S.H was examined by a medical board on18 January 2023 and his capacity to contribute to his own support was found to be slightly impaired.

Finally on 16 June 2023, the Ministry informed us that a copy of the Medical Report from SSRN Hospital had been submitted to the Accountant General and that an additional pension was being paid to Mr P.S.H with effect from June 2023 together with the payment of arrears and gratuity due to him.

Mr P.S.H thereafter wrote to us expressing his satisfaction with the work carried out, stating "I am indebted to the Office of the Ombudsman for the intervention, and all the investigating officers who have helped me." However, he also expressed his disappointment with the derisory sum of Rs 399.37 received as additional monthly pension, highlighting "being involved in such a terrible road accident while discharging my duties and not due to my fault, also suffering from acute pains due to severe injuries till now, I feel as if they have thrown some money to a beggar. This decision is an insult to me and my family who suffered together with me."

DISTRICT COUNCIL OF FLACQ

LA/C/13/2022

Action taken against the illegal rearing of goats in a residential area.

On 25th February 2022, this Office received a complaint from the Community Watch of Brisée Verdière, averring that a lady residing at Belvedere Road was rearing goats in a residential area, resulting into "mosquitoes, parasites, rotten pasture and the pungent smell of goat feces... emanating in our houses". It was also stated that the goats were undernourished and kept in poor sanitary conditions. The matter was reported to the Sanitary Department but remedial action was still awaited.

The matter was therefore taken up with the District Council of Flacq, which initially reported that several site visits were conducted and the lady could not be met on site. However, the presence of four sheep and five goats under a CIS structure separated by partitioning had been observed. There was no foul odour and green wastes and livestock feed were kept in an orderly manner outside the shed.

This Office further requested the Council to report whether the location of the goat shed was in compliance with the Environmental Guideline on livestock rearing, which stipulated that "the site shall be located at least 200m away from settlement boundaries, sensitive land uses (schools, dispensaries, hospitals), any domestic borehole and slaughter house."

The Council eventually confirmed that, based on the site visit carried out by Officers of the Council, it was observed that the goat shed was not in compliance with environmental guidelines for livestock rearing. A Compliance Notice was served accordingly upon the lady.

The Council granted a delay of two months up to 31st December 2022 to the lady to remove all livestock from the shed. On 30th January 2023, this Office was further informed that:

"This is to inform you that a site visit was effected on 24th January 2023 in the presence of [Mrs B.C.] whereby it has been observed that 6 goats are being reared by the latter. [Mrs B.C.] averred that she intends to cease the activity but she has so far not been able to sell the goats.

In that context, it would be appreciated if the matter could be referred to the Ministry of Health and Wellness for any action, they deem appropriate pertaining to the sanitary and public health nuisances."

The Ministry of Health and Wellness, on its part, reported that a Sanitary Notice was served upon the lady on 27th February 2023 as proper housekeeping was not carried out on the site where the goat pen was located. It also stated that it was for the Local Authority to initiate action for the cessation of the animal-keeping activity.

The matter was therefore referred back to the Council and after continuous follow-up, this Office was informed on 17th May 2023 that they noted that the activities of livestock rearing was not in operation.

Since the complaint was an anonymous one, it was not possible to inform the complainants about any progress made towards addressing their concerns. However, it is believed that the complainants had already noticed the developments themselves.



DISTRICT COUNCIL OF GRAND PORT

LA/C/13/2023

Complaint from Residents of Luchman Lane, Savanne Road, Nouvelle France

On 16th February 2023, this Office received an anonymous complaint from the residents of Luchman Lane, Savanne Road, Nouvelle France regarding an illegal construction being carried out there. It was averred that the distance of 3 feet was not being respected for the construction of the building and there was no proper drainage of water during rainfall since the water was being directly diverted through pipes onto the lane itself. This subsequently gave rise to water accumulation and was a source of nuisance to pedestrians and school children using the lane to go to the main road or to MGSS (Nouvelle France). It was also reported that the protruding pipes and the building represented a hazard to passers-by and vehicles as visibility was reduced during bad weather in this humid and foggy region.

The views of the District Council of Grand Port were sought by way of letter dated 01st March 2023 and this Office was informed that a site visit was effected by the Planning Cadre whereby the ongoing construction and discharge of rain water pipe onto the public road were observed. As the alleged offender did not have a Building and Land Use Permit (BLUP) for the construction, a Compliance Notice was issued and appropriate action was being taken for the down rain water pipe.

On 20th April 2023, this Office was apprised that the developer applied for a BLUP in order to regularize the illegal construction for the building and has redirected the water pipe within her premises. Moreover, it was reported that the issue of down rain water pipe resulted from an existing CIS structure along the boundary line at about 300mm from the edge of the road.

Finally, on 06th July 2023, the District Council of Grand Port reported that following a fresh site visit on 30th June 2023, it was observed that the CIS structure has been pulled down.

Although this complaint was anonymous, this Office would wish to commend the District Council of Grand Port for the positive action taken against the alleged illegal developments upon being referred this complaint.

DISTRICT COUNCIL OF PAMPLEMOUSSES

LA/C/60/2022

Alleged Malpractices at Notre Dame Village Council

On 14 November 2022, this Office received an anonymous complaint regarding malpractices at Notre Dame Village Council, such as, irregular opening and closing time, poor treatment of members of the public attending events organized thereat and the financing of those events.

The complaint was referred both to the District Council of Pamplemousses and the Ministry of Local Government and Disaster Risk Management. On 09 January 2023, the Council reported that an internal enquiry was conducted and the following was *interalia*, reported:

- (i) On 15 September 2022, a meeting was held at the Village Hall regarding the organization of a football tournament;
- (ii) No political meetings are held at the Village Hall;
- (iii) The Village Hall sometimes remains open till late under the responsibility of the Chairperson of the Village Council or any other Councillor delegated by him, for training of the local residents for Billiard and Table Tennis;
- (iv) No foul language is used at the Village Hall as far as possible;
- (v) The Councillors very often organise activities out of their own contributions and sometimes sponsorship in kind is received since the budget of the Village Council is not sufficient to cater for all activities,

The Ministry of Local Government and Disaster Risk Management re-submitted the same report to this Office and added that it was already in presence of the anonymous letter.

Since there was not enough evidence to substantiate the allegations made, this Office had no alternative than closing the case after receipt of the comments of both authorities. It is nonetheless hoped that the enquiry will draw attention of the concerned persons to the fact that any alleged malpractice will be investigated.

LA/C/66/2023

Selling of gas cylinders being done without BLUP and near neighbour's residence

On 18th July 2023, Mrs A.S, resident of Long Mountain complained to the Ombudsman that one of her neighbours had been storing gas cylinders in his compound for selling purposes without any Permit.

She further averred that the storing and trading of numerous gas cylinders within a residential area represented a high hazard in relation to the safety and security of her family and other inhabitants residing within the vicinity. She added that she tried to contact the concerned authorities, but no one responded to her numerous phone calls.

The Ombudsman initiated an investigation with the District Council of Pamplemousses on 26th July 2023. Upon continuous follow up, this Office was informed on 09th October 2023 as follows:

- i. A site visit was effected by the Council and it was observed that gas selling activities were being carried out without a Building and Land Use Permit (BLUP).
- ii. A Compliance Notice was served upon the developer on 15th August 2023
- iii. A further site visit revealed that the activity had ceased.

Mrs A.S was informed accordingly but we did not hear from her again.

DISTRICT COUNCIL OF RIVIERE DU REMPART

LA/C/16/2022

Recommendation made to amend existing legislation to make it mandatory for applicant to submit a clearance from the Irrigation Authority before submitting Building and Land Use Permit to Local Authority in respect of land in irrigation area

On 15 April 2022, this Office received an anonymous complaint regarding the construction of a food processing factory (in a predominantly mixed agricultural and residential area) at Bellfull Street, Esperance-Trebuchet. Upon enquiry, the District Council of Rivière du Rempart reported that a Building and Land Use Permit (BLUP) for the construction of a reinforced concrete building to be used as Food Packing Industry and Food Packing had been issued.

Notification procedures were followed and the Council approved the BLUP application as the site was outside the Settlement Boundary and no objections were raised against the development. However, following a complaint received from the Irrigation Authority that the subject construction was being carried out in a gazetted irrigation area, the Council decided to revoke the permit and the construction works on the locus were stopped.

In reply to our query whether all necessary clearances were obtained in respect of this application before approval of the BLUP, this Office was apprised that since the application was made online on the National Electronic Licensing System platform, Central Electricity Board and Central Water Authority clearances were granted. In addition, a declaration form made at the District Court of Rivière du Rempart for exemption from Land Conversion Permit was submitted.

Indeed, it was observed that Section 28 (4A) of the Sugar Industry Efficiency Act exempts a person from applying for a Land Conversion Permit subject to certain conditions, including *interalia* that the agricultural land is "land other than land within an irrigation area".

In this particular case, a copy of the declaration made before the District Court of Rivière du Rempart made mention of the said site was not within an irrigation area.

The declaration made was evidently false and misleading and led to the approval of the BLUP. This Office wrote to the Ministry of Local Government and Disaster Risk Management on 20th April 2023. We expressed the view that the existing procedures in such cases where the applicant was exempted from the application of a Land Conversion Permit were inadequate in matters of regulating development in irrigation areas. Such developments should have been prohibited from the outset but given the prevailing procedures, by the time a permit is revoked or legal action is initiated, the construction of a building in an irrigation zone may have already reached an advanced stage.

To put an end to this irregular practice, the Ombudsman recommended in terms of Section 100(2) of the Constitution that the prevailing procedures in processing applications for BLUP including an exemption under Section 28 (4A) of the Sugar Industry Efficiency Act be reviewed such that a prior verification is carried out by the concerned Authorities before the approval of the Local Authority.

On 02nd June 2023, the Ministry reported having instructed all Local Authorities to henceforth, request a clearance from the Irrigation Authority confirming that the subject site was not found in an Irrigation Zone before accepting a declaration from an applicant. This Office however noted that this instruction did not have the force of law as compared to a statutory requirement. In addition, it was observed that action was not taken against the applicant for submitting a false and misleading declaration although this constituted an offence under Section 32(3) of the Sugar Industry Efficiency Act. The Ministry was therefore requested to envisage the possibility of initiating legal action against the applicant as letting the applicant go unpunished would send a wrong signal condoning the illegal act and the deliberate flouting of the law.

Finally, the Ministry wrote back to us informing that:

- (a) An Inter-Ministerial Committee was set up to review the Local Government Act and the recommendation made would be submitted thereto;
- (b) Given the fact that the District Council had revoked the permit and the site was in an abandoned state, the Council did not deem it fit to initiate any suit against the developer as no prejudice was caused either to the Council or any third party.

In view thereof, the Ombudsman further recommended that additional measures be taken to dissuade applicants from making any false or misleading declaration to benefit from an exemption to apply for a Land Conversion Permit, i.e., Local Authorities to devise a clear and transparent mechanism, whereby the applicant is not only informed of the requirement for a declaration under the Sugar Industry Efficiency Act but also of the possibility of being liable to a fine not exceeding Rs 500,000 or a term of imprisonment not exceeding 5 years in case an incorrect, false or misleading information is submitted under the Act.

On 13th November 2023, this Office was informed that the Declaration Form was amended in line with the recommendation made.

LA/C/32/2023

Request from about 100 residents to declare a road public acceded to

Mrs. K. R. submitted an online complaint on 29 March 2023, stating that since July 2022, the promoter of a gated community comprising of some 100 inhabitants had requested the District Council of Rivière du Rempart to collect refuse and declare the road leading to the gated community as public and to provide for street lightning.

The comments of the District Council were sought in this matter and the Council acknowledged having received a similar complaint in January 2023. It reported that a site visit was effected at the said premises and it was noted that:

- a) The premises were a gated one, with around one hundred household units.
- b) The road leading to the site was not tarred and not roadworthy
- c) There were around twenty (20) household refuse bins which were kept in a corner of the gate.

According to the Building and Land Use Permit granted for the construction of 29 blocks comprising of 100 residential units, one of the conditions specified therein was "the Council shall not be responsible to undertake any infrastructural works incidental to the development hereby permitted".

Taking into consideration the large volume of waste being generated, Mrs K.R. was informed that the Council was not in a position to cater for same and being given that it was a gated premises, she would have to contact the Syndic or any other scavenging contractor to effect the collection of refuse.

Regarding the conversion of the road leading to the site to a public one, the Council should receive a request from the owners residing along the road for same.

On 27th June 2023, the complainant was apprised accordingly and was requested to seek the support of the owners having a frontage along the private road and after that submit a request to the Council for conversion of that road into a public one.

On 01 August 2023, Mrs. K.R. produced a copy of a signed petition, including the consent of the owners residing along the road, which was submitted to the Council two times and one time in person also

The matter was therefore referred back to the Council, which informed that the petition/application had been forwarded to the Village Council of Grand Gaube for approval.

After continuous follow-up, this Office was informed on 09th November 2023 that the said road had been declared public and included in the master list for construction of new road, subject to approval of the Council and availability of funds.

Mrs K.R. was informed accordingly on 20 November 2023.



DISTRICT COUNCIL OF SAVANNE

LA/C/55/2023

Anonymous complaint from a citizen against the District Council of Savanne

On 09th June 2023, this Office received an anonymous complaint against the District Council of Savanne containing several allegations. The comments of the said Council were sought and the following were submitted:

Sn	Allegations made	Comments received
1	Street lanterns installed along private road of a place of worship	The road will be declared public and no objection form signed by future owners of the morcellement. Three temporary lanterns have also been fixed for the convenience of devotees in the context of Cavadee and Maha Shivratree.
2	Fixing of lights in private access	Same were fixed on a humanitarian ground upon requests from sick and disabled persons.
3	The cost of the bulbs being procured by the Council was above the market value, i.e. Rs 800 instead of Rs 200- Rs300	Due to numerous complaints about repeated defective bulbs, the product specification was reviewed and the contract was awarded to the lowest bidder.
4	Crusher run spread along private roads and also in a private property against sponsorship of inauguration of a Village Hall	The road was a shortcut used by pilgrims during Maha Shivratree and is public. No sponsorship was sought or received.
5	Crusher run spread on parking of cemetery	Tarring works were undertaken by the Ministry of Environment not the Council.

6	Payments made to the CEB for the installation of street lanterns in uninhabited regions or for works never done.	Requests for extension of street lanterns emanates from Village Councils
7	Allocation of contracts to contractors of specific faiths only	Tenders are floated through the E-Procurement system and the lowest bidder is awarded the contract.
8	Scrap metals in the Council's yard being sold by employees for their personal gain.	Scrap metals were disposed of by tender and the camera installed in the yard did not detect any illegal activity.
9	A car is being rented for the Chairman and his previous official car has been left rotting. All repairs are done at only one garage against payment of commission to Officers.	The official car broke down and it was decided to dispose the car as the repair costs were too high. A Board of Survey was done for the disposal. On 19 May 2023, it was decided that the Council will stop the rental of the car and funds have been provided in the budget for the acquisition of a new car. The said garage is the only known specialised garage for this make of car in the south.

