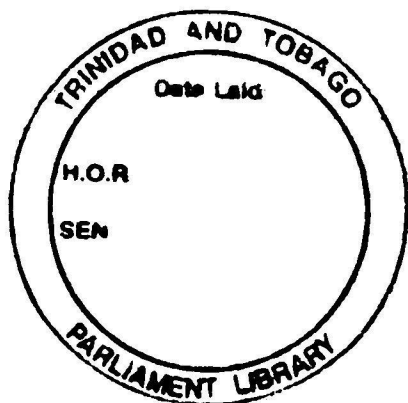


THE OMBUDSMAN/TRINIDAD AND TOBAGO



SECOND ANNUAL REPORT

DECEMBER 6, 1978 - DECEMBER 5, 1979



Office of the Ombudsman,  
St. Ann's Avenue,  
St. Ann's.

March 12, 1980.

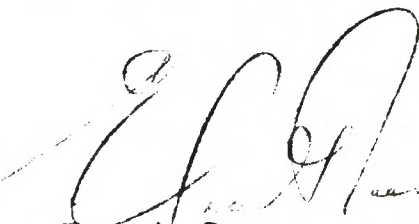
The Honourable Speaker,  
Parliament,  
Red House,  
PORT-OF-SPAIN.

Dear Mr. Speaker,

I have the honour to present the Second Annual Report of the Ombudsman for the period December 6, 1978 - December 5, 1979.

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 A. Rees  
Ombudsman,  
Trinidad and Tobago.

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## INTRODUCTION

In accordance with sub-section 5 of section 96 of the Constitution of the Republic of Trinidad and Tobago, I submit herewith for presentation to Parliament the Second Annual Report on the performance of my functions covering the period from December 6, 1978 to December 5, 1979. The report includes statistics showing how the various complaints carried over from 1978 and those received in 1979 were disposed of and are being processed. I have also included notes relating to particular cases which, in my opinion, are of sufficient importance to be mentioned in this Report.

## PUBLICITY

During the year under review I continued in my efforts to publicise the office in order to bring to the notice of members of the public the service the Ombudsman is required to give. I gave public talks, was interviewed on television and spoke on the radio on various aspects of my role. I was ably assisted by Dr. Benn and Mr. Hugh Clarke, two of my Investigators. We spoke on:-

- (1) "The Role and Function of the Ombudsman of Trinidad and Tobago" to students pursuing the course of Political Science and Public Administration at the Cipriani Labour College;
- (2) "The Role and Function of the Ombudsman" to persons engaged in the "Thirteenth Management Services Training Course" organised jointly by the Organisation and Management Division of the Ministry of Finance; the Trinidad and Tobago Management Development Centre and the Faculty of Social Services of the University of the West Indies;
- (3) "The Ombudsman as an Investigator" to public servants of the 1979 promotion course for entry into the administrative grade co-ordinated by the Training Division of the Personnel Department on behalf of the Public Service Commission.
- (4) "The Role and Function of the Ombudsman" to members of the public at the St. Agnes Anglican Church;
- (5) "The Idea of the Ombudsman" to the sixth form students of Trinity College;
- (6) "Ombudsman Perspectives" to representatives from the Police Service, Prisons Service and other public servants whose work involve the interpretation of regulations, ordinances etc. and who are also engaged in the investigation of matters. This was organised by the Joint Services Staff College.

In spite of our efforts there are still many people who do not recognise that the office of the Ombudsman of Trinidad and Tobago was established by the Republican Constitution and has as its main purpose the protection of human rights of the citizen with respect to injustices as a result of faults by departments and authorities of central and local Government. Therefore it is necessary

to continue to publicise the office so that persons should become aware of the services available from my office and the nature of complaints we are receiving. Publicity of the office of the Ombudsman is done not only by giving public talks and by means of the news media but also through the Annual Report. Consequently, there are certain characteristics of the office that should be highlighted in this Report even though they may appear to be repetitious.

In my view my office was not introduced solely for the purpose of rendering assistance to those who allege that they have sustained an injustice as a result of a fault in administration, but also to see that officers of public departments, local authorities and Government agencies are protected against unjustified criticism. As has been said the Ombudsman is important not only as a "sword" in the service of aggrieved citizens but also as a "shield" for Government departments and authorities when they have made just and reasonable decisions.

#### STAFF AND ACCOMMODATION

In my First Annual Report I mentioned the unfavourable conditions under which members of my staff and I carried out the duties of the office. I am happy to state that over the past year there has been a marked improvement. Officers of Government departments who were in part of the building allocated to me at St. Ann's Avenue, St. Ann's, have now vacated the rooms they occupied.

