

# **FIRST ANNUAL REPORT**

## TABLE OF CONTENTS

	<i>Page</i>
1. INTRODUCTION . . . . .	7
2. HISTORICAL REVIEW . . . . .	8
3. STAFF AND ACCOMMODATION . . . . .	10
4. PROCEDURES AND HANDLING OF COMPLAINTS . . . . .	13
5. VISITS AND TALKS . . . . .	14
6. STATISTICS . . . . .	17
7. ORGANISATIONAL CHART . . . . .	21
8. EXTRACT OF THE CONSTITUTION OF TRINIDAD AND TOBAGO . . . . .	22
9. CASE SUMMARIES . . . . .	29
10. MAPS OF TRINIDAD AND TOBAGO . . . . .	41-42



St. Ann's Avenue,  
St. Ann's,  
25th June, 1979.

The Honourable Speaker,  
Parliament,  
Red House,  
Port-of-Spain.

Dear Mr. Speaker,

I have the honour to present the First Report of the Ombudsman for the period 6th December, 1977 - 5th December, 1978.

This report is submitted pursuant to subsection 5 of section 96 of the Constitution of the Republic of Trinidad and Tobago Act, 1976.

Yours faithfully,

EVAN REES

## INTRODUCTION

In March of the year 1976, the Constitution of the Republic of Trinidad and Tobago Act, 1976, was passed by Parliament to establish the Republic of Trinidad and Tobago and to enact a Republican Constitution in place of the 1962 Independence Constitution. The Act became effective in August, 1976 and thereupon all the provisions of the former Constitution were revoked.

Under Part 2 of Chapter 6 of the 1976 Constitution are to be found sections 91 to 98 which provide, *inter alia*, for the appointment of an Ombudsman by the President of the Republic after consultation with the Prime Minister and the Leader of the Opposition. The establishment of this new and unique office in the fundamental law of the State is some evidence of Parliament's recognition of its importance. It is an office of a National character which has as its basic purpose the protection of human rights of the individual with respect to complaints against Government departments and agencies.

On July 26, 1977, I was appointed Ombudsman of Trinidad and Tobago as from the date of my assumption of duty. I was due for vacation leave and had already been named to represent the Republic of Trinidad and Tobago at the Eighth World Peace Through Law Conference for Judges to be held in Manila. I therefore took the opportunity to utilize some of my time in obtaining first-hand knowledge of this new office by meeting and exchanging views with those who had had some experience in this field in several countries on my way to and from Manila where complaint-handling mechanisms had been established to deal with complaints against Government. Among the visits I made were to the Japanese Civil Liberties Commission and Civil Liberties Bureau in Tokyo, the UMELCO office in Hong Kong, the Central Vigilance Commission and the Commission for Public Grievances in India, the Malaysia Public Complaints Bureau and the Corrupt Practices Investigation Bureau of Singapore. I also held discussions with the Parliamentary Commissioner for Administration and the Local Commissioner for Local Government in England and other officials of their respective offices. I am strongly of the view that there is need for the Ombudsman and senior members of his staff to visit other countries where the Ombudsman concept has been introduced and is working successfully particularly as this office is in its embryonic stages.

On December 5, 1977, I retired from the Appellate Division of the Supreme Court and on the following day assumed duty by taking and subscribing the oath of office before the Speaker of the House of Representatives. Sub-section 5 of section 96 requires the Ombudsman to make annual reports on the performance of his functions to Parliament. In pursuance of that section I have much pleasure in submitting to Parliament this report with statistics of the complaints received and the results of my investigations



over the period December 6, 1977 to December 5, 1978. I regret the delay in presenting the report but this is due to circumstances over which I have had no control.

### HISTORICAL REVIEW

As this is my first report to Parliament since the introduction of this new addition to the armory of democratic government in Trinidad and Tobago, it is fitting to advert to the history of the office.

The genesis of the Ombudsman concept is to be found in Sweden where over two and a half centuries ago, in 1713, a Chancellor of Justice was appointed by the King to exercise a general supervision over his officials and thus protect citizens from injustices. Approximately 100 years later, in, 1809, as part of a constitutional revision, the first Ombudsman of Sweden was appointed as an officer of Parliament charged with ensuring that the laws were adhered to by the administrative authorities and by the courts. Following the Swedish example, in 1919 the institution was included in the Constitution of Finland. In 1953 it was introduced to Denmark and in 1962 Norway was the last of the Scandinavian countries to establish the office. The interest in the office had however already been awakened in Europe because in 1957 an Ombudsman or Parliamentary Commissioner for the Armed Forces in the Federal Republic of Germany was appointed to investigate violations of the basic rights of military personnel.

In 1962 the idea moved beyond the Scandinavian countries and Europe when legislation, influenced by the Danish model, provided for an Ombudsman in New Zealand, a country with a constitutional and administrative structure similar to Britain's. The holder of the office proved to be so outstanding a success that New Zealand is today considered as a model of the system for other Commonwealth countries. In England, the Parliamentary Commissioner (Ombudsman) Act was passed in 1967 and in 1972 an Ombudsman in Fiji commenced functioning. Today, there are statutory provisions for an Ombudsman in Guyana, Israel, Mauritius, many Canadian provinces, Western Australia, South Australia, Ireland and several American States including Hawaii.

From its birth in Sweden, the Ombudsman has been an officer of Parliament who enjoys a considerable degree of independence even from the legislature. The definition of the office by the International Bar Association is worthy of note. Admittedly, it is very highly compressed, but it is an accurate and useful definition including all the essential elements common to the system. It describes the office as:—

"An office provided for by the Constitution or by action of the Legislature or Parliament and headed by an independent, high-level public official who is responsible to the Legislature or Parliament,

who receives complaints from aggrieved persons against government agencies, officials and employees or who acts on his own motion, and who has the power to investigate, recommend corrective action and issue reports."

Thus it will be seen that the Ombudsman is an officer of the whole Parliament.

The growth of the power of the Executive is one of the common features of modern-day governments because of the spread of their activities over many areas which, hitherto, were regarded as outside their concern. Generally, they have done so in response to public pressures. With the rapid expansion of Government, citizens have gained access to a wide range of Government services and support systems, but they have also become increasingly vulnerable to the decisions of Civil Servants. The growth of Government has therefore been accompanied by an increasing concern about the need to protect individual rights, particularly as it has become clear that the efficient and fair-minded operation of vast administrative structures is not easily achieved. Mistakes, whether caused by managerial shortcomings, inadequate information, faulty interpretation of known facts or lack of sensitivity to personal circumstances can and do happen.

Within the last two decades, Trinidad and Tobago has experienced rapid constitutional and economic changes. Concomitant with these new changes is the daily growth of the bureaucracy, a bureaucracy in which decisions of public officials tend to have a pervasive effect on the lives of the citizens.

It would appear that in 1970 the need to set up machinery to protect citizens of this country against the abuse of the bureaucracy was recognised since a Bill was introduced to establish the office of an Ombudsman and to invest the holder with certain powers. However, at the request of a Constitution Commission which had been set up to draft a new Constitution to replace the former Constitution, Government agreed to defer proceeding with the idea until that Commission had made its report. This was done and on March 5, 1976 the then Attorney General and Minister for Legal Affairs, in the House of Representatives, moved for the adoption of the report of a Joint Select Committee which had been appointed to consider the draft Constitution of Trinidad and Tobago in which provision was made, *inter alia*, for the office of Ombudsman.