The complaint, being anonymous, additional clarifications (such as exact locations) could not be sought to substantiate the allegations made. However, the Council was also required to report whether it was legally in order to provide for street lightning in a private road/ gated access. The Council stated that Section 52 of the Local Government Act empowers a Local Authority to "do such acts as it considers conducive to the exercise of its powers and duties". As such, in the interests of the inhabitants, a policy decision was taken to repair all existing lightning within the Council's purview where there were hardship cases - even in gated access. It has however also been noted that, as far as other requests for placing of new street lanterns are concerned, such accesses had to be declared public prior to lamps being fixed. This Office hopes that the provision of street lights will be made in a "consistent manner".

MUNICIPAL COUNCIL OF BEAU BASSIN/ROSE HILL

LA/C/20/2023

Illegal structure put on public road off Hugnin Street causing problems to neighbouring residents

On 5th March 2023, Mr G.N, resident of Hugnin Street, Rose Hill complained to the Ombudsman that one of his neighbours, resident at the dead-end of the Street, had put up a structure on the road and was using it as a parking area. Besides damaging public property, he further averred that his neighbour had encroached the public way by planting bushes, trees and cactuses on both his own property and along the border of the street, i.e, the road reserve. The complainant also stated that he was being harassed by his neighbour.

After taking up the matter with the Municipal Council of Beau Bassin Rose Hill, this Office was apprised of the following on 21st March 2023:

- i. A site visit was conducted by officers of the Council and it was noted that part of the road had been excavated and backfilled with boulders and gravels.
- ii. A concrete slab of about 9.99 m² had been cast on the public lane creating an obstruction
- iii. A private car was parked at the end of the road.
- iv. A notice would be served upon the offender and a delay of 15 days would be provided to reinstate the damaged road to its initial state.

The Office maintained constant follow-up with the Council and on 24th May 2023, it was informed that the offender was served a Notice of Intended Prosecution on 23rd May 2023 and a delay of 15 days was provided to reinstate the road to its original state.

On 09th June 2023, the Council further reported that a site visit carried out on 08th June 2023 revealed that the obstruction on the road had been removed and the lane had been reinstated to its original state.

As regard the issue of harassment, the Council requested the Complainant to report the matter to the Police Department or consider entering a civil case against his neighbour for annoyance and causing disturbance to the peaceful enjoyment of his property.

Complainant was apprised of the outcome of our investigation on 19th June 2023 but he did not revert to us.

MUNICIPAL COUNCIL OF VACOAS-PHOENIX

LA/C/25/2022

Provisional Closing Down Order issued for illegal conversion of an existing residential building, pending the decision of the Court.

On 13th May 2022, Mr. D.J. sent us a copy of a petition addressed to the Municipal Council (MC) of Vacoas-Phoenix regarding the illegal operation of a store in a Morcellement at Vacoas. The petition was signed by nineteen (19) inhabitants of the Morcellement and they stated that an existing residential building had been converted into a store. This entailed noise disturbances, road blocks due to heavy vehicles, amongst others but action had not been taken to cease the illegal activity.

The MC of Vacoas-Phoenix apprised this Office as follows on 01st July 2022:

- (i) On 13th November 2017, an application was received from Mr. M.K. for the conversion of an existing residential building at ground floor into a store at Morc Highrise, Reunion, Vacoas;
- (ii) The Permits and Business Monitoring Committee, at its sitting of 22nd November 2017, rejected the application;
- (iii) On 04th March 2022, a Provisional Closing Down was issued to the "developer";
- (iv) Several site visits were carried out as provided below and the activity of store was noted:
 - 09 March 2022 at about 10.25hrs
 - 28 March 2022 at about 10.30hrs
- (v) Legal action was being contemplated.

After continuous follow-up, this Office was informed on 26th October 2022 that a criminal case had been entered before the District Court and had been fixed Proforma on 21st November 2022. The accused was absent on 17th March 2023 and a Warrant of Arrest was issued against him. The case was then fixed Proforma on 12th May 2023.

The complainant was informed accordingly on 29th June 2023 and he was also informed that this Office could not intervene further in the matter as this was now before the Court.

LA/C/41/2022

Maintenance of State Lands

In an article which appeared in Week-End Newspaper of 11th September 2022, entitled "Dépôts Sauvages en pleine nature à Belle-Rive, Spectacle écoeurant et révoltant", it was reported that a bareland, situated in a morcellement at Plaines de L'Hermitage, was being used as dumping ground for all kinds of wastes such as old electric appliances, plastic bottles, car batteries, construction wastes, amongst others.

The matter was taken up with the Municipal Council of Vacoas-Phoenix and it was reported on 17th October 2022 that "the site where wastes have been dumped is an <u>unknown bareland</u> in the region of Hermitage and on several occasions the Council has had to deploy its manpower to collect the wastes dumped thereat. This time again, the Council has already carted away the dumped wastes". Upon being queried whether searches were carried out to confirm the ownership of the land, i.e. by way of LAVIMS, verification of the title deeds of adjoining neighbours or otherwise, the Council reported that "following searches carried out on LAVIMS database, it was noted that the said plot land is state land."

On 06th March 2023, a letter was addressed to the Ministry of Local Government and Disaster Risk Management (MLGDRM), with copy to the Ministry of Housing and Land Use Planning (MHLUP), requesting them to enlighten our Office which authority was responsible for the maintenance and cleanliness of state lands to ensure that same is free from waste, undergrowth or noisome vegetation. Replies received are as follows:

- The MLGDRM reported that "the Ministry of Housing and Land Use Planning is responsible for the maintenance and cleanliness of all state lands throughout the country under the State Lands Act."
- The MHLUP reported the following:
 - a) for State land under lease, provision is made in the lease agreement for the lessee to maintain and clean the land.
 - b) for State land vested in other Ministries/Local Authorities/Parastatal Bodies for Government Projects, the latter are responsible for maintaining and cleaning the land.

c) for State lands under the purview of the Ministry, which have neither been leased nor vested in other Ministries, the local authority may, subject to confirmation of the status of the State land from the Ministry, proceed with necessary cleaning works under the provisions of Sections 163 (1), (2) and (3) of the Local Government Act and recover the costs of the work done from the Ministry.

In view of the reply received from the MHLUP, the MLGDRM was requested on 21st March 2023 to clarify this Office regarding the responsibility of Local Authorities for the maintenance of State Lands. Finally, on 23rd May 2023, the MLGDRM informed this Office that "the Ministry of Housing and Land Use Planning has been requested to make its own arrangement for the cleaning of the state lands which fall under its control as per the State Lands Act".

Moreover, in a memorandum dated 23rd May 2023 addressed by the MLGDRM to the MHLUP, the following was stated:

- (i) some local authorities carry out cleaning of strips of state lands found within a radius of 200 metres from inhabited areas and which represent a threat to the health of the inhabitants of those regions;
- (ii) state lands which are vested in local authorities are well maintained and kept clean; and
- (iii) the local authorities will not be in a position to ensure the maintenance and clearing of all other state lands as they are already facing serious problem of financial and manpower resources.
- (iv) the Ministry of Housing which is responsible for the control of all state lands throughout the country as per the State Lands Act, should make its own arrangements for cleaning of the state lands.

A reaction from the MHLUP on this matter is being awaited since October 2023.

RODRIGUES

ROD/C/7/2020

Complainant granted a residential lease after four years

On 03rd June 2020, Mr. J.C., a Rodriguan wrote to us stating that his late brother held a residential lease over a plot of State Land at Trois Soleils of an extent of 344m² and in his capacity of heir, he had applied for the transfer of the said lease onto his name.

On 01st July 2020, the Chief Commissioner's Office (CCO) apprised this Office, by letter dated 07 May 2020, that Mr. J.C. was informed that the request for transfer of lease could not be entertained as the former lessee had not complied with the conditions of the lease as the site was still undeveloped. His application for a state land lease was however under process. Mr. J.C. was informed accordingly and he wrote back to us stating that on 17th July 2020, he had made a request for a "special case consideration" given the difficult circumstances in which he was living.

On 16th February 2021, the CCO reported that the Executive Council of Rodrigues Regional Assembly had approved that a Fast Track Committee be set up to recommend the grant of state land lease for residential purposes to eligible applicants in hardship irrespective of their year of application on a fast track basis.

However, we were also informed that preliminary works in respect of cases dated back as from the year 2014 (i.e., more than 7,000 applications) were being conducted by the Cadastral Office. These, including the case of Mr. J.C., would be referred to the Fast Track Committee for consideration.

On 26th November 2021, the CCO further reported that since the application of lease made by Mr. J.C. was in year 2019, even though it would be considered by the Fast Track Committee, it would not be granted priority over applications dated from years 2016 – 2019 or jump over the queue for that specific case. The cases would be considered chronologically by date of application and if it is not being considered by the Fast Track Committee, Mr. J.C. would have to wait for his turn through the normal process.

Finally, after continuous follow-up, this Office was informed on 02^{nd} October 2023 that a letter of intent had been issued to Mr. J.C. on 21^{st} September 2023 and that he had a period of one (1) month to submit a letter of acceptance and settle the rent and processing fees to enable the Cadastral Office to draw up the Lease Agreement.

When informed, Mr. J.C. confirmed having received the letter of intent and thanked this Office for its intervention in this matter.

ROD/C/5/2022

Adhoc allowance paid to the complainant for having performed higher duties since 2019

On 03rd March 2022, we received an online complaint from Mr. P.S., General Worker at the Commission of Agriculture. He stated that he had been assigned higher duties at the level of Boatman since the year 2019 but had no received remuneration for the additional duties performed.

Upon investigation with the Commission, this Office was informed on 26th August 2022 that Mr. P.S, General Worker had been paid an *adhoc* allowance for performing higher duties at the level of Boatman for period 01st July 2019 to 31st December 2021. In addition, approval had been sought on 21st October 2022 for the payment of the allowance for the year 2022.

After continuous follow-up both with the Commission and the Ministry of Public Service, Administrative and Institutional Reforms, this Office was finally informed on 11th April 2023 that approval was obtained for the payment of an *adhoc* allowance to Mr. P.S. for having performed the duties of Boatman from 01st January to 21st December 2022.

Mr. P.S. was informed accordingly but he did not confirm receipt of the outstanding payment.

ROD/C/33/2022

Revision of the eligibility threshold under the Social Register of Mauritius based on the recommendation made by the Office

On 07th October 2022, this Office received a complaint from Mrs A.R., a Rodriguan, regarding her application to be registered under the Social Register of Mauritius (SRM) which was rejected on the ground that her assessed income, based on her living conditions, exceeded her income threshold. The complainant averred that her husband was the sole breadwinner and they faced financial difficulties to meet the needs of the family, comprising of two adults and two children.

Upon enquiry, the Ministry of Social Integration, Social Security and National Solidarity (Social Integration Division) apprised this Office that Mrs A.R. was not eligible as the assessed income of her household for 2022/23 was **Rs 9, 575**, which was above the poverty threshold of **Rs 9, 000** fixed in 2020/21. Given that the National minimum wage, pensions and social benefits and salary (PRB Report 2021) were subject to an increase to compensate for the increase in the cost of living, the Ministry was also requested to report whether the eligibility threshold for the financial years 2021/2022 and 2022/2023 was also revised in order to provide relief to the poorest of the poor as well. It was however reported that:

- (i) the last revision was made following the Budget 2021-2022;
- (ii) as at November 2022, there were some 6,245 households who had been found eligible under the SRM; and
- (iii) the eligibility threshold for the financial year 2022- 2023 was not revised and the Ministry was not in a position to comment on same as the review of the eligibility threshold and the variables determining the threshold were matters of policy for the Government to decide on as if the Ministry did not form part of the Government!

Inasmuch as there was an upward revision of the National minimum wage, pensions and salary for all while the eligibility threshold had remained the same for nearly two years, the Ombudsman, in a letter dated 07th April 2023 addressed to the Secretary to Cabinet and Head of the Civil Service and copied to the Ministry of Finance, Economic Planning and Development, recommended that the possibility of revising the eligibility threshold for the SRM in the forthcoming Budget be considered in order to promote an inclusive society, encompassing the most vulnerable and disadvantaged members of our society.

In the Budget 2023/24, this Office noted that the threshold of eligibility under the SRM had been increased and necessary amendments brought by the Finance (Miscellaneous Provisions) Act 2023,

whereby the household threshold comprising of two (2) adults and two (2) children was revised from Rs 9,000 to Rs 12,150.

This Office would wish to stress that this revision which was brought following a complaint lodged by a Rodriguan has been beneficial for all citizens of the State of Mauritius and has certainly been helpful to the most needy and vulnerable. At the same time, this Office cannot but regret the lethargic attitude of the Ministry of Social Integration, Social Security and National Solidarity (Social Integration Division) in not making any recommendation to the Ministry of Finance, Economic Planning and Development to have the ceiling revised upwards.



ROD/C/39/2022

No reply received by complainant in respect of his conditions of service from Civil Aviation Rodrigues

On 20th December 2022, Mr A.H.F, Patrol Officer at Plaine Corail Airport wrote to the Ombudsman stating that there were discrepancies in the payment of overtime to him. He averred that he had complained to the Civil Aviation Division at Plaine Corail Airport but no action was taken thereof although a reminder was sent on 17th November 2022.

We immediately wrote to the Departmental Head concerned. While a reply was being awaited, Mr A.H.F. again wrote to us stating that he had been working for longer periods beyond normal working hours and was not being remunerated accordingly. He added that long shift systems were being imposed on him since years.

After continuous follow up, we were informed that necessary action would be taken for the payment of overtime in line with Recommendations 15.6.60 (b) of the PRB report 2021.

The complainant was informed accordingly. On 11th April 2023, Mr A.H.F sent us an email, stating "I would like to express my sincere appreciation to your Office for having dealt with below issue. I am hereby informing that effectively payment has been done. Thanks once more for your support."

ROD/C/2/2023

Eligibility date of Contributory Retirement Pension rectified

Mr J.S., a Rodriguan, wrote to us on 23rd January 2023, averring that he should have been paid his Contributory Retirement Pension (CRP) upon his retirement in the year 2015 instead of 2021.

When queried, the Commission for Health, Fire and Rescue Services, Prison and Reform Institutions and Social Security reported that Mr J.R. applied for the Contributory Retirement Pension on <u>07</u> <u>October 2021</u> after having reached 65 years and as per the National Pensions Claims and Payment Regulations, CRP is payable as from the date of application.

Upon perusal of the National Pensions Act and the National Pensions Claims and Payment Regulations, this Office observed that CRP is payable as from the month in which the person attains the retiring age. It was also noted that Mr J.S. attained the retiring age of 65 years in the year 2020. He was therefore eligible for the CRP as from <u>August 2020</u> and not as from the year 2015, as claimed nor as from <u>October 2021</u>, as paid to him.

This Office therefore wrote back to the Commission requesting clarifications in this matter and within a fortnight, the Commission informed this Office that "the awarding officer has been requested to amend the period of eligibility and pay all arrears due as from the retiring age that is August 2020".

Mr J.S. was informed accordingly. During the Ombudsman's visit to Rodrigues, Mr J.S. came to meet him on 12th October 2023 and confirmed having received the arrears. He was also thankful for his intervention in rectifying the misinterpretation of the legislation which occurred in his case.

Such failures on the part of Public Officers who are expected to be fully conversant with the relevant legislation cannot be condoned.

ROD/C/22/2023

Issue of bus tickets to beneficiaries of the Free Travel Scheme recommended.

During an awareness-raising session conducted in Rodrigues on 13th October 2023, our attention was drawn to the fact that senior citizens benefitting from the Free Travel Scheme in Rodrigues were not issued with any ticket when travelling by bus and that the absence of such a travel proof would entail difficulties for the passengers to claim insurance in case of accidents or to lodge a civil case against the bus company.