As originally planned, my office is now structured into three main branches, namely:-

- The Administrative Services;
- The Legal Services; and
- The Investigative Services.

#### OMBUDSMAN - LIAISON

I have been in communication with Ombudsmen from different parts of the world but particular mention should be made of the Ombudsman Committee of the International Bar Association under the Chairmanship of Dr. Bernard Frank. This Committee disseminates information concerning Ombudsmen appointments, judicial decisions and legislation relevant to the Ombudsman concept. The Committee also compares, analyses and gives valuable information on the jurisdiction of Ombudsmen and topics of general interest in this field throughout the world. I must record my appreciation for the assistance I have received from this Committee.

In April 1979, I was informed by the Ministry of External Affairs that the Chief Ombudsman of New Zealand had extended an invitation for me to visit New Zealand and attend the Regional Conference of Ombudsmen which was held in Adelaide, South Australia, in September 1979 but I was unable to attend because of circumstances over which I had no control. As noted in my First Annual Report New Zealand is today considered as a model of the system for other Commonwealth countries and has given great assistance to a number of newly appointed Ombudsmen throughout the world.

I received another invitation to attend the Sixth Annual Conference of Canadian Legislative Ombudsmen which was held in New Brunswick in September 1979. I considered it beneficial for me to hear and learn something of this new concept. I accepted the invitation and attended the Conference in my private capacity. I gained considerably from the experience and place on record my personal thanks and appreciation to the Provincial Ombudsmen of Canada for their kindness and assistance.



I have received an invitation to participate in the Second International Ombudsmen Conference to be held in Jerusalem in October 1980. This Conference will bring together Ombudsmen and members of their staff from all parts of the world. The lecture programme provides for presentation and discussion of central issues of common interest to Ombudsmen and there will be an opportunity for an exchange of views on administrative matters. A seminar which follows will give participants the chance to present, investigate and debate more technical problems of complaint handling. I think that the Ombudsman and a member of his staff should attend this International Conference of Ombudsmen as representatives of Trinidad and Tobago. As I see it, personal contacts with Ombudsmen from different countries with a similar system at an international level can be of immense value and in addition, will strengthen the spirit of good-will and co-operation between the participants.

#### VISITS

My investigators and I, in keeping with the policy of the office to see for ourselves circumstances and conditions that give rise to complaints, visited institutions, sites and Government offices. The institutions included:-

Prison Headquarters  
Carrera Prison  
Golden Grove Prison  
St. Ann's Hospital  
General Hospital, Port-of-Spain.

Considerable background knowledge is gained from these visits, much time is saved and very often matters are resolved after personal discussions with the parties concerned. On-the-spot inspections took my staff and me to places like Princes Town, Red Hill in Morvant, Newbury Hill in Glencoe, Barataria, Trou Macaque in Laventille, Morne Diablo in Penal, Diego Martin and Lopinot. In Tobago my visits included such areas as Louis D'or, Castara, Diamond Estate and Roxborough.

#### TOBAGO

I have considered it advisable to deal with Tobago under a separate head because of its geographical position and the fact that it has its own peculiar problems. For the period under review, I have endeavoured to maintain the pattern indicated in my First Annual Report of visiting Tobago at least twice a month. I continue to meet complainants at the office of the former Minister of Tobago Affairs in the Public Administration Building in Scarborough. As I mentioned in my First Annual Report I hope that this is merely a temporary measure and that alternative accommodation will soon be provided.

I am encouraged by the response I have been getting from the people of Tobago. On every visit there is a large number of citizens who come to see me and to obtain redress for some alleged fault in the administration. This is an indication of their awareness of the services provided by my office.

#### COMPLAINT HANDLING

The method of dealing with a complaint is intended to provide a result that is swift and equitable. Members of my staff have therefore been directed not to allow themselves to be bogged down in red tape and formal trappings of procedure. Instead, they rely on their ability to influence by means of logical persuasion that has its grounding in accurate and thorough research.

From the very inception of the office members of my staff have been extending

courtesies and good manners to every member of the public in answering telephone calls, personal enquiries and correspondence. Indeed, we have had commendations from members of the public on this service.

Unlike an impersonal bureaucracy, ours is a small office that allows for informal discussions while at the same time affording me the opportunity to perform my personalised role as Ombudsman. I read and give directives on every complaint that comes to my office and make an effort to grant an interview to individuals where necessary. My approach to every complaint is that of an impartial and independent authority.