In 1976 the Constitution of the Republic of Trinidad and Tobago Act became law and in 1977 the Ombudsman Act was passed containing supplemental provisions. The effect of these statutory enactments created an independent office to which the citizens of this country could have recourse in seeking redress against administrative injustice. They provided, *inter alia*,



for the Ombudsman to hold office for a term not exceeding five years and for his eligibility for re-appointment; for his salary to be charged on the Consolidated Fund and that he be removable from office only for inability to discharge the functions of his office or for misbehaviour; that the State would be responsible for providing him with a staff adequate for the efficient discharge of his functions and that the members thereof be public officers appointed by the Public Service Commission after consultation with the Ombudsman.

### STAFF AND ACCOMMODATION

It was not possible to forecast accurately what the number and class of staff should be but discussions held with the Organization and Management Division of the Ministry of Finance and the Chief Personnel Officer were of considerable benefit in assisting us finally to decide that in the first place the office should be structured into three main branches and that initially a staff of nineteen (19) persons for the discharge of my functions should be adequate. The branches are:—

- (i) Administrative Services headed by an administrative officer at the level of a Permanent Secretary;
- (ii) Legal Services headed by an experienced lawyer;
- (iii) Investigative Services headed by a senior investigator.

Budgetary provision was made for the following posts—

- (i) Administrative Secretary to the Ombudsman
- (ii) Head of the Legal Division
- (iii) Senior Investigator (Head of the Investigating Division)
- (iv) 3 Investigators
- (v) 1 Administrative Officer II
- (vi) 1 Clerk IV
- (vii) 2 Clerk II
- (viii) 1 Executive Secretary to the Ombudsman
- (ix) 1 Clerk Stenographer IV
- (x) 3 Clerk Stenographer II
- (xi) 1 Clerk Typist
- (xii) 1 Orderly
- (xiii) 1 Messenger
- (xiv) 1 Cleaner.

The establishment was however subject to an Organization and Management Review. An organizational chart is attached.

Shortly after assuming office on December 6, 1977 I was informed that the main building formerly used by the Ministry of West Indian Affairs at St. Ann's Avenue, St. Ann's, in Port-of-Spain, was earmarked for the Ombudsman and his staff and that alternative accommodation would be found for the persons who were then occupying the building.

Dr. Kenneth Julien, the Head of the Co-ordinating Task Force, very kindly permitted me to occupy the room he used as his office and there together with my Administrative Secretary and a stenotypist, the complaints of aggrieved persons were processed until July, 1978. On September 26, 1978, another room was made available to me by the removal of the office of the Maintenance Division of the Ministry of Finance. I now occupy that room as my personal office.

Two investigators were appointed and assumed duty during the period under review. These officers, together with the Administrative Secretary and three clerks carried out their duties under most unfavourable conditions in the room allocated to me by Dr. Julien. This also resulted in inconvenience to the public. In the absence of office accommodation we were unable to accommodate any additional members of the staff who were appointed and available to us. Consequently it was not possible to organize the office as had been envisaged. As soon as I can obtain the full use of the building and the full staff, the office will be structured as originally intended.

It was, and still is, my view that the staff of the Ombudsman should not be comprised solely of public officers drawn from Government departments but should include persons of varied backgrounds for reasons that are obvious and need no elaboration. But I also think that the best choice for the head of the Administrative Services should be a public officer with wide public service experience and considerable knowledge of the machinery of general and civil service practices. Mrs. Ruby Perreira, a person with those qualifications and a Diploma in Public Administration was appointed to the post of Administrative Secretary.

The office of an Ombudsman should have its own legal services independent of the legal advisers of the State. The Head of the Legal Services Branch should therefore be a very experienced lawyer fully able to assist the Ombudsman to criticize constructively the manner in which a public statute is being administered and where necessary make well-founded recommendations for changes in existing laws which in their application may cause injustices. In addition, he should be able to give well-reasoned and persuasive opinions in his discussions with senior officials of Government departments and agencies on questions with legal implications.



No legal officer was appointed during the period under review.

One of the main functions of every Ombudsman is to investigate and resolve grievances as speedily as is compatible with thorough fact-finding and research and sound evaluation. Once it is decided that my office has jurisdiction in the matter, the Investigating Officer to whom the investigation has been assigned is in the shoes of the Ombudsman and must be able independently to gather the facts, analyse the problem, do the research and after a proper evaluation of the case submit a report with a recommendation on how the case should be resolved. The investigation may involve field work, inspecting sites and interviewing witnesses. An investigator must be fair and firm, proceeding always on principles of reason and prudence, remembering always that he is not there to dispense favours but to safeguard rights, carrying out his duties completely independent of politics and of the bureaucracy and in every case holding the scales of justice evenly. It is essential that investigating officers deal tactfully with persons of varying levels of intelligence with whom he will come in contact bearing in mind that courtesy to certain persons is so often misunderstood for weakness, sometimes even attracting undue familiarity and rudeness.

The Senior Investigator on his part is the head of this very important branch of the office and is responsible for organising, directing and participating in the work of the unit, assigning duties to the other investigators and dealing with the more complex complaints. Thus the principal qualities I had in mind for Investigators were the ability to adopt an analytical approach to an investigation, to assess readily the elements and to reduce to clear and precise terms sustainable conclusions.

The Investigators appointed during the period are:—

- (i) Mr. Hugh Clarke, an Administrative Cadet, with a Master's Degree in Political Science and International Relations, in July, 1978; and
- (ii) Mr. Alston Romeo, an officer with extensive experience in the Public Service and the holder of a Diploma in Public Administration, in August, 1978.

It should be mentioned that in 1979 substantial additions have been made to the staff in the persons of Dr. Winston Benn and Dr. Raphael Sebastien. Dr. Benn holds a Degree in Jurisprudence and Dr. Sebastien, a Degree in Political Science. Mr. Gordon Gillette, q.c., a former Director of Public Prosecutions and Ombudsman of Guyana, has been appointed Head of the Legal Division.



Once jurisdiction is determined an approach is made to the department or agency concerned with a view to eliciting facts to establish whether the complaint is justified or not. In certain cases it has been possible to resolve the matter by a telephone call but generally it is necessary to seek written reports from the ministry or department concerned. It is now my experience that although some agencies respond within a reasonable time to requests made of them for information there are others that are dilatory, and in some cases my office is not even favoured with an acknowledgement.

If the Ombudsman in pursuing complaints requests certain information from a Government Ministry/Department or Agency and is not treated with the courtesy of a prompt reply, the effectiveness of the office could be undermined. I intend to pursue the question of delays vigorously in the ensuing year with a view to obtaining the fullest co-operation of ministries and agencies in responding promptly to correspondence directed to them from this office.

Whenever an injustice has been caused to an individual as a result of a fault in administration, I do all in my power to see that the matter is rectified by persuasive methods. However, if my recommendations/suggestions are not acted upon then the matters will be brought to the notice of Parliament by special or annual report.