In the circumstances, the Ombudsman wrote to the Ministry of Land Transport and Light Rail on 20th October 2023 highlighting that although the Road Traffic (Bus Fares) Regulations 2016 provided for the issue of a bus ticket to a passenger only upon payment of the appropriate fare, failing to have proof of the journey may not help in cases of personal injury to passengers or for the determination of complaints before the Disciplinary Committee and of claims submitted for the free travel grant allowance payable to owners of private buses. He therefore recommended that due consideration be given to the possibility of issuing a ticket or other documentary proof to beneficiaries of the Free Travel Scheme, i.e. senior citizens, disabled persons and students etc., when travelling by bus.

On 22nd November 2023, the Ministry reported that the National Land Transport Authority (NLTA) concurred with the recommendation made by the Ombudsman to consider the possibility of issuing a ticket to passengers who benefit from Free Travel Scheme and the relevant section of the Road Traffic (Bus Fare) Regulations 2016 would have to be amended accordingly.

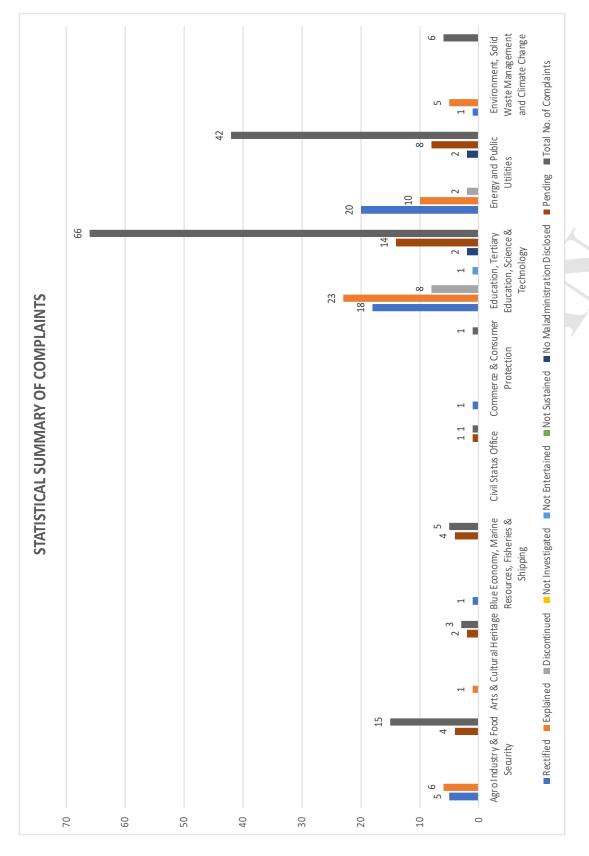
On 16th February 2024, the Ministry further reported that the NLTA had informed all bus conductors, through their respective bus companies and Cooperatives Societies, to henceforth ensure the issue of tickets to all passengers including senior citizens, disabled persons and students.

This Office wishes to place on record the positive response from the concerned authorities in this matter. Follow-up is being maintained regarding the implementation of the recommendation made.

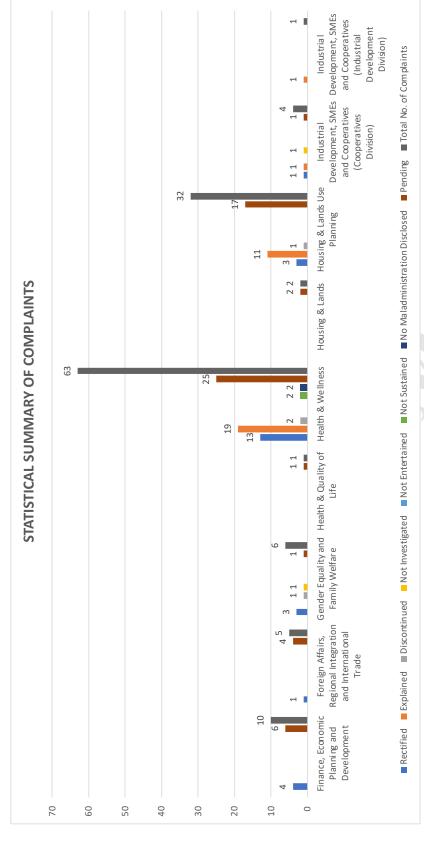
APPENDIX D

STATISTICAL SUMMARY OF COMPLAINTS

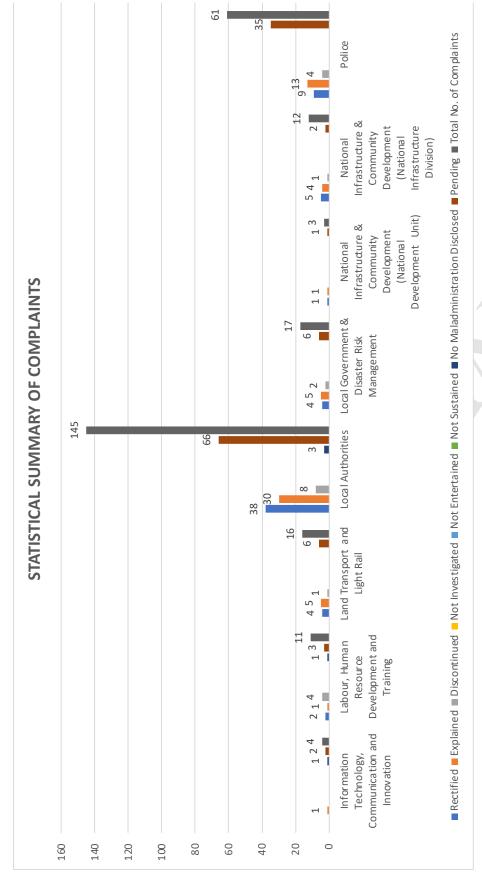
Authority concerned	Rectified	Explained	Discontinued	Not Investigated	Not Entertained	Not Sustained	No Maladministration Disclosed	Pending	Total No. of Complaints
Agro Industry & Food Security	5	6			-	-	-	4	15
Arts & Cultural Heritage	-	1	L) -	-	-	-	2	3
Blue Economy, Marine Resources, Fisheries & Shipping	1			-		-		4	5
Civil Status Office	-		-	- (<i>-</i>	-		1	1
Commerce & Consumer Protection	1). ´	-		-		? .	-	1
Education, Tertiary Education, Science & Technology	18	23	8	<u>-</u>	1		2	14	66
Energy and Public Utilities	20	10	2	-		-	2	8	42
Environment, Solid Waste Management and Climate Change	1	5	-		-	-	-	-	6
Carried forward	46	45	10		1	-	4	33	139



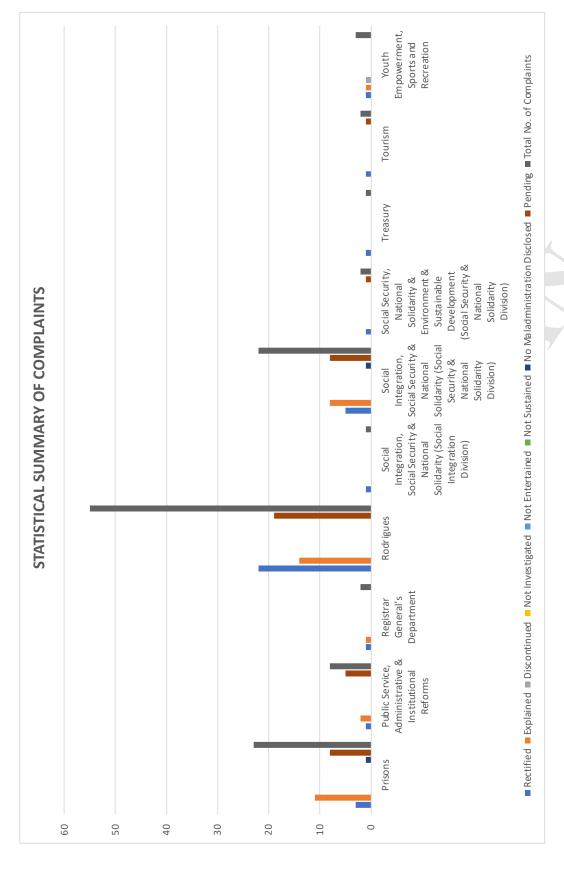
Authority concerned	Rectified	Explained	Discontinued	Not Investigated	Not Entertained	Not Sustained	No Maladministration Disclosed	Pending	Total No. of Complaints
Brought forward	46	45	10	-	1	-	4	33	139
Finance, Economic Planning and Development	4	-	-	-	-	-	-	6	10
Foreign Affairs, Regional Integration and International Trade	1	-	-		-	-	- /	4	5
Gender Equality and Family Welfare	3	-	1	1	-	-	-	1	6
Health & Quality of Life	-	- <	\\ \tag{-}	-		-	- 7	1	1
Health & Wellness	13	19	2	- /	\\\\-\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	2	2	25	63
Housing & Lands	-	-	-	\$	-) -	2	2
Housing & Lands Use Planning	3	11	1	0,	- , <		-	17	32
Industrial Development, SMEs and Cooperatives (Cooperatives Division)	1	1	-	1		-	-	1	4
Industrial Development, SMEs and Cooperatives (Industrial Development Division)	-	1	-		-	-	-	-	1
Carried forward	71	77	14	2	1	2	6	90	263



Authority concerned	Rectified	Explained	Discontinued	Not Investigated	Not Entertained	Not Sustained	No Maladministration Disclosed	Pending	Total No. of Complaints
Brought forward	71	77	14	2	1	2	6	90	263
Information Technology, Communication and Innovation	-	1	-	-	-	-	1	2	4
Labour, Human Resource Development and Training	2	1	4	-	-	-	1	3	11
Land Transport and Light Rail	4	5	1	\\-\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	-	-	- 4	6	16
Local Authorities	38	30	8	-	-	-	3	66	145
Local Government & Disaster Risk Management	4	5	2	_	-	-	-	6	17
National Infrastructure & Community Development (National Development Unit)	1		-	-				1	3
National Infrastructure & Community Development (National Infrastructure Division)	5	4	1				_	2	12
Police	9	13	4	-		/-	-	35	61
Prime Minister's Office	1	2	2	-		-	-	5	10
Carried forward	135	139	36	2	1	2	11	216	542



Authority concerned	Rectified	Explained	Discontinued	Not Investigated	Not Entertained	Not Sustained	No Maladministration Disclosed	Pending	Total No. of Complaints
Brought forward	135	139	36	2	1	2	11	216	542
Prisons	3	11	-	-	-	-	1	8	23
Public Service, Administrative & Institutional Reforms	1	2	-	-	-	-	-	5	8
Registrar General's Department	1	1	-		-	-	- 4	-	2
Rodrigues	22	14	-) -	-	-	- <	19	55
Social Integration, Social Security & National Solidarity (Social Integration Division)	1	-		-		-		-	1
Social Integration, Social Security & National Solidarity (Social Security & National Solidarity Division)	5	8	-		-		1	8	22
Social Security, National Solidarity & Environment & Sustainable Development (Social Security & National Solidarity Division)	1	-	-		8	-	-	1	2
Treasury	1	-	-	-	-2	-	-	-	1
Tourism	1	-	-		-	-	-	1	2
Youth Empowerment, Sports and Recreation	1	1	1		-	-	-	-	3
TOTAL	172	176	37	2	1	2	13	258	661



APPENDIX E

No.	Subject of Complaint	Result						
Agro Industry & Food Security								
C/5/2020	Forestry Surveyor acting unprofessionally.	Pending						
C/110/2022	The Irrigation Authority has made an appointment to a less qualified and experienced officer to the post of Workshop & Plant Supervisor.	Pending						
C/167/2022	Action not taken regarding continued harassment at work of a female Senior Officer by a Junior Officer working in same department as her.	Rectified						
C/221/2022	Complainant contests the rejection of his application for a land conversion permit at Circonstance, St. Pierre.	Explained						
C/298/2022	Letter sent to the Ministry in November 2022 regarding "Ramsar Authorisation Clearance" remained unanswered after more than three weeks.	Explained						
C/47/2023	Discrimination and victimisation at the workplace on account of visual impairment averred by a Senior Veterinary Officer.	Explained						
C/52/2023	Appropriate action not taken against a Scientific Officer for reprehensible conduct, viz, sexual harassment, verbal abuse, physical assault, etc. against colleagues, senior officers in various Agricultural Services Departments.	Rectified						
C/110/2023	Complainant, a sugar cane planter not satisfied with services being offered to him by the Authority.	Explained						

C/113/2023	Certain Officers of the Forest Conservation and Enforcement Cadre aver that they have never been given the opportunity to follow training courses either locally or abroad and that amounts to discrimination.	Rectified
C/119/2023	Request for import of tobacco flavoured products not approved by National Agricultural Product Regulatory Office.	Explained
C/140/2023	Amendments to Scheme of Service for Post of Agricultural Superintendent debars certain officers from applying for the post.	Explained
C/208/2023	Request for lopping of branches overhanging both a private residence and a public road not yet approved.	Rectified
C/228/2023	Allegations of harassment and persecution in the workplace by a Senior Officer.	Rectified
C/275/2023	Transfer of Forest Conservation and Enforcement Officer to Mahebourg Sub-Office causing several problems as he resides at Bel Air Rivière Sèche, including deductions from salary etc.	Pending
C/300/2023	Request for charge on a plot of land to be erased not yet entertained although full re-payment effected in November 2022.	Pending
	Arts & Cultural Heritage	
C/12/2022	Complainant not yet remunerated for performing additional responsibilities.	Explained
C/220/2023	Violence at work on ground of race.	Pending
C/309/2023	Complainant, a Management Support Officer, posted at MASA, avers that he is being instructed to perform duties outside his Scheme of Service.	Pending

Blue Economy, Marine Resources, Fisheries and Shipping		
C/187/2021	Allegation of arbitrary decisions taken by the Top Management of the Ministry causing much anguish and frustration to Officers.	Pending
C/148/2023	Harassment at work place and persecution by newly appointed Chairman upon an Officer with 14 years work experience.	Pending
C/198/2023	Irregularities in recruitment exercise for the post of Associate Research Scientist.	Pending
C/218/2023	Non-Payment of appropriate allowances for shouldering higher responsibilities.	Rectified
C/289/2023	Unacceptable and untoward behaviour of a Senior Officer in Shipping Division affecting the morale and will output of staff.	Pending
	Civil Status Office	
C/226/2023	Request for recognition as the offspring of his biological parents not entertained.	Pending
Commerce and Consumer Protection		
C/128/2022	Complainants, a group of workers of STC Rodrigues, aver that they have written a letter to the General Manager of STC Rodrigues regarding their terms and conditions of service but have not received any reply.	Rectified
Education, Tertiary Education, Science and Technology		
C/231/2020	Gross irregularities averred regarding the posting of a Deputy Rector to a State College.	Discontinued