In dealing with a complaint, my first concern is to find out whether there is jurisdiction - a matter which is sometimes not easy to determine. The Head of the Legal Division has been giving me considerable assistance in this area. If there is jurisdiction, then the complaint is fully investigated in order to ascertain whether the act or omission alleged by the complainant is unreasonable, unjust or discriminatory. Any such defect amounts to a fault in administration and I would usually recommend corrective action. If my recommendation is ignored then there is statutory provision for me to bring the matter to the notice of Parliament by means of a Special Report where the members of Parliament may discuss and debate the matter. In some cases I may not readily have any specific proposal or recommendation for a solution to the problem. In such a case without taking the responsibility of coming to a firm decision one way or another, I merely draw attention to the unsatisfactory state of affairs with the hope that something will be done to improve the situation.

I do not issue directives, orders or mandates. The new concept of Ombudsmanship is to try to remedy injustices and bring about improvements in the quality of public administration by consultation, persuasion and mutual respect rather than by confrontation and directives. With this method of approach, I have found that most public officers extend to me the fullest co-operation, courtesy and assistance. As mentioned in my First Annual Report, my office continues to make every effort to assist complainants. Even in some cases where I have no jurisdiction, the complainants are referred by letter to the appropriate authority. In others an explanation of the particular circumstances is given to them.

In this connection I should like to place on record my appreciation for the ready response I have been getting from the Legal Aid and Advisory Authority, the Registry of the Supreme Court, the Magistracy and other departments.

#### DELAYS

In my First Annual Report, I referred to the delay in answering correspondence by some government departments and authorities and pointed out that it could hinder the effectiveness of the office of the Ombudsman. I said:-

"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."

During the year I have continued to write directly to Permanent Secretaries and have also sent out letters to all defaulting Ministries/Departments/Agencies specifying the matters in which they had been negligent. I also reminded them of the powers conferred upon me by statute namely section 97 of the Constitution which provides:-

"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."

and section 10 of the Ombudsman Act, 1977, No. 23 of 1977 which reads as follows:-

"10. A person is liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months who—

(a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Ombudsman or any other person in the exercise of his powers under this Act;

(b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act;

(c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise of his powers under this Act; or

- (d) in a manner inconsistent with his duty under section 6(a), deals with any documents, information or things mentioned in that paragraph.

The effect of those sections is to empower the Ombudsman, subject to certain exceptions, to require any person, whether an officer of the relevant department or not to furnish information and produce documents relating to an investigation. There has been an improvement but there are still Ministries/Departments who are not co-operating by replying expeditiously to my letters.

With the introduction of this institution in the country citizens are looking forward to the Ombudsman as an independent and impartial source of evaluation for their problems. If Government officers are going to attempt to clog the machinery by not replying to letters it becomes a matter of some gravity.

#### AREAS OF CONCERN

(a) Non-implementation of recommendations

Upon the completion of an investigation I am required under the provisions of section 96(2) of the Constitution to inform the department or authority concerned of the results of my investigation and if I am of the opinion that any person has sustained an injustice, inform the department or authority of the reasons for my opinion. In addition, I may make such recommendation as I think fit and specify the time within which the injustice should be remedied. If no sufficient action is taken to remedy the injustice within the time specified, I am required to report the matter to Parliament.

During the year the Ministry of Transport and Communications failed to take action on one of the recommendations I made for the payment of sums of money due to a complainant - see case note OMB: 79/56 page 74. In accordance with the procedure outlined in section 96(4) of the Constitution I have laid a special report on the case to Parliament.

(b) Criminal Appeals "In forma pauperis" to the Judicial Committee of the Privy Council

Many complaints have reached my office from condemned prisoners and their local lawyers of the inordinate delay in the hearing of appeals "in forma pauperis" ~~to~~ the Judicial Committee of the Privy Council. They contend that lawyers in the United Kingdom will not accept a brief without their fees but the present practice of government departments in Trinidad is not to pay the fees until the case has been determined. The protracted delay in the finalization of these cases is causing a great deal of mental anguish to condemned prisoners and their immediate relatives. It is generally recognised in the legal profession that fees, particularly in criminal cases, are paid on brief. I am pursuing this matter with the competent authorities and look forward to an early improvement in the position.