#### VISITS AND TALKS

In order to provide the people of Tobago with the same facilities afforded their counterparts in Trinidad the office of the Minister was allocated to me in the Public Administration Building. I hope that this is merely a temporary measure as the office of Ombudsman of Trinidad and Tobago is not a Government office. Like everywhere else, the problems of the people of Tobago are many and varied. It is my intention to make every effort to see that no administrative injustice is meted out to any citizen living in our sister island. With this in mind, I have, since my term of office, made an effort to visit Tobago at least twice a month.

It is my firm view that the Ombudsman ought not to rely solely on the production of documents and the supply of reports from ministries/departments and agencies but should see for himself circumstances and conditions that give rise to complaints. Prompted by this belief, I have made several visits to various parts of the country and on occasions have requested meetings with certain personnel on matters pertinent to my visits. On one such occasion, having regard to the nature of the complaints I had received, I held a meeting with the Chief Administrative Officer and other officers of the St. George County Council. In furtherance of that meeting my Investigators and I, along with officers from the Council, visited the agricultural district of Lopinot. On the same day I paid a visit to the Special Works Division and also held a meeting with officers of the St. Andrew-St. David County Council.



Similarly, other visits were paid to Santa Cruz Union Road, Marabella, Realize Road and New Grant. In Tobago I visited areas in Castara, Darrell Spring and Bethel and relative to one of those complaints held a meeting with the County Medical Officer of Health, Tobago.

In circumstances where the aggrieved citizen cannot readily come to the Ombudsman, it is incumbent upon the Ombudsman to reach out to these citizens in whatever situation they may find themselves. It is in this context and motivated by the many complaints emanating from prisoners that I have already paid two visits to the Royal Gaol and one to Carrera. I have also paid one visit to Caura Sanatorium and intend to pay as many visits as possible to other institutions.

The tradition of inspecting prison establishments and speaking with the prisoners began with the very first Ombudsman of Sweden who took a great interest in the more humane treatment of prisoners. It is provided by the Ombudsman Act, 1977 that any letter written by any person detained on a charge or after conviction of any offence and addressed to the Ombudsman shall be immediately forwarded, unopened to the Ombudsman by the person for the time being in charge of the place where the writer is detained. The prison authorities are therefore not permitted to see beforehand the contents of a letter by a prisoner to the Ombudsman.

The complaints of prisoners include conduct of prison officers, medical treatment, use of force, visits and correspondence, conditions in prison, food, education, the excessive delay before the cases of prisoners in custody are heard by the Courts, lack of correctional and training facilities, the possibility of remitting their sentences as a result of new evidence, incorrect summations or presumed errors of judgment, ill-treatment, etc.

The defencelessness of persons in custody, particularly of those in prison and mental institutions has led me to be particularly concerned with their problems. I constantly bear in mind that whatever the crime for which an inmate of a penal institution is being punished he remains a person and consequently has the right, not merely the privilege, to be treated as such.

In order that the public should have a better understanding of the concept of the Ombudsman, it appeared to me to be fundamentally necessary to try and disseminate as much information as possible and consequently I accepted invitations to address interested groups in Port-of-Spain, San Fernando and Tobago. The message I sought to convey centered mainly on the essential attributes of the Ombudsman concept.

These were handled under three separate and distinct headings:—

- (a) **The Ombudsman is non-partisan, impartial and independent of the executive arm of Government.** He is not a Government Officer but an officer of Parliament;
- (b) His central duty is to take up specific complaints from members of the public against injustice arising from the administrative actions or omissions of Government;
- (c) He possesses the power to investigate, to comment, to criticize, to recommend and to make his findings known to the legislature and the public, but he has no power to alter or reverse decisions.

These addresses were well received and I am grateful for the co-operation of press and radio whose efforts assisted considerably in causing these talks to reach citizens throughout the nation.

Notwithstanding the tremendous efforts made to publicize the office of the Ombudsman and to familiarize the people with its functions I am satisfied that there remains a large number of people who are unaware of what it is all about. This is an undesirable situation and it is my intention to continue with the dissemination of this information in the future. I have set out in summary form a selected number of cases dealt with over the year under review which may be of general interest. In so doing I have particularly tried to avoid revealing the identity of the complainants.

Finally, I should like to express publicly my appreciation for the loyalty and support of those members of my staff who under very trying conditions gave me considerable assistance during the first year of my office as Ombudsman of Trinidad and Tobago.

**STATISTICAL DATA ON COMPLAINTS DURING THE YEAR  
DECEMBER 6, 1977 to DECEMBER 5, 1978**

During the period under review one thousand and ninety-eight complaints were received, two hundred and fifty-two of which were not proceeded with because I had no jurisdiction in 184, 3 were withdrawn, 22 were declined and 43 were unjustified. (See Table No. 1). 846 that is 77 per cent of the complaints received fell within my jurisdiction. Of this number 438 complaints or 40 per cent of the total amount have been fully concluded while 408 or 37 per cent remain outstanding.

Table No. 2 shows that there was a steady stream of complaints during the 12-month period under review and that the monthly average of complaints was 92. Table No. 3 gives a breakdown of complaints received. For example, 24.8 per cent of all complaints were from persons seeking advice on personal and domestic problems, 14.8 per cent were against the Judiciary\*, 9.9 per cent against the Ministry of Finance, 7.3 per cent against the Ministry of National Security, 6.2 per cent against the Ministry of Health and Local Government. Table No. 4 shows that the subject matter of complaints ranged from allegations concerning non-payment of pensions and lands acquired to corruption and victimization.

The analysis attempts to give some insight into the nature and complexity of the complaints with which my office had to deal during the year under consideration.

1977	12	12	December, 1977
1978	13	13	January, 1978
1978	14	14	February, 1978
1978	15	15	March, 1978
1978	16	16	April, 1978
1978	17	17	May, 1978
1978	18	18	June, 1978
1978	19	19	July, 1978
1978	20	20	August, 1978
1978	21	21	September, 1978
1978	22	22	October, 1978
1978	23	23	November, 1978
1978	24	24	December, 1978

\*In several cases the delay alleged was not the fault of the Court or the Registry of the Supreme Court but the fault of the parties and/or their legal advisers.



TABLE 1

**Summary—Statistics on Complaints for the period  
December 6, 1977–December 5, 1978**

	Total	Percentage of Total
Total number of complaints received ... ..	1,098	
Total number of complaints not proceeded with—		
Number jurisdiction 184		
Withdrawn 3		
Declined 22		
Not justified 43	252	23.0
Total number of complaints proceeded with ... ..	846	77.0
Total number of fully concluded complaints ... ..	438	40.0
Total number of complaints outstanding ... ..	408	37.2

TABLE 2

**Number of Complaints per month for Year  
December 6, 1977–December 5, 1978**

Month and Year	Number of Complaints	Percentage of Total	Average per Month
December, 1977 ... ..	24	2.2	
January, 1978 ... ..	99	9.0	
February, 1978 ... ..	106	9.7	
March, 1978 ... ..	110	10.0	
April, 1978 ... ..	118	10.7	
May, 1978 ... ..	87	7.9	
June, 1978 ... ..	62	5.6	
July, 1978 ... ..	90	8.2	92
August, 1978 ... ..	81	7.4	
September, 1978 ... ..	77	7.0	
October, 1978 ... ..	57	5.2	
November, 1978 ... ..	74	6.7	
December, 1978 ... ..	22	2.0	
Undated ... ..	91	8.3	