C/179/2021	Alleged irregularities at their workplace by non-teaching staff.	Pending
C/29/2022	Request for action to be stayed regarding the filling of a vacancy for the post of Inspector, Specialised Schools/Day Care Centres.	Explained
C/111/2022	Complainant, an Educator (Secondary) contests the Ministry's decision not to grant her study leave with pay to follow a Master's Course in Educational Studies.	Pending
C/113/2022	Request for Vacation Leave by Educator not approved by Ministry although internal arrangements made by Rector for work coverage.	Explained
C/179/2022	The Complainant, a student contests the decision of the Open University of Mauritius to require completion of five modules instead of three for the completion of the Diploma in Social Work.	Explained
C/195/2022	PSEA did not consider Deputy Rector holding a Master's Degree in Educational Leadership & more than 31 years experience for promotion to the post of Rector.	Rectified
C/203/2022	Malpractices at Polytechnics Mauritius.	Rectified
C/224/2022	Anonymous complaint from Educators regarding school mis-management, poor leadership and bullying in a State Secondary School.	Explained
C/239/2022	Complaints relating to filling of vacancies and malpractices at HRMD.	Pending
C/240/2022	Educator of Private Secondary School not paid salary by PSEA.	Rectified
C/247/2022	Complaint relates to non-appointment as Chief Examiner for School Certificate Examinations.	Explained

C/265/2022	Complainant, a Primary School Educator, avers that a discrepancy in her salary has not been rectified although several letters was sent to the Ministry since 2018.	Explained
C/272/2022	Complainants, the Academic Staff Union of the Université des Mascareignes, contest the Report of the Higher Education Commission on Extra Teaching Allowances.	Explained
C/273/2022	Alleged irregularities in promotion exercise at Hindu Education Authority.	Explained
C/280/2022	No assistance and support provided to a student, victim of sexual assault, and harassment at a State Secondary School.	Rectified
C/284/2022	Complainant not satisfied with secondary school allocated to his daughter after completion of PSAC with five ONES (1) as results.	Rectified
C/285/2022	Primary School Educator avers that she is being overloaded with duties and responsibilities compared with her fellow educators.	Discontinued
C/9/2023	A girl student was not admitted to an Academy although her grade aggregate was better than that of a boy student admitted to the same Academy.	Explained
C/20/2023	Planning of time table not adequate and Students not given notice of type of shoes to be worn	Explained
C/25/2023	Paedophilic and gender stereo-typical assumptions, school mismanagement, stress exercising and gaslighting by Rector of a State Secondary School.	Rectified
C/30/2023	Art Organiser insulted a candidate during examination.	Explained

C/35/2023	Request for parent of student attending a Secondary School for pest control in classrooms not yet attended to.	Rectified
C/37/2023	Discriminatory and unfair treatment in relation to transfer of a Management Support Officer working in the Education Sector.	Discontinued
C/40/2023	Student not authorized to wear "hijab" in a private secondary school.	Pending
C/41/2023	Annual Increment of complainant, an Examinations Attendant withheld.	Explained
C/50/2023	Vacant posts of MSO's at Finance Section, Zone 3 Ministry of Education not filled resulting in officers of Finance Cadre performing duties of MSO.	No Maladministration Disclosed
C/54/2023	Serious Injury at work (State Secondary School) requiring major bone surgery (13 screws and other rings) not reckoned as such and sick leave granted instead of injury leave.	Pending
C/61/2023	Visually impaired primary school pupil not provided with glass.	Rectified
C/62/2023	Cheating at Examination thro' use of smart watch.	Explained
C/72/2023	Increment for Long Service and Yearly Increment withheld.	Explained
C/76/2023	Non-filling of vacancies at MSO Level in Finance Section of Zone 3 of the Ministry of Education etc.	Explained
C/81/2023	Anomaly in calculation of pension of a retired Headmaster of a Primary School.	Pending

C/84/2023	Government Officials undertaking private work for reward at the detriment of official duties.	Discontinued
C/92/2023	Harassment by Rector of a State Secondary School against students of a class. Anonymous – Name, address, phone and mobile numbers apparently false.	Not Entertained
C/95/2023	False accusations by management of an SSS against a student for making videos and posting these on Tik Tok.	Discontinued
C/97/2023	Salary for the month of July 2023 not effected to complainant, an Educator.	Rectified
C/101/2023	Short payment of retirement benefits.	Pending
C/107/2023	Harassment, Verbal Abuse and Bullying by Manager of a Secondary School for girls.	Discontinued
C/112/2023	Request for transfer of one student attending Ebène SSS after suffering from serious bullying not considered by Ministry.	Rectified
C/124/2023	Victimisation and Harassment resulting in unbearable and hostile work environment, including conflictual relationship among staff.	Rectified
C/125/2023	Cases of harassment, intimidation and favouritism at a Private Secondary School.	Pending
C/129/2023	Special arrangements not made by Mauritius Examinations Syndicate for disabled candidates taking the New Zealand Council of Legal Education Examinations.	Rectified
C/134/2023	Payment not received after four months of employment as Educator.	Rectified

C/135/2023	Rude behaviour and conduct of Rector of a State Secondary School towards both students and staff.	Rectified
C/158/2023	Complainant avers that she has asked for her son to be transferred to another State Secondary School on ground of repeated bullying but her request had not yet been approved.	Rectified
C/159/2023	Harassment of Teaching and Non-Teaching staff at Sebastopol SSS.	Discontinued
C/160/2023	Transfer of Hindi Primary School Teacher not justified.	Pending
C/161/2023	Unjustified transfer of Educator.	Explained
C/168/2023	Workload too heavy compared to colleagues teaching same subject raising issue of favouritism.	Explained
C/172/2023	Girls with better results/performance than Boys at NCE are not admitted to Academies because of the equal number of seats allocated for each gender.	Explained
C/189/2023	Transfer to a Primary School far from complainant's residence causing her various problems including health ones.	Discontinued
C/193/2023	Application for Vacation Leaves by Educator constantly refused.	Rectified
C/194/2023	Harassment at workplace, including reduction of extraneous duties and hence overtime payment and unjustified transfer.	Explained
C/200/2023	Complainant discriminated against in a transfer exercise.	No Maladministration Disclosed

C/203/2023	Serious unethical practices by certain Educator of the Queen Elizabeth College.	Pending
C/223/2023	Application for one-year leave without pay made to Ministry of Education to take up employment at Open University of Mauritius not approved in spite of recommendation of PRB.	Explained
C/227/2023	Request for extension of time for submission of assignment not entertained.	Explained
C/235/2023	Unfair Treatment and Harassment by Head of a State Secondary School.	Pending
C/238/2023	Allegation of irregularities from part time students of the University of Technology, Mauritius.	Explained
C/243/2023	Threats of unwarranted disciplinary action against Teaching Staff from Manager of a Private Secondary School.	Pending
C/244/2023	Unethical behaviour and harassment by Deputy Rector of a State Secondary School.	Rectified
C/247/2023	Approval for Vacation Leave applied for by Educator in relation to funeral rites of spouse not granted.	Pending
C/259/2023	Alleged irregularities at Polytechnics Mauritius by Staff.	Pending
C/276/2023	Outbreak of fire at an Examination Centre could affect results of complainant's daughter.	Explained
C/279/2023	Temporary Supply Teacher not refunded travelling allowance during period August 2022 to October 2023.	Rectified

Energy and Public Utilities Complainant contests the Authority's decision No to supply electricity in respect of an illegal C/84/2022 Maladministration construction for which a pulling down order has been issued by the Court. Disclosed Delay in supplying Electricity to complainant at Goodlands following an application made one year Rectified C/153/2022 Action not taken following complaint made regarding accumulation of water within Rectified C/160/2022 complainant's premises. Leakages from CWA water pipes at Inkerman Road, Rectified C/171/2022 Coriolis Road and Royal Road, Rose Hill. Complainant still awaiting for a new CEB C/197/2022 connection since 13 March 2022, date of Rectified application. Discontinued Extension of facility to regularise names on C/242/2022 electricity bills. Malpractices at the Customer Service Department of C/260/2022 **Explained** CEB. Application for new water supply at Pointe d'Esny C/299/2022 Explained not entertained by CWA. Reinstatement of roads after CWA water pipes C/1/2023 Rectified repaired. Responsibility and Acting Allowances not taken into C/4/2023 Explained

account for computation of retirement pension.

C/10/2023	Payment to contractor not effected according to terms of contract.	Rectified
C/22/2023	Excessive claim for provision of water supply at complainant's residence and waiving of payment not entertained.	Explained
C/39/2023	Request for CEB to displace neighbour's CEB wire which pass through Complainant's land not attended to.	Explained
C/55/2023	Non-provision of water during more than 3 months resulting in revenue shortfall, although all bills paid.	Rectified
C/64/2023	Non-payment of severance allowance, redundancy allowance and pension after termination of contract of employment.	Explained
C/70/2023	Application for new water supply not entertained.	Rectified
C/73/2023	Application for new water connection not considered seven months after submission of request.	Rectified
C/87/2023	Nuisances caused by damaged water pipes not yet attended to.	Pending
C/89/2023	Water supply problem at Kovil Lane, Mare d'Albert resulting in damage to water pumps, washing machine, dishwater, etc.	Rectified
C/90/2023	Rating given to Assistant Inspector in Performance Appraisal Form not properly assessed.	Explained
C/91/2023	No access to water supply since two years on ground that CWA did not have any contractor to do the job.	Discontinued

C/98/2023	Request made in February 2022 to CEB for relocation of electricity poles to enable construction of complainant's house not yet entertained.	Rectified
C/137/2023	Leakage of water thro' broken water pipes resulting in large quantity of water entering the yard of complainant. No action by Authority since December 2022.	Rectified
C/141/2023	Application for new water supply connection not considered inspite of urgency in connection with construction of a house.	Rectified
C/151/2023	Application to be connected to CEB network made since August 2022 not yet acceded to.	Rectified
C/152/2023	Complainant has contested the amount claimed by CEB for the supply of electricity in respect of a new Morcellement.	Explained
C/163/2023	Allegations of use of a third party's "contract and plan" for supply of electricity.	Pending
C/167/2023	Application for water supply not approved.	Explained
C/170/2023	Application for water supply made in March 2021 not yet entertained although water is urgently required for construction purposes.	Pending
C/174/2023	Water supply not provided one year after application.	Explained
C/177/2023	Complaint against Council's decision to grant authority for the use of a private road by the Wastewater Management Authority.	Pending
C/213/2023	No water supply at Morcellement St André for more than three days.	Rectified

C/221/2023	Application for water connection in approved Morcellement not yet acceded to by CWA.	Rectified
C/222/2023	Complainant, Residents of NHDC Bambous, aver that the Authority has not undertaken cleaning and related works in the former leaching field behind their residence.	Rectified
C/229/2023	Water leakage at Domaine Le Hochet, Terre Rouge.	Rectified
C/232/2023	Redirection of water supply by neighbour from Complainant's water pipe and high water bills.	Pending
C/236/2023	Suspension of salary without notification on ground of non-vaccination against COVID-19.	No Maladministration Disclosed
C/239/2023	Alleged harassment of staff by Head of the Customer Service Experience Department.	Pending
C/260/2023	Complainant charged for water consumption services in respect of an unoccupied residence.	Rectified
C/268/2023	Application for new electricity connection not yet approved.	Pending
C/270/2023	Discrimination and Injustice at CEB Contact Centre, La Tour Koenig.	Pending
C/278/2023	Health and Sanitary hazards caused by broken waste water pipe of neighbour.	Rectified
Environment, Solid Waste Management & Climate Change		
C/238/2022	Complainants, residents of Morcellement Blue Print, Circonstance, St. Pierre aver that constructions works at L'Avenir Smart City are causing them much inconveniences and is damaging their living environment.	Rectified

C/241/2022	Action not taken by Authorities concerned regarding nuisances caused by Complainant's Neighbour's mechanical workshop.	Explained
C/274/2022	Reply not received regarding authorisation to use coal fly ash as construction material.	Explained
C/14/2023	Air Pollution caused through burning of leaves, household and kitchen wastes by complainant's neighbours.	Explained
C/17/2023	Casual and Vacation Leave applications not approved.	Explained
C/127/2023	Representations made by Union regarding an alleged case of prohibited engineering practice within the Solid Waste Management Division of the Ministry.	Explained
	Finance, Economic Planning and Development	
C/188/2022	Employee of a Private Company complains that his Employer has not made any contribution in respect of his National Pensions Benefits.	Rectified
C/212/2022	Request for alimony being paid to divorced wife to be deducted for income tax purposes not entertained.	Rectified
C/253/2022	Request for change of posting of Public Officer (Procurement & Supply) nearer to his residence due to health issues.	Rectified
C/51/2023	Increment due to complainant not paid resulting in shortfall of pension paid.	Rectified
C/66/2023	Underpayment of retiring benefits.	Pending
C/267/2023	Request for refund of Trade Fees not yet considered.	Pending

C/269/2023	Application for travel grant not approved on account of non-payment of increment.	Pending
C/302/2023	Understaffing/Non-handling of stores at CSD, Ministry of Health & Wellness.	Pending
C/307/2023	Selection Exercise at Customs Department not fairly done.	Pending
C/308/2023	Non-Payment of Employee's Contribution by Employer to National Pensions Fund.	Pending
Ī	Foreign Affairs, Regional Integration and International Trad	e
C/133/2022	Complainant not remunerated for assignment of higher duties.	Pending
C/152/2022	Non-payment of allowances during complainant's posting abroad.	Rectified
C/7/2023	Non-payment of car, petrol and driver's allowances during Complainant's posting in Brussels.	Pending
C/33/2023	Non payment of Foreign Service or Adhoc Allowance to spouse of a Foreign Service Officer who was required to work in the same Mission.	Pending
C/274/2023	Complainant avers that the Ministry of Foreign Affairs, etc. is not respecting the terms of the collective agreement signed between them.	Pending
Gender Equality and Family Welfare		
C/215/2022	Alleged harassment & malpractices at SOS Bambous Children's Village.	Discontinued
C/267/2022	Complainant has requested to no avail the CDU to protect her grand-daughter from abuse by her father.	Rectified

C/26/2023	Harassment, Verbal Abuse and Bullying by the Deputy Social Welfare Commissioner reported by the Union of Social Welfare Officers at the Social Welfare Division of the Ministry.	Rectified	
C/114/2023	Harassment and Poor working conditions.	Rectified	
C/118/2023	Mismanagement at a Day Care Centre.	Not Investigated	
C/310/2023	Request for meeting with Representatives of Ministry in connection with International Men's Day not acceded to.	Pending	
	Health and Quality of Life		
C/193/2017	Rejection of complainant's application for registration as Specialist in Obstetrics and Gynaecology.	Pending	
	Health and Wellness		
C/78/2020	Complainant not satisfied with the medical treatment received by his deaf brother at the hospital where the latter was admitted.	Explained	
C/20/2021	Continuous disturbing noise caused by complainant's neighbour's two air-conditioners. No action taken by authorities concerned.	Pending	
C/126/2021	Project for the manufacture of insecticide aerosols wrongly disapproved by the Dangerous Chemicals Control Board according to complainant.	Pending	
C/161/2021	Noise nuisance reported to the "Police de L'Environnement". No action taken so far.	Explained	
C/210/2021	Noise and air pollution caused by aluminium workshop.	Rectified	