#### *An Interim Report:*

(c) Acquisition of land by the State

In my First Annual Report, I mentioned my grave concern for the plight of



those citizens who have had their lands compulsorily acquired by the State and have not been paid compensation. I stated then:-

"We have had a number of complaints of the inordinate delay by Government to pay compensation for lands compulsorily acquired. This is a matter of grave concern and needs an in-depth investigation into the machinery for payment which at present obtains. As a general principal <sup>(s/o)</sup> compensation and appropriation should be concurrent. The settled and fundamental doctrine is that a Government has no right to take the property of a citizen for public purposes, without giving just and speedy compensation. In some countries the law provides that private property shall not be taken or applied to public use unless just compensation be first made therefor. For any owner to wait for several years for payment for his land which has been acquired for public purposes because of inefficient machinery is manifestly unjust particularly when a provision for compensation is an indispensable attendant upon the due and constitutional exercise of the power of depriving an individual of his property."

I commenced an in-depth investigation into the entire machinery of land acquisition for public purposes. To date my investigative team has held interviews and discussions with several officers of the Departments/Divisions directly concerned with a view to identifying what problems, if any, these Agencies are experiencing.

My investigations have not been concluded because of the wide ramifications of the matter and the unavailability of essential statistical information. The question of compulsory land acquisition by Government is in my opinion, a matter of sufficient public importance to justify a report to Parliament of what has been done so far.

When land is required for public purposes, it is compulsorily acquired under the provisions of the Land Acquisition Ordinance Ch. 27 No. 10 (hereinafter referred to as "the Ordinance"). The power to enter the land of a private individual is contained in section 3 and the final acquisition of the land in section 5 of the Ordinance.

Section 3 provides:-

"Whenever it appears to Cabinet that any land is likely to be needed for any purposes which, in the opinion of Cabinet, are public purposes, a notification to that effect may be published in the Trinidad and Tobago Gazette under the hand of the Secretary to the Cabinet and thereupon it shall be lawful for the Sub-Intendant to do all or any of the following things, that is to say—

- (a) to enter upon and survey and take levels of any land in any locality to which the public purposes

relate;

- (b) to dig or bore into the sub-soil of such land;
- (c) to do all other acts necessary to ascertain whether the land is adapted to such purposes;
- (d) to set out the boundaries of the land intended to be taken, and the intended line of the work, if any, proposed to be done thereon;
- (e) to mark, levels, boundaries, and lines by placing marks and cutting trenches;
- (f) where otherwise the survey cannot be completed the levels taken or the boundaries or line of the work marked, to cut down and clear away any standing crop, fence, tree, or bush;
- (g) to set up and maintain gauges in any stream or watercourse, and have access to the same from time to time for purposes of observation;
- (h) to do all such other acts as may be incidental to or necessary for any of the purposes aforesaid:

Provided that the Sub-Intendant shall not enter into any building, or into or upon any enclosed yard, court, or garden attached to a dwelling-house, unless with the consent of the occupier thereof, without previously giving such occupier at least twenty-four hours notice in writing of his intention to do so:

Provided further that compensation shall be paid to the persons interested in the land so entered for any actual damage or injury resulting to them by reason of the exercise of the powers conferred by this section and shall be assessed—

- (i) in so far as it relates to land the acquisition of which is subsequently deemed to be abandoned under section 7 or abandoned under section 9, in manner provided by this Ordinance;
- (ii) in so far as it relates to land the compulsory acquisition of which is

subsequently completed under section 5, as though it were part of the compensation for the acquisition of the land."

Section 4 provides:-

"When the notification mentioned in section 3 has been published in relation to any land, it shall be lawful for the President to authorise the Sub-Intendant, without waiting for the formal vesting of the land in the State, to do any work on the land connected with the use to which land is intended to be put on acquisition, and thereupon the Sub-Intendant may proceed with such work accordingly:

Provided that compensation shall be paid to the persons interested for any actual damage or injury resulting to them by reason of the exercise of the powers conferred by this section and shall be determined in the same way as compensation for actual damage or injury resulting from the exercise of the powers conferred by section 3."

Section 5 provides:-

- "(1) On the acquisition of land for public purposes being decided upon by the President with the approval of the Senate and the House of Representatives, it shall be lawful, whether a notification in the Trinidad and Tobago Gazette in relation to that land has been published under section 3 or not and, if a notification has been so published, whether all or any of the powers conferred by that section have been exercised or not, for the President by notification published in the Trinidad and Tobago Gazette, to declare the land to have been acquired for public purposes.
- (2) A notification published in the Trinidad and Tobago Gazette under the preceding subsection shall describe the land with precision, either in words or by reference to a map or plan which shall be kept at the office of the Director of Surveys and shall be open to inspection by the public, and shall be conclusive evidence that the land is required for public purposes and upon the publication of the notice as aforesaid, the land shall vest absolutely in the State free from all encumbrances.
- (3) Brief and concise particulars of each

acquisition which has been published in the Trinidad and Tobago Gazette, shall be advertised by the Sub-Intendant twice in two local daily newspapers circulating in the territory.