TABLE 3

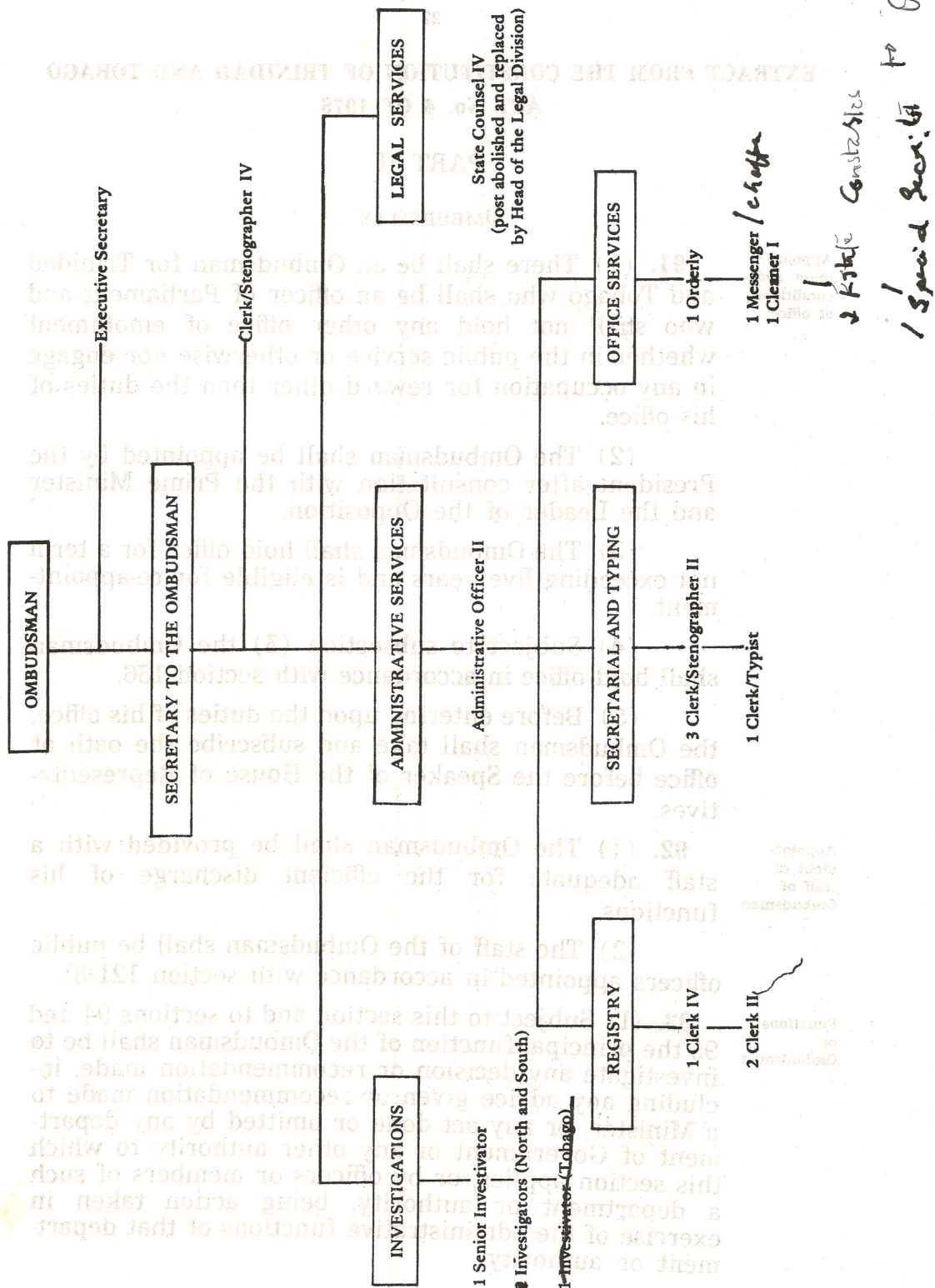
**Breakdown of Cases *Re*-Departments  
December 6, 1977-December 5, 1978**

Departments	Total	Percentage of Total
Central Bank ...	01	0.09
Central Library ...	01	0.09
Judiciary ...	163	14.8
Judicial and Legal Services ...	01	0.09
Legal Aid Referrals ...	62	5.6
Ministry of Agriculture, Lands and Fisheries ...	51	4.6
Ministry of Education and Culture ...	29	2.6
Ministry of Finance ...	109	9.9
Ministry of Health and Local Government ...	68	6.2
Ministry of Industry and Commerce ...	04	0.4
Ministry of Labour, Social Security and Co-operatives ...	31	2.8
Ministry for Legal Affairs ...	16	1.5
Ministry of National Security ...	80	7.3
Ministry of Petroleum and Mines ...	07	0.6
Ministry of Works, Transport and Communications ...	52	4.7
National Insurance Board ...	16	1.5
National Housing Authority ...	26	2.4
Police Service Commission ...	15	1.4
Public Service Commission ...	60	5.5
Statutory Service Commission ...	05	0.5
Teaching Service Commission ...	09	0.8
Trinidad and Tobago Electricity Commission ...	07	0.6
Water and Sewerage Authority ...	13	1.2
Other complaints, e.g., Requesting Advice, Domestic complaints, etc.	272	24.8
TOTAL ...	1,098	

TABLE 4

**Breakdown of Complaints for period  
December 6, 1977-December 5, 1978**

Subject of Complaints						Total	Percentage
Loans, Pensions, Benefits, Allowances	...	...	...	...	...	214	19.4
Corruption, Dismissal, Discrimination, Victimization	...	...	...	...	...	209	19.0
Court Actions and Probate Matters	...	...	...	...	...	285	26.0
Lands and Properties	...	...	...	...	...	132	12.0
Employment	...	...	...	...	...	43	4.0
Other Complaints	...	...	...	...	...	215	19.6
<b>TOTAL</b>	...	...	...	...	...	<b>1,098</b>	<b>100.0</b>





**EXTRACT FROM THE CONSTITUTION OF TRINIDAD AND TOBAGO  
ACT No. 4 OF 1976**

**PART II**

**OMBUDSMAN**

Appoint-  
ment and  
conditions  
of office

**91.** (1) There shall be an Ombudsman for Trinidad and Tobago who shall be an officer of Parliament and who shall not hold any other office of emolument whether in the public service or otherwise nor engage in any occupation for reward other than the duties of his office.

(2) The Ombudsman shall be appointed by the President after consultation with the Prime Minister and the Leader of the Opposition.

(3) The Ombudsman shall hold office for a term not exceeding five years and is eligible for re-appointment.

(4) Subject to subsection (3) the Ombudsman shall hold office in accordance with section 136.

(5) Before entering upon the duties of his office, the Ombudsman shall take and subscribe the oath of office before the Speaker of the House of Representatives.

Appoint-  
ment of  
staff of  
Ombudsman

**92.** (1) The Ombudsman shall be provided with a staff adequate for the efficient discharge of his functions.

(2) The staff of the Ombudsman shall be public officers appointed in accordance with section 121(8).

Functions  
of  
Ombudsman

**93.** (1) Subject to this section and to sections 94 and 95 the principal function of the Ombudsman shall be to investigate any decision or recommendation made, including any advice given or recommendation made to a Minister, or any act done or omitted by any department of Government or any other authority to which this section applies, or by officers or members of such a department or authority, being action taken in exercise of the administrative functions of that department or authority.