C/53/2022	Complainant contests the probationary period of 12 months upon her appointment as Specialised Nursing Officer after 3 years' traineeship.	Explained
C/58/2022	Complaint of professional misconduct against a doctor and a nursing officer.	Explained
C/74/2022	Complainant avers that although she fully satisfied the PRB criteria, her application for leave with pay to follow a Master Course in Medical Physics under the African Scholarship Scheme has not been entertained.	Explained
C/107/2022	Complainant, a retired public officer, not satisfied with information provided to her by Ministry in respect of her salary & retirement benefits statements.	Explained
C/170/2022	Application for leave with pay, not approved, to follow a Master's Course on Medical Physics offered under the African Scholarship Scheme.	Explained
C/174/2022	Lessor of building at St. Pierre has not received any reply in respect of his claim for remedial works from the Ministry concerned.	Explained
C/230/2022	Request from Management Support Officers posted at the Finance Section to review the decision taken for them to process mileage bills.	Explained
C/245/2022	Enhanced pension benefits as a result of injury at work not paid to complainant on his retirement.	Pending
C/252/2022	Request for payment of allowance in respect of the Covid-19 Laboratory Information Management System not yet approved.	Pending
C/266/2022	Letters of complaint addressed to Ministry regarding non-payment of allowance remained unanswered.	Rectified

C/287/2022	Non-Payment of allowances to complainant, a Medical Officer, for shouldering higher responsibilities.	Explained
C/288/2022	Alleged Discrimination regarding selection of SAMU Nurses to accompany patients abroad.	Explained
C/290/2022	Refusal by Jeetoo Hospital Pharmacy to issue medication for 6 weeks although prescription stated that medication should be for that period on ground that medication is issued for 4 weeks only.	Explained
C/3/2023	Presence of Health Personnel non-vaccinated against Covid-19 at Rivière du Rempart Health Office contrary to legislation in force.	Pending
C/15/2023	Erratic and unethical behaviour of the Nursing Staff towards Trainee Health Care Assistant/Senior Health Care Assistant at SSRN Hospital Nursing School.	Discontinued
C/23/2023	Action not taken for replacement of an Officer of the Medical Records Section after completion of her one year tour of service.	Rectified
C/29/2023	Mismanagement and Harassment at Brown Sequard Mental Health Centre.	Rectified
C/38/2023	Inspection fee for Lift Certification not paid to complainant in respect of J.N. Hospital at Rose Belle.	Discontinued
C/45/2023	Wrong medical decision resulting in complainant incurring heavy expenses.	Pending
C/48/2023	Confusion about Routine/Emergency/Essential Services at Laboratory Departments AND non-re-instatement of 6.00 am to 9.00 am slot in Post Covid-19 Roster.	Pending

C/59/2023	Request for Medical Report for treatment at Brown Sequard Hospital not entertained.	Explained
C/69/2023	Payment of overtime for period December 2022 to May 2023 not effected to officer of Medical Records Department.	Rectified
C/86/2023	Complainant, a Health Records Clerk, protests against his change in posting.	Explained
C/94/2023	Request for parking facilities/free parking coupons from officers of the Health Inspectorate Cadre of Port Louis not entertained.	Explained
C/96/2023	Discrimination and Exclusion at New Cancer Centre.	Rectified
C/106/2023	Transfer of Health Records Clerk from Dr. Jeetoo to Brown Sequard Mental Health Care Centre considered as victimisation.	No Maladministration Disclosed
C/109/2023	Tampering with Attendance Register and other malpractices by a Senior Officer.	Pending
C/115/2023	Ill-treatment of patient at Victoria Hospital and Ollier Health Centre, Quatre Bornes.	Rectified
C/116/2023	Complainant's neighbour, a garage operator, uses a water-pump the whole day, and at times until 10.00 pm thus causing noise pollution and disturbing nearby residents.	Not Sustained
C/117/2023	Tampering with Attendance Register and other malpractices by a Senior Officer at Victoria Hospital.	Pending
C/120/2023	Lack of Midwives at ENT Hospital to handle emergency cases.	Rectified

C/131/2023	Complainant, a Health Records Officer, avers that he should have been granted three (3) increments on his appointment.	Explained
C/133/2023	Delay in mounting the Medical Imaging Diploma Course penalising trainee technologists recruited in June 2021.	Pending
C/138/2023	Request for information regarding surgery available in Mauritius not attended to by the Ministry.	Pending
C/139/2023	Payment of claims in respect of Lift inspections not effected.	Rectified
C/145/2023	Complaints on a radio channel about the unavailability of vaccines for babies and young children in health care centres and hospitals.	Rectified
C/149/2023	Harassment of Female Attendants by a member of the Nursing staff at Jeetoo Hospital.	Pending
C/162/2023	Non-payment of allowances in respect of night duties and inspections.	Pending
C/175/2023	Psychological and verbal harassment of Supervising Officer in Occupational Therapy Department.	Rectified
C/182/2023	Harassment, Ill-treatment and oppressive conduct at Occupational Health Department of Dr. Bruno Cheong Hospital.	Pending
C/192/2023	Request for overseas treatment not acceded to by Ministry of Health & Wellness.	Pending
C/204/2023	Noise Nuisance from a place of worship at Fond du Sac.	Rectified

C/207/2023	Discriminatory practice relating to posting of a Dental/Senior Surgeon at Ministry's headquarters.	No Maladministration Disclosed
C/215/2023	Discriminatory & Irregular Period of traineeship as Pre-Registration Pharmacist.	Explained
C/234/2023	Inadequate and near inhuman treatment given to a patient upon admission at Brown Sequard Mental Health Care Centre.	Pending
C/245/2023	Arrears of allowances for overtime performed during COVID Pandemic not yet effected.	Rectified
C/248/2023	Request to be seen and examined by Specialist refused.	Pending
C/250/2023	Payment of additional hours of work not effected – Delay in confirmation of employees – Non- implementation of PRB recommendation relating to change in appellation of post.	Pending
C/255/2023	Bullying and Intimidation at the Blood Bank Department of Ministry.	Not Sustained
C/257/2023	Unfair transfer of Medical Imaging Technologist.	Pending
C/258/2023	Request of Medical Laboratory Technologists for setting up of a "standalone" out of normal hours service at Haematology Department at Dr. A.G. Jeetoo Hospital not yet considered.	Pending
C/281/2023	Complainant a Senior Attendant (Hospital Services) facing transport and other problems following her transfer.	Pending
C/287/2023	Performance of duties outside Scheme of Service not in accordance with PRB recommendations by Health Records Clerk.	Pending

C/291/2023	Appropriate treatment not provided to patient with prostate problems.	Explained
C/294/2023	Foreign National married to Mauritian Citizen requested to pay for hospital treatment at A.G. Jeetoo Hospital.	Pending
C/296/2023	Application to follow post-graduate course in "Imagerie Medicale" or "Anesthesia Reanimation" not brought to attention of complainant, a medical practitioner at the Ministry.	Pending
C/297/2023	Tender for supply of glucose meters and test strips not considered by Ministry.	Explained
C/305/2023	Temporary Medical Imaging Technologist recruited in November 2022 not enrolled in Diploma Course more than one year after their recruitment.	Pending
	Housing and Lands	Y
C/8/2019	Complainant's request for an access road from her house to the main road not yet considered since fifteen years.	Pending
C/63/2019	1° Lease agreement of complainant's father never finalized. 2° Squatting reported by complainant not attended to.	Pending
Housing and Land Use Planning		
C/114/2021	No reply to application for the purchase of State land made more than two years ago.	Pending
C/150/2021	No compensation paid yet for land compulsorily acquired ever since May 2009.	Pending

C/35/2022	Complainant cannot have access to his property at Cap Malheureux as neighbour has constructed a sceptic tank on state land road leading thereto.	Explained
C/144/2022	Financial Assistance not provided by Ministry for purchase of Ex-CHA land at Candos Housing Estate.	Explained
C/164/2022	Illegal construction on State land (green space) causing prejudice to inhabitants of Black River Road, Richelieu.	Pending
C/166/2022	Complainant contests the extent of land being compulsorily acquired and the quantum of the compensation.	Pending
C/185/2022	Obstruction of access to public beach at Coastal Road, Pointe aux Cannoniers.	Discontinued
C/186/2022	The Ministry has withdrawn a letter of intent addressed to complainant in respect of a lease for an industrial site without reasonable justification.	Pending
C/205/2022	Complainant contests the "Notice to Squatter" issued to him by Ministry of Housing for illegal occupation of State land at Railway Land, Curepipe Road.	Explained
C/231/2022	Application for PIN Code rejected by Ministry of Housing and Land Use Planning.	Explained
C/244/2022	Illegal occupation of State land by squatter causing nuisances to residents in the vicinity.	Pending
C/258/2022	Allegation of corrupt practices in respect of State land leases.	Explained
C/283/2022	Complainant avers that he is still waiting for his Morcellement permit at Engrais Cathan after an application made in 2019.	Pending

C/21/2023	Application for State land not approved.	Explained
C/28/2023	Request made to NHDC Co. Ltd for repairs of roof leakage not attended to.	Pending
C/32/2023	Application for PIN Code not yet approved.	Rectified
C/75/2023	No reply to application for the purchase of State land made more than two years ago.	Pending
C/77/2023	Allocation of NHDC Housing Units to Divorced persons.	Pending
C/93/2023	Request for tarring of Road within State land donated to Landslide Victims not yet acceded to.	Explained
C/123/2023	Application for Transfer of Lease in respect of three NHDC houses purchased thro' sale by levy not yet approved by Ministry.	Explained
C/130/2023	Application for PIN Code not entertained in time.	Rectified
C/154/2023	Application for Building Site Lease not yet entertained.	Explained
C/165/2023	Application for purchase of ex-CHA Housing Unit (Post Carol) not yet entertained.	Rectified
C/180/2023	Action not taken by Ministry to indicate delimitation of plot of land leased to complainant.	Pending
C/181/2023	Allege Illegal Commercial Activities at NHDC Housing Estate at Nouvelle France.	Pending
C/183/2023	Request for Land Surveyor's Report denied.	Explained

C/191/2023	Waiving of arrears due on a second plot of land adjacent to a plot already leased and cancellation of that second lease not entertained.	Pending
C/206/2023	Although complainant has completed all procedures for purchase of State land following a letter of intent from the Ministry in December 2015, action has not yet been taken by Ministry to finalise the deed of sale.	Pending
C/230/2023	Unhealthy situation and Discrimination at Surveyor's Division of Ministry.	Explained
C/262/2023	Request for survey of plot of state land allocated to complainant in order to enable purchase not yet entertained by Ministry.	Pending
C/282/2023	Agreement yet to be reached on compulsory acquisition of land.	Pending
C/293/2023	Allegations of Bribery against Ministry's Officials for approving sale of state land in some cases and not granting approval in case of complainant.	Pending
Industr	ial Development, SMEs and Cooperatives (Cooperatives D	ivision)
C/18/2023	Application from MSO for extension of leave without pay to breastfeed her child not entertained by National Co-operative College.	Rectified
C/80/2023	Discriminatory Treatment and Harassment.	Explained
C/253/2023	Unethical and Discriminatory selection procedures adopted for recruitment exercise.	Not Investigated
C/301/2023	Verbal abuse, ill treatment and harassment by Director of an Institution.	Pending

Industrial Development, SMEs and Cooperatives (Industrial Development Division)		
C/266/2023	Application for post of Director, Mauritius Standards Bureau not entertained.	Explained
	Information Technology, Communication and Innovation	
C/93/2022	Salary of complainant was wrongly adjusted as this should have been done in accordance with PRB Report 2016.	Pending
C/289/2022	Allegations of malpractices at the Ministry of Information Technology, Communication & Innovation.	Pending
C/291/2022	Letter requesting whether time-off would be granted to Officer having followed online course after working hours has remained unanswered.	Explained
C/224/2023	Application for leave for Emigration purposes not approved.	No Maladministration Disclosed
	Labour, Human Resource Development and Training	
C/33/2021	Complaint lodged at Ministry but no response is forthcoming.	Discontinued
C/129/2022	Complaint lodged at Labour Office not entertained.	Discontinued
C/223/2022	Complainant avers that his contract of employment has been unreasonably terminated.	Explained

Complaint of unfair suspension and dismissal following intimidation and harassment at work against senior public official.	Discontinued
Complaints of malpractices by Management regarding Union matters.	Pending
Abuse of Power and Harassment by Manager of a Secondary School for girls.	Rectified
Request for transfer of complainant, an Office Management Assistant (OMA) on ground of harassment and discrimination not approved.	Rectified
Complainant contests the Authority's decision to terminate her son's enrolment in the National Certificate Level 4 Course after having followed the course for three months.	Pending
Harassment and Persecution at workplace.	Discontinued
Applications for work permits in respect of foreigners taking too much time for finalization.	Pending
Injustice to some NC Level 3 MITD Trainees.	No Maladministration Disclosed
Land Transport and Light Rail	
Different approaches by Officers of the National Land Transport Authority while dealing with contraventions.	Rectified
Alternative Arrangements and agreement reached in year 2021, following a 2016 Court Order, not yet implemented.	Pending
	following intimidation and harassment at work against senior public official. Complaints of malpractices by Management regarding Union matters. Abuse of Power and Harassment by Manager of a Secondary School for girls. Request for transfer of complainant, an Office Management Assistant (OMA) on ground of harassment and discrimination not approved. Complainant contests the Authority's decision to terminate her son's enrolment in the National Certificate Level 4 Course after having followed the course for three months. Harassment and Persecution at workplace. Applications for work permits in respect of foreigners taking too much time for finalization. Injustice to some NC Level 3 MITD Trainees. Land Transport and Light Rail Different approaches by Officers of the National Land Transport Authority while dealing with contraventions. Alternative Arrangements and agreement reached in year 2021, following a 2016 Court Order, not yet

C/115/2022	Petition from inhabitants of Bel Air Riviere Sèche to convert Balmick and Ramgatty Roads into a one-way road system not considered by Council.	Rectified
C/149/2022	Complainant made a statement at the NLTA but did not receive any reply despite several reminders sent to enquire about outcome.	Discontinued
C/165/2022	Unsatisfactory Bus Service along bus route No. 194 not resolved despite petition made by inhabitants concerned to NLTA.	Explained
C/177/2022	Complaints relate to public transport problems along route No. 18.	Explained
C/268/2022	Request for cancellation of "gage sans déplacement" already issued in respect of a totalloss vehicle, which was subsequently repaired, not entertained by the NLTA.	Pending
C/71/2023	Single yellow line at Sookdeo Bissondoyal Street, Port Louis causes a lot of inconvenience to him and neighbours.	Explained
C/99/2023	Students smoking in School Bus.	Pending
C/104/2023	Request for transfer of PSV (Taxi) Licence in the name of husband not transferred to widow.	Pending
C/126/2023	Request for painting of double yellow lines in front of complainant residence at Ligne Berthaud, Vacoas not yet entertained in spite of vehicles parking haphazardly in front of his gate and house.	Rectified
C/128/2023	Interim Allowance approved by Government to employees of the Bus Industry as from June 2022.	Rectified

C/176/2023	Understaffing at Counter of the NLTA resulting in excessive workload beyond normal working hours without any compensation save for time off given irregularly.	Pending
C/199/2023	Request for placing of speed breakers at Vrindavan Street, Melle Jeanne, Goodlands not yet considered.	Pending
C/205/2023	Legal Requirement to Register with Taxi Operators Welfare Fund for renewal of PSV (Taxi) Licence with NTA is unfair and paying of arrears of contributions for same purpose not logical.	Explained
C/219/2023	Application for full-time Driver Registration Certificate made in May 2023 not yet entertained.	Explained
	Local Authorities	<i>Y</i> ′
LA/C/25/2020	Complaint against an illegal dormitory made to the concerned authority more than a year ago. No action taken so far.	Rectified
LA/C/14/2021	Illegal construction re-started. Matter reported to Council. No action taken.	Pending
LA/C/20/2021	Conversion of building into flats without authorisation. Various sanitary and other problems caused by occupants. No action taken by authorities.	Explained
LA/C/35/2021	No further action taken following Notice served on offender for operating a food place without the required Building and Land Use Permit (BLUP)	Explained
LA/C/53/2021	Allegation by complainant of a construction next to her property without observing statutory distance. No action taken by authorities concerned.	Explained
LA/C/58/2021	Flooding along street in Port Louis. Matter reported to Council but no action taken.	Pending

LA/C/76/2021	Illegal construction of wall reported to Council. No concrete action taken so far.	Pending
LA/C/77/2021	Inaction regarding illegal construction averred by complainant.	Pending
LA/C/78/2021	Construction permit granted in spite of objection by complainant.	Rectified
LA/C/1/2022	District Council did not take any action following a complaint made for obstructing public road at Ragoo Lane, Terre Rouge.	Pending
LA/C/4/2022	Flower box constructed by complainant's neighbour causes a number of problems. Matter reported to Council since more than two years but no action taken so far.	Explained
LA/C/8/2022	No action taken by Council to enforce removal of illegal construction of a gate on a public road which blocks public access in spite of Court Order.	Pending
LA/C/10/2022	Illegal construction and operation of fast food outlet at Abercrombie, Ste. Croix.	Explained
LA/C/13/2022	Illegal rearing of goats and sheep in a residential area.	Rectified
LA/C/15/2022	Action not taken to abate nuisance arising from a bareland adjacent to complainant's residence.	Pending
LA/C/16/2022	Anonymous complaint (from inhabitants of the Region) against construction of a food-processing factory in a mixed agricultural and residential area at Esperance Trébuchet.	Rectified
LA/C/17/2022	Complainants, a 68 years old couple, are affected by the noise nuisance of water pump of a car wash at Beau Vallon.	Rectified

LA/C/18/2022	Request for continuation of tarring of road up to complainant's residence not acceded to.	Explained
LA/C/19/2022	Action not taken to alleviate the problem of water accumulation on road during heavy rainfall at Allée Brilliant.	Rectified
LA/C/20/2022	Action not taken against an illegal construction adjacent to complainant's property.	Rectified
LA/C/22/2022	Alleged illegal construction of Boundary wall on Road Reserve.	Pending
LA/C/23/2022	Discharge of water on Public Road affecting neighbourhood.	Rectified
LA/C/25/2022	No action taken by Council in respect of conversion of an existing residential building into a store in a Morcellement at Reunion, Vacoas.	Rectified
LA/C/26/2022	Construction of boundary wall contrary to approved plan at Birmingham Lane, Calebasses.	Rectified
LA/C/27/2022	Illegal construction and operation of a General Retailer's Shop & Victualler on complainant's property.	Explained
LA/C/28/2022	Complainant alerted Council about an illegal construction without permit but no legal action was taken against the Developer.	Pending
LA/C/29/2022	Action not taken by District Council regarding damaged property following works carried out by neighbour.	Pending
LA/C/31/2022	Complainants contest an application for Outline Planning Permission made to the Council for the construction of a G+5 Building at Nalletamby, Phoenix.	Rectified

LA/C/33/2022	Appropriate & Timely action not taken by the Council against an illegal development next to Complainant's Residence despite a complaint made to the Council since one year.	Pending
LA/C/35/2022	Action not taken regarding illegal construction by complainant's neighbour on a common road and sanitary nuisance caused by refuse bin.	Explained
LA/C/39/2022	Action not taken against illegal construction carried out by complainants neighbour on the boundary wall in 2019.	Pending
LA/C/40/2022	Complainant avers that a Building and Land Use Permit issued in 1994, in respect of a building at Avenue Berthaud, Quatre Bornes cannot be considered as valid for the operation of a new snack in 2022 long after closure of first commercial activity.	Pending
LA/C/41/2022	Illegal Dumping in a Residential Area reported in the Press.	Pending
LA/C/42/2022	Free passage on a public access denied to complainants through placing of concrete blocks by neighbour.	Discontinued
LA/C/43/2022	No reply received regarding request for road handrail at Ville Noire.	Discontinued
LA/C/47/2022	Complainant sought the intervention of Ombudsman's Office into a case of obstruction of public road as she avers that the Council has not taken any action on her complaint.	Rectified
LA/C/50/2022	Action not taken by Council on alleged illegal construction reported more than two months since complaint made.	Pending

LA/C/51/2022	Council did not take necessary action to stop the continuation of the construction, at Enniskillen Street, Port Louis, undertaken contrary to approved plans.	Pending
LA/C/53/2022	Alleged illegal operation of electrical workshop on a Public Road at Curepipe.	Pending
LA/C/55/2022	Action not taken by Council for refund of Municipal Rate paid by complainant.	Explained
LA/C/56/2022	Illegal construction of enclosure wall along a private access at Teeluck Lane, Church Road, Notre Dame.	Rectified
LA/C/57/2022	Complainant avers that she has reported a case of illegal construction at the Council and several other Authorities but concrete action has not yet been taken.	Rectified
LA/C/58/2022	Action not taken by Council against illegal construction of building on boundary reserve.	Explained
LA/C/60/2022	Malpractices at Notre Dame Village Council.	Explained
LA/C/61/2022	Damages to Public Road and alleged construction of a boundary wall without BLUP.	Rectified
LA/C/63/2022	Complainant contests the declaration of a private road into a public road at Savanne Road, Nouvelle France.	Rectified
LA/C/64/2022	No reply received from Municipal Council of Vacoas-Phoenix regarding request for tarring & lights along a common access road at Clairfonds, Phoenix.	Pending
LA/C/65/2022	No reply received within the statutory delay by Complainant to an email sent to the Council.	Explained

LA/C/1/2023	Construction of stairs by neighbour without respecting Statutory Requirements.	Rectified
LA/C/2/2023	Issue of Enforcement Notice by Council without prior verification and confirmation of alleged breach of the legislation.	Pending
LA/C/3/2023	Retirement Benefits not paid to complainant.	Explained
LA/C/4/2023	Issue of BLUP for opening of Pre-primary school in Residential Appartment Complex at Vacoas.	Pending
LA/C/5/2023	Illegal construction of Boundary wall and gate.	Rectified
LA/C/6/2023	Illegal construction of boundary wall on complainant's property.	Rectified
LA/C/7/2023	Inconveniences & Disturbances caused by construction of an illegal boundary wall close to complainant's house.	Explained
LA/C/8/2023	Refuse Collector avers that he sustained injury at work and that the District Council failed to take appropriate remedial action.	No Maladministration Disclosed
LA/C/9/2023	Noise and Air Pollution affecting residents of Lallmatie, Mariamen Temple Road.	Rectified
LA/C/10/2023	Overhanging of a tall branch from a huge tree found on private land at St. Louis Street representing a potential danger to inhabitants.	Pending
LA/C/11/2023	Investigation into Maintenance of Drains by Local Authorities.	Pending
LA/C/12/2023	Flooding and Water Accumulation at Tamil Temple Road, Creve Coeur.	Rectified

LA/C/13/2023	Illegal construction and accumulation of water at Savanne Road, Nouvelle France.	Rectified
LA/C/14/2023	Health hazards from old abandoned building at Flacq.	Pending
LA/C/15/2023	Illegal operation of an aluminium workshop in a residential area.	Rectified
LA/C/16/2023	Construction of boundary wall on road reserve.	Pending
LA/C/17/2023	Illegal construction condoned by an employee of the District Council.	No Maladministration Disclosed
LA/C/18/2023	Construction on Neighbour's Boundary Wall at Henrietta.	Pending
LA/C/19/2023	Encroachment by Neighbour on Complainants property.	Pending
LA/C/20/2023	Illegal structure put up on public road off Hugnin Street causing problems to neighbouring residents.	Rectified
LA/C/21/2023	Application for BLUP in respect of Cabinet Making and Metal Workshop to operate at Seneck Road, Plaine des Roches rejected by Council.	Explained
LA/C/22/2023	Construction without notification procedures having been complied with.	Discontinued
LA/C/23/2023	Request for street lighting at Hollyrood No. 2 Vacoas denied.	Explained
LA/C/24/2023	Construction of boundary wall and bin along road in disregard to existing legislation at Laventure.	Rectified

LA/C/25/2023	Careless and obstructive Parking of vehicles along Avenue des Manguiers, Quatre Bornes.	Rectified
LA/C/26/2023	Complaint against subordinate for use of improper language and threats not taken into account by Management.	Discontinued
LA/C/27/2023	Request for placing of street lights at La Lucie Roy, Bel Air Rivière Sèche (Domaine de Lotus) not yet acceded to.	Rectified
LA/C/28/2023	BLUP application for construction of first floor on existing building not approved.	Explained
LA/C/29/2023	Construction on neighbour's boundary wall.	Pending
LA/C/30/2023	Construction on neighbour's boundary wall.	Pending
LA/C/31/2023	Non-compliance with Court Judgment regarding construction of building contrary to approved plans and prescribed distance from boundary line.	Pending
LA/C/32/2023	Request from about 100 residents of Green Village, Melville not entertained for refuse collection, street lighting and tarring of roads although construction permits were approved by the District Council.	Rectified
LA/C/33/2023	Requests for attending to remedial works at Cinq Arpents Phoenix not attended to.	Pending
LA/C/34/2023	Illegal construction of an extension on ground floor and a storey to existing building. No action taken by District Council.	Rectified
LA/C/35/2023	Bus Depot causing pollution and other health hazards at Bon Accueil.	Pending
LA/C/36/2023	Erection of Boundary wall on Public Road without regard to provisions of the legislation.	Pending

LA/C/37/2023	Construction of Extension to existing building without required permits by neighbour.	Pending
LA/C/38/2023	Illegal fencing of public garden and fixing of door and padlocks at St. Julien.	Pending
LA/C/39/2023	Illegal construction without respecting statutory set- back from boundary at China Street, Port Louis.	Rectified
LA/C/40/2023	Discharge of rain water from roofs onto road, in central area of Port Louis.	Pending
LA/C/41/2023	Nuisances caused by a Tyre Centre at Mahebourg.	Rectified
LA/C/42/2023	Unreasonable claim from Council in respect of occupation of stall at Arab Town, Rose Hill.	No Maladministration Disclosed
LA/C/43/2023	Petition from inhabitants of La Caverne, Tranquille & Modern (Vacoas) against resident of Shivala Lane who has, among others, cultivated plants (garden) on the road thus blocking access to vehicular traffic.	Discontinued
LA/C/44/2023	Illegal construction at Petit Camp Branch Road, Phoenix.	Explained
LA/C/45/2023	Plot of bareland at Ollier Avenue, Quatre Bornes left in abandoned state and causing nuisances to neighbours.	Rectified
LA/C/46/2023	Illegal operation of a paid parking lot at Curepipe.	Pending
LA/C/47/2023	Construction of snack on boundary wall of complainant's premises.	Pending
LA/C/48/2023	Accumulation of water at La Mairée Road, Eau Coulée causing hardship to inhabitants during the last ten years.	Pending

LA/C/49/2023	Development works being carried out contrary to approved plans in breach of conditions of BLUP.	Rectified
LA/C/50/2023	Illegal panel beating activities in a residential area.	Rectified
LA/C/51/2023	Illegal Construction of staircase on Boundary wall by neighbour.	Rectified
LA/C/52/2023	Requests to City Council for the following works at Julius Coup Street, Port Louis not entertained – Resurfacing/repairs, removal of obstructions – provision of street lighting and street name plate.	Pending
LA/C/53/2023	Complainant avers that she is being constantly bullied; harassed and falsely accused by her senior officers in the Library Department.	Pending
LA/C/54/2023	Application for Building & Land Use Permit for excision of land not approved by District Council.	Explained
LA/C/55/2023	Maladministration in different areas of responsibility of the Council.	Explained
LA/C/56/2023	Extension by neighbour of ground and first floors of his residence without observing statutory requirements. No action taken by District Council.	Discontinued
LA/C/57/2023	Installation of an electric fence protruding from the boundary wall of a villa bordering a public beach is a potential threat to life.	Pending
LA/C/58/2023	Unauthorised erection of structure on State land.	Pending
LA/C/59/2023	Construction works of Sports Complex at Edgar Laurent Street, Port Louis outside normal working hours causing inconveniences to residents.	Rectified
LA/C/60/2023	Construction of Toilets by neighbour on boundary wall.	Pending

LA/C/61/2023	Residents of Morcellement du Nord, Mapou Leclezio, Bypass Road, Goodlands aver that as the use of the by-pass road particularly by heavy trucks is causing lots of nuisances and inconveniences, Authorities should take action, viz, tarring, placing of traffic signs etc.	Explained
LA/C/62/2023	Acts of maladministration perpetrated by the Council concerning the proceedings of a Meeting.	Pending
LA/C/63/2023	Operation of Grill & Tailor Shop without BLUP & Permit granted to Bakery Shop in spite of objections made.	Pending
LA/C/64/2023	Requests for extension of street lighting at Mardi lane, 16ème Mille, Forest Side not entertained.	Explained
LA/C/65/2023	Access to property of Complainant blocked by neighbours.	Explained
LA/C/66/2023	Selling of Gas Cylinders being done without BLUP and near neighbour's residence.	Rectified
LA/C/67/2023	Request for cleaning of obstructed drains at Eau Coulée partly undertaken and overflow continues.	Explained
LA/C/68/2023	Rejection of an application for BLUP by the Council and Delay in the payment to heirs of a deceased person by a private bank.	Discontinued
LA/C/69/2023	Construction of CIS structure by neighbour for use as garage without the required permits and clearances.	Pending
LA/C/70/2023	Action not taken by District Council regarding an alleged illegal construction at Chowtee Road, L'Agrement, St. Pierre reported to the Council.	Pending
LA/C/71/2023	Illegal extension of CIS structure on neighbour's property.	Explained

LA/C/72/2023	Spray Painting being done on a main street by a garage affecting the health of residents.	Explained
LA/C/73/2023	Construction without notification procedures having been complied with.	Pending
LA/C/74/2023	Street Lantern not fixed by District Council at Morcellement VRS I, VRS II and Magenta at Medine Camp de Masque although payment already effected by Contractor.	Explained
LA/C/75/2023	Obstruction of road in Port Louis by Owner of Mini Market and shop.	Pending
LA/C/76/2023	Public access road blocked at Morcellement Maroma, Quatre Bornes.	Pending
LA/C/77/2023	Overflow of waste water from manholes into open drains at Abbé de la Caille Street, Curepipe.	Pending
LA/C/78/2023	Implementation of sewerage project on a private road.	Pending
LA/C/79/2023	Fixing by Neighbour of a water tank on the boundary of two residences causing inconveniences to complainant.	Explained
LA/C/80/2023	Non-payment of claim to Mechanical Garage in respect of works carried out on municipal vehicles.	Discontinued
LA/C/81/2023	Alleged falsification of signature to convey consent for obtention of Building and Land Use Permit.	Pending
LA/C/82/2023	Construction on Neighbour's boundary walls without consent of complainant.	Pending
LA/C/83/2023	Illegal construction by neighbour on complainant's land.	Explained