(2) The Ombudsman may investigate any such matter in any of the following circumstances—

- (a) where a complaint is duly made to the Ombudsman by any person alleging that the complainant has sustained an injustice as a result of a fault in administration;
- (b) where a member of the House of Representatives requests the Ombudsman to investigate the matter on the ground that a person or body of persons specified in the request has or may have sustained such injustice;
- (c) in any other circumstances in which the Ombudsman considers that he ought to investigate the matter on the ground that some person or body of persons has or may have sustained such injustice.

(3) The authorities other than departments of Government to which this section applies are—

- (a) local authorities or other bodies established for purposes of the public service or of local Government;
- (b) authorities or bodies the majority of whose members are appointed by the President or by a Minister or whose revenues consist wholly or mainly of moneys provided out of public funds;
- (c) any authority empowered to determine the person with whom any contract shall be entered into by or on behalf of Government;
- (d) such other authorities as may be prescribed.

94. (1) In investigating any matter leading to, result-  
 ing from or connected with the decision of a Minister, the Ombudsman shall not inquire into or question the policy of the Minister in accordance with which the decision was made. Restrictions on matters for investigation

(2) The Ombudsman shall have power to investigate complaints of administrative injustice under section 93 notwithstanding that such complaints raise questions as to the integrity or corruption of the public service or any department or office of the public service, and may investigate any conditions resulting from, or calculated to facilitate or encourage corruption in the public service, but he shall not undertake any investigation into specific charges or corruption against individuals.

(3) Where in the course of an investigation it appears to the Ombudsman that there is evidence of any corrupt act by any public officer or by any person in connection with the public service, he shall report the matter to the appropriate authority with his recommendation as to any further investigation he may consider proper.

(4) The Ombudsman shall not investigate—

(a) any action in respect of which the complainant has or had

(i) a remedy by way of proceedings in a Court;

(ii) a right of appeal, reference or review to or before an independent and impartial tribunal other than a court; or

(b) any such action, or action taken with respect to any matter, as is described in the Third Schedule.

Third  
Schedule

(5) Notwithstanding subsection (4) the Ombudsman—

(a) may investigate a matter notwithstanding that the complainant has or had a remedy by way of proceedings in a court if satisfied that in the particular circumstances it is not reasonable to expect him to take or to have taken such proceedings;



(b) is not in any case precluded from investigating any matter by reason only that it is open to the complainant to apply to the High Court for redress under section 14 (which relates to redress for contravention of the provisions for the protection of fundamental rights).

**95.** In determining whether to initiate, continue or <sup>Discretion of Ombudsman</sup> discontinue an investigation, the Ombudsman shall, subject to sections 93 and 94 act in his discretion and, in particular and without prejudice to the generality of this discretion, the Ombudsman may refuse to initiate or may discontinue an investigation where it appears to him that—

- (a) a complaint relates to action of which the complainant has knowledge for more than twelve months before the complaint was received by the Ombudsman;
- (b) the subject matter of the complaint is trivial;
- (c) the complaint is frivolous or vexatious or is not made in good faith; or
- (d) the complainant has not a sufficient interest in the subject matter of the complaint.

**96.** (1) Where a complaint or request for an investigation is duly made and the Ombudsman decides not to investigate the matter or where he decides to discontinue an investigation of the matter, he shall inform the person who made the complaint or request of the reasons for his decision. <sup>Report on investigation</sup>

(2) Upon the completion of an investigation the Ombudsman shall inform the department of government or the authority concerned of the results of the investigation and if he is of the opinion that any person has sustained an injustice in consequence of a fault in administration, he shall inform the department of government or the authority of the reasons for his opinion and make such recommendations as he thinks fit. The Ombudsman may in his original recommendations, or at any later stage if he thinks fit, specify the time within which the injustice should be remedied.

(3) Where the investigation is undertaken as a result of a complaint or request, the Ombudsman shall inform the person who made the complaint or request of his findings.

(4) Where the matter is in the opinion of the Ombudsman of sufficient public importance or where the Ombudsman has made a recommendation under subsection (2) and within the time specified by him no sufficient action has been taken to remedy the injustice, then, subject to such provision as may be made by Parliament, the Ombudsman shall lay a special report on the case before Parliament.

(5) The Ombudsman shall make annual reports on the performance of his functions to Parliament which shall include statistics in such form and in such detail as may be prescribed of the complaints received by him and the results of his investigations.

Power to  
obtain  
evidence

97. (1) The Ombudsman shall have the powers of the High Court to summon witnesses to appear before him and to compel them to give evidence on oath and to produce documents relevant to the proceedings before him and all persons giving evidence at those proceedings shall have the same duties and liabilities and enjoy the same privileges as in the High Court.

(2) The Ombudsman shall have power to enter and inspect the premises of any department of government or any authority to which section 93 applies, to call for, examine and where necessary retain any document kept on such premises and there to carry out any investigation in pursuance of his functions.

Prescribed  
matters  
concerning  
Ombudsman

98. (1) Subject to subsection (2), Parliament may make provision—

- (a) for regulating the procedure for the making of complaints and requests to the Ombudsman and for the exercise of the functions of the Ombudsman;
- (b) for conferring such powers on the Ombudsman and imposing such duties on persons concerned as are necessary to facilitate the Ombudsman in the performance of his functions; and
- (c) generally for giving effect to the provisions of this Part.



(2) The Ombudsman may not be empowered to summon a Minister or a Parliamentary Secretary to appear before him or to compel a Minister or a Parliamentary Secretary to answer any questions relating to any matter under investigation by the Ombudsman.

(3) The Ombudsman may not be empowered to summon any witness to produce any Cabinet papers or to give any confidential income tax information.

(4) No complainant may be required to pay any fee in respect of his complaint or request or for any investigation to be made by the Ombudsman.

(5) No proceedings, civil or criminal, may lie against the Ombudsman, or against any person holding an office or appointment under him for anything he may do or report or say in the course of the exercise or intended exercise of the functions of the Ombudsman under this Constitution, unless it is shown that he acted in bad faith.

(6) The Ombudsman, and any person holding office or appointment under him may not be called to give evidence in any Court, or in any proceedings of a judicial nature, in respect of anything coming to his knowledge in the exercise of his functions.

(7) Anything said or any information supplied or any document, paper, or thing produced by any person in the course of any enquiry by or proceedings before an Ombudsman under this Constitution is privileged in the same manner as if the enquiry or proceedings were proceedings in a Court.

(8) No proceeding of the Ombudsman may be held bad for want of form, and, except on the ground of lack of jurisdiction, no proceeding or decision of an Ombudsman is liable to be challenged, reviewed, quashed or called in question in any Court.

## APPENDIX TO EXTRACT

### THIRD SCHEDULE

#### MATTERS NOT SUBJECT TO INVESTIGATION

1. Action taken in matters certified by the Attorney General to affect relations or dealings between the Government of Trinidad and Tobago and any other Government or any International Organisation.
2. Action taken in any country or territory outside Trinidad and Tobago by or on behalf of any officer representing or acting under the authority of the Government of Trinidad and Tobago.
3. Action taken under any law relating to extradition or fugitive offenders.
4. Action taken for the purposes of investigating crime or of protecting the security of the State.
5. The commencement or conduct of civil or criminal proceedings before any court in Trinidad and Tobago or before any international court or tribunal.
6. Any exercise of the power of pardon.
7. Action taken in matters relating to contractual or other commercial transactions, being transactions of a department of government or an authority to which section 93 applies not being transactions for or relating to—
  - (a) the acquisition of land compulsorily or in circumstances in which it could be acquired compulsorily;
  - (b) the disposal as surplus of land acquired compulsorily or in circumstances in which it could be acquired compulsorily.
8. Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters in relation to service in any office or employment in the public service or under any authority as may be prescribed.
9. Any matter relating to any person who is or was a member of the armed forces of Trinidad and Tobago in so far as the matter relates to—
  - (a) the terms and conditions of service as such member; or
  - (b) any order, command, penalty or punishment given to or affecting him in his capacity as such member.
10. Any action which by virtue of any provision of this Constitution may not be enquired into by any court.



**CASE SUMMARIES**

OMB. 78/12

**An Application for Citizenship**

On December 22, 1977 the complainant alleged that the Ministry of National Security had failed to reply to an application for citizenship which he made as far back as 1975. He was utterly frustrated because as a result of the delay he was unable to obtain travel documents to go abroad with his family on vacation.

In the course of my investigation I found the following facts: —

Forty-six years ago the complainant came to this country from a South American country where he was born. He was the lawful son of Trinidadians and from the date of his arrival he has resided continuously in Trinidad. In 1974 he applied for a Trinidad and Tobago passport but as he was unable to produce his father's birth certificate was told that he should first apply for naturalization under section 7(1) of the Trinidad and Tobago Citizenship Act, 1962. He accordingly applied in 1975 fulfilling all the requirements of the 1962 Act but he was frustrated in his efforts by the inordinate delay of the Ministry in processing his application.

In April, 1976 the Trinidad and Tobago Citizenship Act, 1962 was repealed and replaced by the Citizenship of the Republic of Trinidad and Tobago Act, 1976. Thereupon the Attorney General advised the Ministry of National Security that with the coming into operation of the 1976 Citizenship Act all outstanding applications under the 1962 Citizenship Act, which had not been granted, would of necessity be considered spent. The complainant was required to make a new application under the 1976 Act in accordance with the terms and conditions relating thereto but there was further delay because there were no prescribed forms. There were several hundreds of applications made under the 1962 Act and all the applicants had to apply again under the 1976 Act.

Section 5 of the 1976 Act provides that the Minister of National Security shall cause a child born outside Trinidad and Tobago of a citizen of Trinidad and Tobago by descent to be registered as a citizen of Trinidad and Tobago upon receipt of the prescribed application made by the child within one year of his attaining full age. I spoke to the Permanent Secretary of the Ministry of National Security and the Chief Immigration Officer on the matter. The latter informed me that if the complainant was able to prove that he was a citizen of Trinidad and Tobago by descent he would be given a passport.

Complainant was unable to supply the necessary information and in the course of investigation my office was able to obtain information which enabled the Registrar General's Department to locate the entry of the birth of the complainant's father and marriage certificate. The complainant produced these documents together with his birth certificate to the Chief Immigration Officer.

In January, 1978 it was decided that the complainant was a citizen of Trinidad and Tobago by descent and a passport was issued to him.

**Non-Compliance with a Court Order**

OMB: 78/16

The complaint was that a motor car seized by the Police as an exhibit in a case had not been returned to the complainant after the matter had been dismissed on the 11th May, 1976 despite several requests.

The Commissioner of Police was written to and he replied stating that the accused (not the complainant) in the Court matter had been discharged by the presiding Magistrate on 11th May, 1976 but that he had not made an order as to the disposal of the vehicle. The complainant had made an application on 29th April, 1977 to the Magistrate for possession of the said vehicle and without hearing the evidence of the Police and other witnesses the Magistrate had made an order for the delivery of the vehicle to complainant. In the meantime another man, who had alleged that the vehicle was his own (as a result of which the matter had reached the Court) made a claim to the Police for the vehicle. The opinion of the Legal Department was sought and advice received was to the effect that the parties should make their claims to the High Court. He was unable to supply me with a copy of the "advice" as it was verbal.

I wrote to the Honourable Attorney General and Minister for Legal Affairs in part as follows:—

"The Commissioner of Police has indicated that he has not carried out the order of the Magistrate because of verbal advice received from the Ministry of Legal Affairs to the effect that the order of the Court should not be carried out.

I think that in any matter as serious as disobedience to an order of a Court, advice by the Ministry of Legal Affairs should be in writing and I would recommend that this practice be followed in future. Secondly, it appears to me that the Magistrate had the jurisdiction to make the order which he did and that the Commissioner of Police is under a duty to carry out the order of the Magistrate in the absence of an order of the Supreme Court to the contrary.

As the complainant contends that he is suffering a grave injustice and considerable hardship, I will be grateful for your views on the matter as early as possible."



After exchanges of correspondence with the Ministry for Legal Affairs I received the following letter from the Director of Public Prosecutions which speaks for itself : —

“I refer to your letter to the Honourable Attorney General and Minister for Legal Affairs dated 12th June, 1978 which was passed on to me for replying to you and to my letter to you dated 30th May, 1978 on the above subject and have to inform you that it is the view of the Ministry for Legal Affairs that there is no legal authority on which a judicial order can be disobeyed.

Subsequent to my letter to you referred to above the Commissioner of Police was requested to furnish further information on the matter.

In the light of his reply he has been advised that he should comply with the order of the Magistrate.”

I received a letter from complainant on 9th August, 1978 indicating that the car had been returned to him on 3rd August, 1978.

#### **Request for Injury Allowance**

OMB: 78/49

Complainant, a Police Officer, sought our help in his appeal for an injury allowance which had been refused him.

Complainant was claiming that he had fallen from a horse in the exercise of his duty. His argument was that this fall precipitated his early retirement on medical grounds. Nonetheless, he was denied an injury allowance on the grounds that his injury did not result from the fall but from another cause. Complainant therefore felt aggrieved.

The records substantiated complainant's claim that he was injured when he fell from his horse. The entry on the medical records reads as follows :—

“Fell from horse—sent to Colonial Hospital  
Returned from Colonial Hospital  
Abrasive left elbow  
Better—Discharged  
Exempt from riding 3 days.”

In commenting on the request for an injury allowance, complainant's superior had this to say in substance :—

- (i) That his discharge was on the recommendation of the Medical Board which found him unfit for further service.
- (ii) That prior to this, complainant had been admitted to the sanatorium suffering from Pulmonary Tuberculosis.
- (iii) That he was granted leave and thereafter made to resume work performing light duties.
- (iv) That he reported sick with back pain and continued to complain until his discharge on medical grounds.

Records show a fall from a horse in 1947 only when he sustained an abrasion of left elbow. In my opinion, these falls which he refers to have no connection whatever with the illness causing him to be declared medically unfit.

It must be noted that a report that came from complainant's superior, in response to his request for an injury allowance, failed to mention the very salient point that a Medical Board had recommended that complainant should wear a brace for one month and then be reassessed. Complainant did wear a brace as was recommended, was reassessed and was found, at the end of that period, to be unfit for further service.