LA/C/84/2023	Noisy metal gratings at Beach Lane, Pereybère affecting the Tourist Business of Complainant.	Pending
LA/C/85/2023	Alleged construction of CIS structure for use as a mini market at Pond Bon Dieu Road, Belvedere.	Pending
LA/C/86/2023	Requests for tarring of Parrot Road, Chemin Grenier, placing of name plates – street lanterns and putting up bus shelter not yet entertained.	Pending
LA/C/87/2023	Objection of Complainant to the Council granting a BLUP for a Motorcycle Repair Workshop not considered.	Pending
LA/C/88/2023	Dumping of garbage in front of offices at Pope Hennessy Street, Port Louis.	Rectified
LA/C/89/2023	Disturbances caused by illegal use of Palmerston Soccer Pitch in spite of presence of security guards.	Pending
LA/C/90/2023	Requests for the tarring of La Vanille Branch Road, Vacoas made since 1997 not attended.	Explained
LA/C/91/2023	Action not taken by Council to have barelands at Camp Fouquereaux cleaned causing nuisances to neighbours.	Pending
LA/C/92/2023	Putting up of structures on a Chemin de Sortie at Royal Road, Mesnil without permits.	Pending
LA/C/93/2023	Noise pollution from Supermarket's Extractors at Phoenix.	Pending
LA/C/94/2023	Rearing of goats and slaughtering activities in a Residential Area at Montagne Longue.	Pending
LA/C/95/2023	Obstructing access to Crimea Road and Illegal Construction.	Pending

LA/C/96/2023	Application for Conversion of Existing Building for use as Kindergarten, Child Day-Care and other Pre-Primary Activities not approved.	Pending
LA/C/97/2023	Overflow of rain water in neighbour's premises and statutory boundary distance not respected.	Pending
	Local Government, and Disaster Risk Management	
C/135/2021	Complainant, an Internal Control Officer/Senior Internal Control Officer, avers that managerial ethics have not been respected in her case thus causing her prejudice in her career prospect.	Rectified
C/55/2022	Potential hazards from undergrowth vegetation and coconut trees in an abandoned land where owner could not be traced – next to complainants residence not removed.	Pending
C/300/2022	Alleged corruption and malpractices against Chairman of a District Council.	Pending
C/16/2023	Amendments brought to Scheme of Service for appointment to post of Planning and Development Inspector in Local Government Service have debarred certain Local Government Officers from applying for the posts.	Explained
C/34/2023	Decision to transfer complainant is discriminatory as it was purposely designed to enable a junior officer to be assigned duties of Deputy Chief Executive.	Pending
C/60/2023	Complainant, a Trainee Meteorological Telecommunications Technician not given the opportunity to complete the sponsored Diploma in Telecommunications Engineering.	Explained
C/78/2023	Intimidation and Discrimination causing hardship to Lead Fire Fighter.	Discontinued

C/111/2023	Upon posting to Agalega complainant was not granted certain facilities which were due to her.	Rectified
C/122/2023	Proposals to amend Scheme of Service of Station Fire Officer not yet discussed with Officers concerned.	Pending
C/155/2023	Allegation of harassment and maladministration at Head Quarters of a District Council.	Explained
C/156/2023	Refund of overpayment of Travelling Expenses by Firefighter not warranted.	Pending
C/190/2023	Acute lack of staff since 2020 and non-filling of vacant posts.	Explained
C/225/2023	Harassment and Persecution at work.	Explained
C/240/2023	Mental harassment and Discrimination at workplace.	Rectified
C/242/2023	Misbehaviour by staff of the Council.	Discontinued
C/290/2023	Non-Payment of End of Year Bonus for 2022 and 2023 and also Pupillage fee as recommended by PRB.	Rectified
C/306/2023	Unlike other Local Authorities, the Black River District Council requires all its pensioners to submit Life Certificate for the payment of retirement pension.	Pending
National Inf	rastructure and Community Development (National Development)	pment Unit)
C/295/2022	Payment of allowances, and fees due to complainant not entertained by the Authority concerned.	Explained
C/166/2023	Scheme of Service of Project Assistant should be amended to provide for career prospects.	Rectified

C/264/2023	Complainant avers that drain works carried out by NDU along an existing natural watercourse has resulted in flooding of the neighbourhood.	Pending
National Infra	structure and Community Development (National Infrastruc	cture Division)
C/173/2022	Action not yet taken against squatters illegally occupying former Government Railway Quarters at Rose Belle.	Pending
C/229/2022	Complaints of malpractices by Public Officer in Procurement Division.	Rectified
C/6/2023	Advertising Display Panel at Brabant Street, Port Louis hinders motorists from exiting safely onto the main road.	Rectified
C/44/2023	Travelling allowance of complainant, a public officer, not being paid in accordance with current rules and regulations.	Explained
C/49/2023	Out-posting of Engineer/Senior Engineer not provided for in official Conditions of Service and Schedule of Duties.	Pending
C/102/2023	Registration fees payable to Council of Engineers not refunded by Ministry of National Infrastructure & Community Development to Lead Engineer.	Explained
C/173/2023	Application for leave without pay by an Architect/ Senior Architect not approved.	Explained
C/195/2023	Repairs to damaged footpath at Goodlands not effected inspite of request made to the Authority.	Rectified
C/197/2023	Water accumulation along Goodlands Main Road.	Rectified
C/210/2023	Harassment and Persecution at workplace.	Discontinued

C/211/2023	Request for transfer following harassment at work place.	Rectified
C/254/2023	Works for the Construction of Bridge at Canton Nancy taking too much time, resulting in heavy over-flooding.	Explained
	<u>Police</u>	
C/196/2020	Letter addressed to the Police following a declaration made at a Police Station has remained unanswered.	Pending
C/219/2020	Complainant detained in custody since nearly four years. No charge against him yet.	Pending
C/87/2021	Application by a Rodriguan Police Officer posted in Mauritius to be transferred to Rodrigues made since two years has remained without any reply.	Explained
C/156/2021	No update received by complainant regarding a complaint made by her since three weeks.	Pending
C/178/2021	No consideration given to complainant's husband, a Police Constable, for a transfer from Mauritius to Rodrigues on account of family problems.	Explained
C/192/2021	Risk of accidents at corner of two streets in Port Louis. No action taken by the Police so far.	Rectified
C/45/2022	Complainant requested the assistance of this Office to investigate the delay in completing police enquiry following statement made at Pamplemousses Police Station.	Pending
C/63/2022	Reply not received to letter addressed to the Police Department concerning request for information in connection with his arrest and subsequent decision of DPP not to prosecute.	Pending

C/87/2022	Personal Belongings of Detainee not returned after his conviction by Court.	Pending
C/114/2022	Complainant is not satisfied with the Police Enquiry into a case of Cybercrime and solicited the services of the Ombudsman to investigate.	Discontinued
C/123/2022	Request for an update of police enquiry into a case of road accident not entertained by Police Department.	Pending
C/125/2022	Complaint from Prisons Detainee to the effect that he was remanded to prison in 2020 and is still awaiting the completion of Police Enquiry after two years.	Explained
C/141/2022	Request to Police Department about status of Police Enquiry into a Road Accident at Mapou Roundabout involving a Police Officer seemingly under influence of alcohol not entertained.	Explained
C/157/2022	Complainant was remanded to Prison in the year 2020 and is awaiting completion of Police enquiry.	Rectified
C/187/2022	Driving Instructor's Licence and Driving School Permit not yet issued although complainants passed the Qualifying Tests since 2019.	Pending
C/204/2022	Request for the intervention of Police into a complaint of "rogue and vagabond" against a resident of Camp Thorel.	Pending
C/207/2022	Inaction of Police in connection with an alleged case of insult.	Pending
C/213/2022	Non-payment of benefits since complainant's retirement from the Police Force.	Explained

C/214/2022	Detainee complains that Police has not yet returned his personal belongings after the pronouncement of his sentence.	Pending
C/256/2022	Complainant avers that he is unnecessarily detained in prison since more than one year in relation to a drug case.	Explained
C/257/2022	Requests regarding the status of police enquiry into cases of theft at Gustave Bestel Street, Curepipe reported to the Police not yet entertained.	Pending
C/269/2022	Action not taken regarding installation of surveillance cameras on a CEB pole breaching the complainant's privacy.	Pending
C/270/2022	Complainant reported, on several occasions, cases of damaging property by tenants at Eau Coulee Police Station but no concrete action taken by Authority concerned.	Discontinued
C/277/2022	Request for FSL Report following a road accident not acceded to.	Pending
C/279/2022	Drug Dealing at Camp Chapelon, Pailles.	Discontinued
C/286/2022	No action taken against neighbour who is polluting the living environment through the spread of coal ash on his bare property.	Rectified
C/292/2022	No action taken by Police for removal of car which had remained parked and unattended to at Coriolis Street, Rose Hill.	Rectified
C/293/2022	Complainant was remanded to Prison in August 2022 and is still awaiting the completion of the Police Enquiry.	Rectified
C/294/2022	Complaint of forgery against a Senior Police Officer.	Discontinued

C/296/2022	Complainant avers that she has reported several cases of assault but did not hear about the status of the Police Enquiry after a year.	Pending
C/5/2023	Noise and Disturbance caused by a group of persons near the house of the complainant.	Explained
C/8/2023	Complaint against inappropriate behaviour and conduct of a CID Police Sergeant at Curepipe Police Station.	Pending
C/53/2023	Breach of ICTA provisions thro' unlawful exposing on social media and verbal threats.	Pending
C/56/2023	Action no taken against perpetrator of an embezzlement known to the victim.	Rectified
C/57/2023	Request for transfer to Rodrigues of a Police Constable not yet entertained.	Pending
C/65/2023	Formal charge for provision of cannabis not yet lodged following striking out of provisional charge.	pending
C/67/2023	Averment of frustration and demotivation following posting of one Inspector at NCG Commando Unit (Marcos).	Explained
C/74/2023	Complainant, a Nigerian National avers that he has been kept in remand at Eastern High Security Prison since 29 November 2019 and no action is being taken for his formal prosecution in Court.	Explained
C/82/2023	Alleged Illegal Aluminium Workshop causing noise nuisances in a residential area at St. Pierre.	Pending
C/83/2023	Removal of Complainants gate by Neighbour reported to Police but no action taken so far.	Pending

C/88/2023	Nuisance caused to Complainant and his elderly parents by the crowing of neighbour's roosters at Midlands.	Pending
C/100/2023	Oppressive conduct and Abuse of Authority by Senior Officer at National Coast Guard.	Rectified
C/105/2023	No action taken regarding report on illegal dumping of wastes.	Rectified
C/143/2023	Application to Commissioner of Police for copy of statement in a case of embezzlement not yet considered.	Explained
C/146/2023	Complaint made at Stanley Police Station for threats not considered by Police Department.	Pending
C/157/2023	Action not taken by Police Department following report of accident which occurred in 2017.	Pending
C/171/2023	78-year old Basic Retirement Pensioner harassed and abused by nephews for her pension and other belongings.	Rectified
C/184/2023	Undue delay in finalising enquiry on case of drug dealing and money laundering by an Iraq-Citizen.	Explained
C/202/2023	Complainant, a South African National, avers that he has been kept in prison since 21 November 2019 on remand and that no action is being taken for his formal prosecution.	Explained
C/209/2023	Foreign Prisoner avers that he has been detained for more than 4 years in remand without any formal charges being levelled against him.	Pending
C/214/2023	Non-Compliance with Court Order for right of visit and droit d'hebergement in respect of minor child of divorced parents reported to Police which did not value any action.	Pending

C/216/2023	Mobile phone not returned after trial although it was not used as evidence in Court.	Pending
C/241/2023	Complaint regarding breach of ICTA Act through sending of unwarranted sms not considered.	Pending
C/249/2023	Several cases of Swindling and Embezzlement reported to the Police against a named person but no action yet taken.	Pending
C/251/2023	Refund to Detainee in respect of expenditure incurred for hotel expenses during control delivery of drugs not acceded to.	Pending
C/252/2023	Transfer of Foreign Detainee to his country of residence not yet approved.	Pending
C/256/2023	Delay in finalising Enquiry resulted in detainee staying for about four years in remand.	Explained
C/277/2023	Invasion of privacy by Neighbour through the use of surveillance cameras and mobile phones.	Pending
C/292/2023	No action from the Police following complaints against neighbour for throwing filth and snails in complainants yard and using a drone to film latter's family.	Pending
C/295/2023	Action not taken by Police following report of threats against Complainant by Neighbour.	Pending
C/298/2023	Action not taken since 2011 following a report of fire/arson on property.	Pending
Prime Minister's Office		
C/95/2022	Complainant, an Officer of the Probation Cadre complains about insecure working environment, including violence and threats at Probation Home.	Discontinued

C/235/2022	Complainant claims that payment of TV Licence fee during period he was stranded abroad is because of Covid-19 is unfair and unreasonable.	Pending
C/297/2022	Complainant avers that he is being charged a TV Licence fee although he has duly informed MBC/TV that he does not have any TV set.	Rectified
C/36/2023	Complaints of Sexual Harassment against a Permanent Secretary.	Discontinued
C/43/2023	Averment that Assistant Permanent Secretaries not possessing the prescribed qualification and involved in malpractices have been assigned duties of Deputy Permanent Secretaries as posts have not yet been advertised to fill vacancies.	Explained
C/144/2023	Request from two employees to work during the same shift not acceded to.	Explained
C/179/2023	Complainant contests the abolition of the post of Broadcast Technologist (Shift) at MBC/TV.	Pending
C/233/2023	Malpractices at Human Resources Division of the Ministry.	Pending
C/271/2023	Indecent behaviour of a Senior Administrative Officer.	Pending
C/272/2023	Application for Residence Permit from foreign national married to Mauritian Citizen not yet considered.	Pending
<u>Prisons</u>		
C/122/2022	Detainee complained that the Prisons Service has not allowed dispatch of his letters addressed to the European Union and South African High Commission.	No Maladministration Disclosed

C/193/2022	Complainant, a detainee at Eastern High Security Prisons contests the number of visitors authorised to visit him in prison.	Explained
C/13/2023	Appropriate Medical Treatment not provided to Complainant, a Prisoner.	Explained
C/24/2023	Request of complainant, a Prison Detainee, to be housed in a cell type unit instead of a dormitory not acceded to.	Explained
C/42/2023	Reduction of payment for work performed inside Prisons.	Explained
C/46/2023	A systemic investigation of grievances raised by foreign detainees who claim having spent prolonged periods of remand owing to delayed completion of police enquiries.	Pending
C/68/2023	Request from Complainant to attend to his Cardiac Problems taking too much time.	Rectified
C/108/2023	Complainant, a detainee, denied access to his private cash to pay for service of a barrister of his choice.	Pending
C/132/2023	Request of Remand Detainee to obtain a copy of all his rights and privileges not acceded to.	Explained
C/142/2023	NGO Foreign Prisoners Network protests against treatment of foreign prisoners not taken into account.	Explained
C/147/2023	Complainants personal belongings, which were produced in Court as exhibits not returned to him after his trial and sentence.	Explained
C/178/2023	Discriminatory transfer of inmate from one prison to another one.	Explained