Moreover, following his injury sustained in the performance of his duties complainant suffered frequent backaches which he attributed to the fall. His superior officer, however, does not allude to this incident as being decisive in complainant's request for injury allowance. Rather, reference is made to complainant's former illness of pulmonary tuberculosis.

It would appear that in refusing the complainant an injury allowance the Authorities relied heavily on the report of the Police Medical Officer. The Medical Board on the other hand recommended the wearing of a brace and a reassessment of his physical fitness. Following this the Board found him to be unfit for further service.

Had this information, which came to my attention been available to the Ministry, there might probably have been a different conclusion to this matter.

A medical report from a doctor, whom the complainant consulted, supports the Board's findings. It says, *inter alia* :—

"In my opinion, the prolonged episode of lumbar disc problems has resulted from his fall off the horse. I would assess his permanent partial disability at 35 per cent."

Having regard to the history of the matter I was of the opinion that the complainant was justified in regarding himself as aggrieved. I therefore recommend that he should be given an injury allowance.

#### **Timely Intervention**

OMB: 78/63

A distraught father got in touch with me by telephone about the delay in the release of the results of the National Examination for Vocational and Technical Education. He complained that his son had written the examination in July and had been promised the results by the end of August, 1977. Based on this assurance the son was granted provisional acceptance to a school in the United Kingdom, but the results were not available at the end of August. Acting on a further promise that the results would be published in a week's time the father and son proceeded overseas. They suffered great embarrassment when, on 26th September, 1977 the school re-opened and the results were still not available.



The school authorities permitted him to attend classes on the assumption that the results would be favourable to him. However, the British Immigration Authorities were not prepared to grant him an indefinite stay on the basis of a provisional entry to a school.

I got in touch with the Ministry of Education who admitted there had been a delay and agreed to let the complainant have his son's results. On the basis of his results the son received full admission to the school and was able to pursue his course of study.

#### **Complaint Based on a wrong Assumption** OMB: 78/132

A Village Council Group complained that for about six years they had been in occupation of a parcel of State Land on which they erected a temporary community centre where they conducted evening classes and held Village Council meetings. The community centre was broken down on the directive of an influential citizen.

In the course of my investigation I discovered that the community centre was demolished by virtue of a Court order. The complainants however insisted that the parcel of land on which the centre stood was State Lands and produced a survey plan from the office of the Sub-Intendant of Crown Lands on which the parcel of land was marked "Crown". Further investigations were carried out and it was ascertained that the land was not in fact State lands.

The complainants were so informed and advised to pursue the question of securing from Government an alternative site for the community centre.

#### **Acquisition of Property by Government** OMB: 78/173

The complainant alleged that in October, 1976 her chattel house, which was tenanted, was demolished by the Urban Re-Development Council. As strange as it may seem two weeks later on November 3, 1976 she received a notification advising her:—

(i) of the proposed demolition; and

(ii) that she was at liberty to submit a claim for compensation.

On November 11, 1976 her solicitors accordingly submitted a claim for twenty thousand dollars. That claim was referred to the Sub-Intendant of State Lands. Up to February 27, 1978, the date of her complaint to me, she had received no compensation. She was told by public officers of the Government that she must await a Cabinet directive for payment.

In March, 1978 I directed a letter to the Sub-Intendant of State Lands requesting a report on the matter. After sending five reminders I received a reply approximately one year later on February 16, 1979, informing me that the matter was finalised on September 7, 1978. In his letter he explained that the complainant's claim of November 11, 1976 could not be satisfied until the Chief State Solicitor had advised on the entitlement of the complainant to compensation. That when on January 11, 1978 the Chief State Solicitor so advised the matter was referred to the Commissioner of Valuations, who arrived at a settlement in the sum of fifteen thousand dollars with the complainant. This was then referred to the Minister of Finance on whose recommendation an *ex gratia* payment was made by Cabinet.

In order to close the file it was necessary for me, as in so many cases where complainants have had matters resolved to their satisfaction, to request the complainant to confirm whether her claim for compensation had in fact been settled on September 7, 1978. This she did in the form of a "Thank You" card.

This case is an illustration of:—

- (i) the acquisition of property by a Government authority without proper notice;
- (iii) the unreasonably delay in replying to correspondence from the office of the Ombudsman by Government Departments;
- (iv) the cumbersome machinery for payment of compensation for property acquired from citizens by a Government authority;
- (ii) the inordinate delay in receiving compensation for property acquired by a Government authority;
- (v) the failure of complainants to confirm by letter that their complaints have been settled to their satisfaction without further enquiry of them from this office.

#### **A Case of Nuisance**

OMB: 78/194

The complainant and his adjoining neighbour were lessees of adjoining lots of Crown Lands. The complaint alleged that a wild sour-cherry tree growing in his neighbour's land was creating a nuisance to him. He had complained to the Sub-Intendant of Crown Lands, the Attorney General, the Chief State Solicitor and the Minister of Health and Local Government concerning the matter but his position remained the same. He therefore resorted to our office.



Our investigations revealed that the alleged offence was in breach of the covenant contained in paragraph 2(e) of the lease which the neighbour had entered into with the Sub-Intendant of Crown Lands and which reads as follows:—

“2. The Lessee for himself and his assigns and to the intent that the obligations may continue throughout the term hereby created hereby covenant with the Lessor as follows:—

(e) Not to do or suffer to be done upon the demised premises anything which may be to the annoyance, damage or disturbance of the Lessor or of the Tenants of the Lessor or the occupier of any adjoining or neighbouring house and will not use or occupy or permit to be used or occupied the demised premises or any part thereof for any purpose except as a single private dwelling house.”

We wrote the Sub-Intendant and action favourable to the complainant was taken. The complainant thanked us for the action taken in the matter.

#### **Inordinate Delay**

OMB: 78/217

Complainants belonging to and representing a group of farmers, who own over a hundred acres of land, have alleged that over one hundred thousand dollars have been voted since 1975 to provide an access road and bridge leading to their lands in Lopinot but that the St. George County Council had done very little comparable to the substantial allocation of funds. The complainants further contended that their stocks and produce kept decaying year after year.

Ever since February of 1974 the farmers had petitioned the Minister of Agriculture, Lands and Fisheries for an entrance and/or access road to their lands and during the ensuing period had corresponded with several Government Departments about the matter but met with little or no response. The complainants eventually came to my office in February of 1978 and since then I have been actively pursuing the matter.

Owing to the long-standing nature of the complainants' request and the urgent necessity for the roads, I made immediate representation to the St. George County Council and other departments with a view to having the construction of the road expedited.

My visit to the site with two of my Investigators confirmed that very little work had been done. There was evidence that the rains had washed away most of the gravel which had been spotted on the road leading to the proposed access road and a number of concrete culverts covered with moss and grass (which the complainants alleged were to be used in the construction of the said road) were left as though abandoned in a nearby cemetery.

It is interesting to note, however, that several officials to whom we spoke about these culverts could neither confirm nor deny this particular allegation of the complainants.

The several excuses and procrastination on the part of the officials responsible for performing the work caused the complainants such great frustration that they have now lost confidence in the officers of the St. George County Council. Since my intervention, however, some work was done, though the greater portion is yet to be accomplished. I intend to pursue this matter to a satisfactory conclusion.

#### **An Appeal for the Abatement of a Public Nuisance**

OMB: 78/276

This complaint revealed that complainant and her family had been experiencing a nuisance caused by the operation of a tyre-recapping plant for the past seven years; that the operation of the plant represented a threat to health and that the compound of the plant was left in a most insanitary condition.

Complainant claimed further that the plant created a fire hazard; that fumes emitting therefrom were soiling her washed linen and that the plant began operations before six o'clock every day of the week and ended long after six on evenings, Public Holidays and Sundays included.

Prior to visiting the site, my Investigators and I interviewed the County Medical Officer of Health and the Chief Public Health Inspector. The decision was taken that the Medical Officer of Health should request the tyre-plant owner to abate the nuisance.

The Medical Officer of Health served a notice upon the tyre-plant owner that he should abate the nuisance occasioned by "a drain (to the northern side of the building), so foul as to be . . . injurious to health."

The owner failed to obey the instructions of the notice whereupon the Medical Officer of Health advised him by letter that he should comply or face appropriate action.

Court action was taken against the tyre-plant owner and at the court proceedings State Counsel informed the Magistrate that nuisance for which the Plant Operator had been brought to court had been abated. The matter was dismissed.

The complainant, however, insisted that the nuisance caused by the emission of soot and smoke due to the operation of the plant still exists. It is my intention to pursue this aspect of the nuisance with the Health Authorities.



**A Case of Inordinate Delay**

OMB: 78/491

The complainant alleged that in 1969 the Water and Sewerage Authority laid a 15-inch water main on his land. Over the years he made several requests for redress but without success. In July, 1977 the Authority advised him that the only solution would be for them to acquire the land by private treaty. He agreed to the proposal but had heard nothing more on the matter.

In 1978 he sought the assistance of the office. We kept monitoring the situation with the Water and Sewerage Authority and the matter has now been satisfactorily resolved.

**An Incorrect Rent-Roll Entry**

OMB: 78/540

The complainant was the lessor of two lots of State Land. She alleged that her name had been removed from the Register and another name substituted therefor. She concluded that this was done through the fault of a Revenue Officer.

Investigations were later commenced but discontinued when it was discovered that the matter had already been placed in the hands of the Police. They concluded on the opinion of their handwriting expert that the signature appearing on the file requesting the transfer of the lot of land was one and the same as the complainant's.

The complainant however maintained that she had not signed any document of transfer and again approached my office. My Investigators visited the sight and saw at first hand what the problem was. She had agreed to sell one parcel of land subject to the approval of the Sub-Intendant. There was an error in that the lot on which the complainant's house stood had been transferred instead of the vacant lot.

A great deal of bad feeling had been engendered between the two parties to the land transaction but after some persuasion arrangements were made for both parties to meet at the offices of the Sub-Intendant of State Lands and a formal agreement was signed by both parties to correct the matter. On the basis of this Agreement the Sub-Intendant authorised the Warden to make the necessary changes in the Rent-Roll.

**Discontinuation of Public Assistance**

OMB:78/1016

The complainant alleged that the Trinidad and Tobago Electricity Commission had without her permission installed a meter in her house in the name of her tenant and had disconnected the supply to the portion of the house occupied by the complainant.

Our investigation revealed that she had previously signed a Work Order for disconnection of her premises. Subsequently, the electricity supply had been reconnected to a portion of the house in the name of her tenant, who had satisfied the Commission as to his occupancy of a part of the said premises.

Complainant was under the impression that the Commission could not supply electricity to a building unless and until the owner thereof gave consent. Her attention was drawn to section 34 of the Trinidad and Tobago Electricity Commission Ordinance, Ch. 37. No. 5 which indicates that the Commission is obliged to give electricity to a *bona fide* owner or occupier of premises within a certain distance from the Commission's installation. Moreover that the question of the *bona fides* of the occupancy could not be questioned since in her letter to me she had stated that she had given the occupant and his wife permission to stay in the house.

Complainant was advised that I found no fault on the part of the Commission.

#### **Police Inaction**

OMB: 78/955

The complainant alleged that she made a report to the Police that a man with whom she used to live as husband and wife returned to her home, molested her, stole her money, her clothes and her shoes and assaulted her, but they refuse to take action.

On November 7, 1978 I requested a report from the Commissioner of Police and on March 23, 1979 I received a reply stating that a report was in fact made to the Police by the complainant but she was advised to see the Clerk of the Peace. Further, that unsuccessful efforts were made to obtain the medical report at the hospital.

It would appear that after investigation the Police found that the facts were insufficient to obtain a conviction and therefore quite rightly did not proceed. But it is a matter for concern that the Police were unable to trace a medical report at the General Hospital of a citizen who had been assaulted by another. Further, not even a lawful husband has any right to assault his wife. The Police are there to protect citizens. The Clerk of the Peace has as one of his functions advising persons who wish to make a complaint in the Magistrate's Court. The complainant sought protection of the Police and it seems strange that in the particular circumstances of this matter she should have been referred to the Clerk of the Peace.



**Premature Complaint**

OMB: 78/967

The complainant, who for several years had worked as a taxi-driver in New York alleged that he was being denied the opportunity by the Licensing Authority to bring into Trinidad and Tobago two left-hand drive cars from the United States of America which he intended to use as taxi-cabs.

On investigation it was discovered that certain conditions had to be met before an application could be referred to Cabinet. Moreover that the complainant had not submitted an application to the Licensing Authority.

I advised the complainant that I found no fault in administration.

**Refusal of Taxi Driver's Licence and Badge**

OMB: 78/986

The complainant alleged that the Licensing Authority had refused to grant him a taxi driver's licence and badge because of a conviction twenty-one years ago.

In the course of our investigations it was revealed that he had several previous convictions, among them unlawful wounding and had exercised his right of appeal to the Transport Board which upheld the decision of the Licensing Authority.

I advised the complainant that under the provisions of sub-section 3 of section 3 of the Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3 any appeal against an order or decision of the Licensing Authority must be heard by the Transport Board whose decision is final and conclusive.

In the circumstances I was not prepared to intervene in the matter.

**Fitness for Service**

OMB: 78/998

The complainant alleged that he had suffered an injustice when he was compulsorily retired from the service of the St. George County Council without being examined by a Medical Board.

In the course of investigation it was discovered that he was examined by the Medical Board which comprised of two doctors who were of the opinion that the complainant was unfit for further service on a permanent basis as a result of a disability of his right hand. The complainant was so notified of the report from the Medical Board.

In the circumstances I informed the complainant that there was no fault on the part of the St. George County Council.

**Disconnection of Electricity Supply**

OMB: 78/930

The complainant alleged that payments to him of old age pension and public assistance to his wife and last three children were unjustly stopped.

On investigation it was discovered that the complainant had admitted to the Social Welfare Officer that he was in receipt of an income of one hundred and sixty dollars per fortnight. Consequently, the Local Board had decided to discontinue the grant of old age pension and public assistance as he could not be described as destitute.

When advised of the Board's decision complainant expressed disagreement and asked that the matter be re-opened. Subsequently he appeared before the Local Board and when questioned by the members about his income refused to supply any information in this regard. The Board informed him that it was necessary to have this information and advised him to reconsider the question and advise the Supervisor if and when he decided to furnish the required information.

I spoke to complainant who denied receiving any income, but admitted that monthly sums were given to him by a benefactor. In the light of this I thought it fit to discontinue my investigations.