C/186/2023	Harassment & Discrimination by Senior Officer, including frequent body scanning.	Pending
C/188/2023	Rules and Regulations governing Convicts unknown to complainant. He cannot therefore comply to them.	Rectified
C/201/2023	Complainant, a Tanzanian National, serving a sentence in Mauritius avers that his request to be transferred to Tanzania to serve the rest of his sentence has not yet been approved.	Explained
C/217/2023	Application for Methadone treatment by Detainee not yet considered.	Rectified
C/246/2023	No proper medical attention for visual problems.	Pending
C/261/2023	Detainee's request to make a Statement to the Police in connection with a case of making a false and malicious statement in writing not acceded to.	Pending
C/263/2023	Refusal of Prisons Authority to allow Detainee's former partner (copine) to visit him.	Explained
C/265/2023	Request for information on Complainant's obligations, rights and privileges not acceded to.	Pending
C/283/2023	Complainant, a foreign Detainee avers that he has never been allowed to pick his family's phone numbers in order to be able to contact them.	Pending
C/284/2023	Poor Medical treatment provided to Detainee.	Pending
C/299/2023	Request for transfer to a single cell not approved.	Explained
	Public Service, Administrative and Institutional Reforms	
C/206/2022	Incorrect adjustment of salary on new appointment.	Pending

C/220/2022	Award of Higher Qualification Incentive (HQI) to complainant for higher qualification not granted.	Rectified
C/264/2022	Human Resource Executives appointed between 2010 and 2012 allege salary disparity and anomalies following the appointment of Junior Officers after publication of PRB/EOAC Report of 2013.	Pending
C/2/2023	Complainants, a Public Officer posted at the Ministry of Health & Wellness contests her change in posting after only a couple of months following current posting.	Explained
C/12/2023	Request for adjustment of Retirement Pension following the creation anew of a post previously abolished not entertained.	Explained
C/164/2023	Favouritism and unfairness in change of posting in HR Department.	Pending
C/231/2023	Non-payment of two increments to Confidential Secretaries after completion of Advanced Secretarial Course.	Pending
C/311/2023	Request from Management Support Officer for change in posting to be nearer residence not yet entertained.	Pending
Registrar General's Department		
C/175/2022	Request made to Registrar-General to cancel the registration of a duly registered and transcribed deed.	Explained
C/150/2023	Erasure of Inscription in respect of a fixed charged on loan taken by Complainant not yet effected although loan has been refunded.	Rectified

	<u>Rodrigues</u>	
ROD/C/10/2018	No reply to application made since August 2017 for a plot of State land for commercial purpose (cold storage).	Rectified
ROD/C/14/2018	No compensation paid for "loss" of private land.	Explained
ROD/C/7/2020	Application for State land lease still pending since nine months.	Rectified
ROD/C/19/2020	Complainant's Farmer's Card not renewed since more than two years.	Rectified
ROD/C/98/2021	Request by Prison Officer for a transfer from Mauritius to Rodrigues not attended to since more than six months.	Explained
ROD/C/108/2021	Complainant, Management Support Officer (M.S.O.) avers he has not been paid responsibility allowance whereas his counterparts have been paid same allowance for performing similar duties.	Explained
ROD/C/1/2022	Technical Officers (Civil Engineering) aver they are called upon to perform certain duties which do not form part of their Scheme of Service.	Explained
ROD/C/5/2022	Allowances due to Complainant for performing higher duties at level of Boatman since year 2019 not paid.	Rectified
ROD/C/7/2022	Request for construction of a main track road to enable proper and easy access to villagers of Riviere Cocos not yet entertained.	Pending
ROD/C/11/2022	Complainant contests decision of the Social Security Commission to disallow an application for Basic Invalidity Pension in favour of her son, aged 8 years.	Rectified

ROD/C/14/2022	Request to Social Security Office for clarification in respect of eligibility criteria for scholarship to children of vulnerable family on behalf of his son not considered.	Explained
ROD/C/15/2022	Complainant, a Tradesman Assistant avers that he is required to perform the higher duties of Tradesman without any additional remuneration.	Explained
ROD/C/17/2022	Application for hearing aids in favour of complainant's grandson (a minor) made in January 2019, is still pending.	Explained
ROD/C/18/2022	Complainant avers that she has not been remunerated for additional duties performed during absence on leave of Confidential Secretary.	Rectified
ROD/C/20/2022	Agricultural Permit applied for by President, F.S.B. Agriculture Cooperative Ltd not approved.	Rectified
ROD/C/21/2022	Reply not received to an application for State land for residential purposes.	Pending
ROD/C/22/2022	Complaint made to the Commission for Health regarding transport problem at Queen Elizabeth Hospital not attended to.	Explained
ROD/C/23/2022	Complainants have not received any assignment letter or paid any allowance for being called upon to assume higher duties in the Forest Department.	Rectified
ROD/C/25/2022	Complainant, not remunerated for performing duties of Orthopedic Appliance Maker since January 2021.	Rectified
ROD/C/29/2022	Non-payment of compensation in respect of food & mouth disease in 2016 in spite of continuous follow up with Commission concerned.	Explained

ROD/C/30/2022	Unfair changes in posting in Health Sector during the last two years.	Explained
ROD/C/33/2022	Application for re-registration (for the year 2022) under the Social Register of Mauritius turned down on ground that assessed income was more than poverty threshold level.	Rectified
ROD/C/35/2022	Passage Benefits applied for by a Police Constable since August 2022 has not yet been effected on ground of unavailability of funds.	Rectified
ROD/C/36/2022	Complainant, a single mother, avers that payment of social aid to her has been discontinued on the ground that she is no longer considered as living alone.	Explained
ROD/C/37/2022	Undue delay in processing an application for agricultural lease.	Pending
ROD/C/38/2022	Damages caused to Complainant's Property following public works carried out by Authority not repaired since more than one year.	Explained
ROD/C/39/2022	No reply received by complainant in respect of his conditions of service from Civil Aviation Department, Rodrigues.	Rectified
ROD/C/1/2023	Application for Registration under Meat Subsidy Scheme not approved.	Explained
ROD/C/2/2023	Complainant paid Contributory Retirement Pension as from date of Application instead of date of attaining retirement age.	Rectified
ROD/C/3/2023	Application for assistance under the Social Housing Scheme made in 2018 not yet considered.	Rectified
ROD/C/4/2023	Request for a Housing Unit not yet approved.	Rectified

ROD/C/5/2023	Poor working conditions of Medical Laboratory/ Senior Medical Laboratory Technologists and non-provision of facilities to complete Top-up BSc, Biomedical Sciences.	Pending
ROD/C/6/2023	Medical Records of complainant operated in Island of Mauritius not yet sent back to Rodrigues for follow-up. Moreover, refund of costs incurred not yet refunded.	Rectified
ROD/C/7/2023	Contractor in Building & Construction Sector not paid for construction of three housing units as at March 2023 although works completed in early 2022.	Rectified
ROD/C/8/2023	Transfer of lease in name of Complainant not yet effected although she has already constructed her house.	Pending
ROD/C/9/2023	Non-Payment of Responsibility Allowance for performing Higher Duties of Livestock Attendant.	Rectified
ROD/C/10/2023	Non-Payment of allowances to Social Security Officers working for the National Empowerment Foundation.	Pending
ROD/C/11/2023	Transfer of State Land lease of complainant's father not yet effected to her.	Pending
ROD/C/12/2023	Passage Benefits wrongly calculated resulting in underpayment.	Rectified
ROD/C/13/2023	Request for vacation leave, refund of vacation leave ceiling and refund of casual leave not approved in respect of Patrol Officer.	Pending
ROD/C/14/2023	Vacancies in the Fisheries Protection Service not being filled and only assignment of duties are being resorted to.	Pending

ROD/C/15/2023	Refund of Vacation Leave and Casual Leave over and above ceiling not properly calculated.	Pending
ROD/C/16/2023	Non-payment of Project Allowance to Technical Staff of Commission for Infrastructure.	Rectified
ROD/C/17/2023	Deduction from salary although Departmental Head had approved vacation leave of complainant.	Pending
ROD/C/18/2023	Terms of Contract between Complainant and Rodrigues Regional Assembly for the implementation of Assistance to Entrepreneurs in respect of the setting up of Agro Forestry Scheme not respected.	Pending
ROD/C/19/2023	Anomalies concerning the recruitment of Head, Gender, Family Welfare and Child Development.	Pending
ROD/C/20/2023	Application for Certificate of Registration of a Factory not yet approved.	Rectified
ROD/C/21/2023	Reallocation of New Land Lease & Refund of expenses in respect of house construction following flood not entertained after seven years.	Pending
ROD/C/22/2023	Bus ticket not given to Beneficiaries of Free Travel Scheme (Senior Citizens & Students) when travelling, with the results that they do not have any proof of travelling in insurance and other related cases.	Rectified
ROD/C/23/2023	A group of maintenance workers of the Commission for Education who performed painting works at the Rodrigues Educational Development Company (REDCO) not yet paid for the extra duties performed.	Pending
ROD/C/24/2023	Community Health Care Officer not appointed to act as Senior Health Care Officer during latter's absence despite her seniority.	Explained

ROD/C/25/2023	Payment to Contractor for works performed during COVID 19 not yet effected.	Pending
ROD/C/26/2023	Assignment of duties of Departmental Head not made according to seniority.	Pending
ROD/C/27/2023	Application for lease of state land for construction of Christian Gift Shop and for construction of Track Road at Jeantac not yet approved.	Pending
ROD/C/28/2023	Alleged Illegal Commercial Enterprise set up near Complainant's Business not investigated.	Pending
Social Integra	ation, Social Security & National Solidarity (Social Integra	tion Division)
C/19/2023	Harassment, Bullying and humiliation from Senior Officials at National Empowerment Foundation.	Rectified
Social Integration, Social Security & National Solidarity (Social Security and National Solidarity <u>Division</u>)		
C/199/2019	Non-receipt of widow and orphan pensions	Rectified
C/200/2019	Disallowance of child allowance to orphans of Muslim widows.	Rectified
C/4/2022	Complainants Basic Retirement Pension not effected during the period she was stranded abroad consequent upon order closure due to the Covid-19 pandemic.	Pending
C/249/2022	Payment of Retirement Benefit of Rs 1000 monthly payable under the Social Contribution and Social Benefit Act not effected.	Pending
C/271/2022	Contribution not made to NPF by Employer, the National Women Council, with the result that the CSG allowance is Rs 1000 per month not paid.	Pending

C/276/2022	Application for a second financial assistance under the National Solidarity Fund to complainant, suffering from renal disease, not acceded to.	Explained
C/278/2022	Application for Basic Retirement Pension made in March 2022 not yet entertained by Ministry.	Explained
C/281/2022	No action taken on letter addressed to Ministry concerning compensation against early arrivals or late arrivals and early departures in respect of Officers posted at Benefits Branch, Rose Hill.	Explained
C/11/2023	Non-Payment of Basic Retirement Pension.	Explained
C/27/2023	Complainant who resides abroad used to send a copy of his Life certificate to obtain the Contributory Retirement Pension, but in 2021, the Authority requested the original of the Certificate and he was informed of the change only in 2023 (January).	Explained
C/31/2023	Payment of Basic Retirement Pension suspended since 01 February 2023.	Rectified
C/58/2023	Application for Basic Retirement Pension not approved.	Explained
C/63/2023	Payment of Social Aid discontinued.	Explained
C/85/2023	Disallowance of Basic Retirement Pension of Complainant on grounds that she did not produce husband's ID in order to credit payment on a joint account.	Pending
C/121/2023	Basic Retirement Pension not paid although complainant avers that she was in Mauritius during the period June to October 2023.	Pending
C153/2023	Misuse of parking coupons issued to disabled persons.	Pending

C/185/2023	Press Report (Le Mauricien) of 19 th July 2023, Complainant's Basic Invalidity Pension was disallowed although she was reportedly in the terminal phase of her illness.	Rectified
C/237/2023	Record of Service from 1982 to 1987 at Ministry of Social Integration, Social Security and National Solidarity not available resulting in short fall in retirement benefits.	Explained
C/273/2023	Commuted Travelling Allowance not paid to Social Security Officer since April 2023.	Rectified
C/280/2023	Short payment of Basic Retirement Pension during period November 2022 to December 2023.	Pending
C/286/2023	Request for transfer of Social Security Officer not considered.	No Maladministration Disclosed
C/303/2023	Harassment and Unequal Distribution of Work at a Social Security Office.	Pending
Social Security, Nat	ional Solidarity & Environment & Sustainable Developmer National Solidarity Division)	nt (Social Security &
C/66/2019	Complainants' increments disallowed since January 2018 without any valid reason.	Pending
C/110/2019	Disallowance of Basic Widow's Pension (BWP) to Muslim widows.	Rectified
	<u>Treasury</u>	
C/250/2022	Non-Payment of enhanced retirement benefits, as a consequence of injury sustained at work in 1996, not yet effected.	Rectified

<u>Tourism</u>		
C/79/2023	Application for training for year 2023 under CPD mandatory scheme not approved.	Rectified
C/304/2023	Benefits not paid by Tourism Employees Welfare Fund.	Pending
Youth Empowerment, Sports and Recreation		
C/282/2022	Alleged Malpractices at Pamplemousses Youth Centre.	Discontinued
C/103/2023	Payment of stipend to complainant who participated in the National Youth Civic Service Course not yet effected.	Rectified
C/196/2023	Complainant's request for resuming duty before the expiry of her approved one-year period of leave without pay not approved.	Explained

APPRECIATIONS FROM COMPLAINANTS

I thank you for your response. I just wish to inform you that the Internal Affairs has opened an enquiry, because I wrote to your Office.

They have presented me with a copy of the letter that I sent you.

I hope they do not take any internal disciplinary action against me because I used my constitutional rights.

On behalf of all the concerned villagers, we wish to thank you and your office for considerating our request and for your dedication in following up the whole procedure.

Through your intervention you have enabled the construction of an adequate access road to many vulnerable persons (bedridden, old persons, children) and thus improve their quality of life considerably, for that we are very grateful.

I am pleased to inform you that I received my new water supply yesterday, 06 July 2023.

As you all know, the access to potable water is basic human right. So, I would like to thank the team of Investigation Unit from the bottom of my heart especially the Ombudsman, Mr Harry Ganoo, G.O.S.K without the help of whom this would not have been possible. I really appreciate the help that I got from the Office of the Ombudsman.

This is to inform that today CWA has provided me with my new water supply connection. Without your support and help it would not have been possible. Thank you and your team for your follow up in my case.

We extend to the Office of the Ombudsman our sincere thanks for inquiring into our complaint and finally getting the process to be corrected.

I would like to thank your team for doing the needful for me to have the street lighting get connected by the CEB (Bramsthan). Noted yesterday night on the 12th April 2023 the light is on now. Thanks for all the support.

APPENDIX G

ORGANISATIONAL STRUCTURE

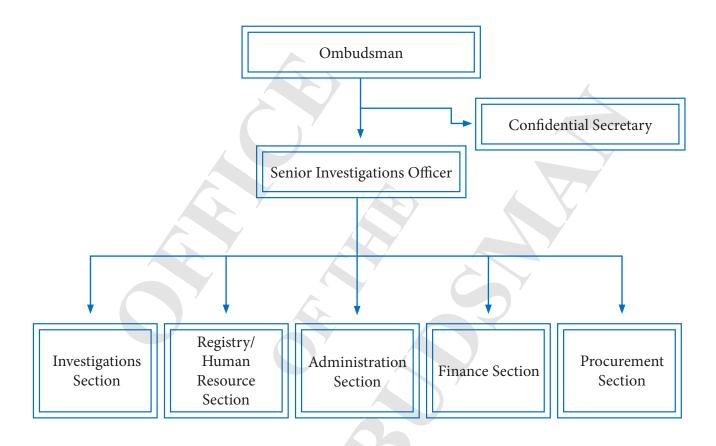


Figure 17 Organisational Structure