- (4) Nothing in this section shall be deemed to prevent the acquisition of land for public purposes by private treaty.

It will be observed that under section 3 once a notification to the effect that land is likely to be needed for public purposes is published in the Trinidad and Tobago Gazette, no civil action can be brought in respect of the entry or the acts necessary for the project which are carried out on the land, although there will be a right to compensation for any detriment which may be suffered.

By section 4 the land may be utilised by the State for the purpose for which it is intended to be put on acquisition, but since compensation for that land is not payable until notification in the Trinidad and Tobago Gazette declaring the land to have been acquired for public purposes, the public purposes may be carried out by the State without the owner of the property getting compensation until the said notification under section 5.

When a notification is published in the Trinidad and Tobago Gazette declaring the land to have been acquired under section 5 of the Ordinance a notice is sent to the person interested in the land and section 8 of the Ordinance comes into play. It reads thus:-

- "(1) The Sub-Intendant may, by notice served personally, or by post addressed to the last known place of abode or business of the person concerned, require any person interested in any land or in any part thereof, in respect of which a notification in the Trinidad and Tobago Gazette has been published under section 3 or which has been compulsorily acquired to deliver to him, within a time to be specified in the notice, being not less than twenty-one days after service of the notice, a statement in writing containing, so far as may be within his own knowledge, the name of every person possessing any interest in the land or any part thereof whether as partner, mortgagee, lessee, tenant, or otherwise and the nature of such interest.
- (2) Every person required to make and deliver a statement under this section who shall refuse to make or deliver such statement, or shall wilfully make any such statement which is false or incomplete in any material particular, shall be liable, on summary conviction, to a fine of ninety-six dollars."



In addition to conforming strictly with the provisions of the Ordinance there are certain administrative requirements which must be met before the owner of land receives compensation.

The Lands and Surveys Division of the Ministry of Agriculture, Lands and Fisheries, which is responsible for initiating and co-ordinating the various activities involved in the acquisition of land by the State must be satisfied:-

- (i) that the land is suitable for the purpose intended;
- (ii) that the boundaries are properly demarcated to allow for correct identification and measurement;
- (iii) that adequate notice of intended acquisition and notice of acquisition have been published in the Trinidad and Tobago Gazette;
- (iv) that claimants for compensation have good titles to property and that compensation offered is acceptable by them;
- (v) that the approval of Parliament is obtained for an acquisition.

The procedure which is followed from the publication of the notice to enter private property of a person under section 3 to the payment of compensation under the Ordinance appears not only to be time consuming and cumbersome, but unjust to the owners of private property.

By 1977 the problem of land acquisition without compensation had become so acute that a committee was appointed by Cabinet to make recommendations on how to ensure the speedy handling of the backlog of outstanding claims which had arisen as a result of the procedure involved.

I took as my base the report submitted by that committee which revealed that there were three hundred and fifty three outstanding acquisitions in 1977. Since then there have been several more acquisitions. An attempt to identify what progress had been made in the settlement of these matters revealed that the Lands and Surveys Department could not readily identify the particular cases, except by embarking on the enormous exercise of going through each file to extract information needed. It was found that:-

#### 1. Delay

There was an extraordinary time lapse between the publication of the section 3 notice in the Trinidad and Tobago Gazette which gives the State power to enter a person's land and the section 5 notification of intention by the State to acquire, that is to say, the statutory vesting of the property in the State. That time lapse between both notifications was very often between two to twelve years. For example, the time lapse between notification in the Trinidad and Tobago Gazette under section 3 and section 5 is as follows:-

Diego Martin Highway	Section 3 1965
	Section 5 1977
Oropouche Drainage Scheme	Section 3 1959
	Section 5 1972

North Coast Road - Las Cuevas. Section 3 1961  
to La Fillette Section 5 still  
pending

2. Staffing

A shortage of trained and experienced staff seems to be pervasive as it affects nearly every department/division involved in the land acquisition machinery.

3. Surveys: Lands and Surveys Department

The lack of land surveyors is a major problem in the land acquisition process because a survey plan is a pre-requisite to acquisition. In the last two years nine persons have left the Lands and Surveys department and there are at present twelve vacant posts. The Public Service Commission has had to advertise for surveyors from overseas to fill the need. The question of surveyors in private practice undertaking the surveys was raised, but these persons are reluctant to work for Government because of the delay in payment of their fees. The payment is made only after their survey plans are submitted to and checked by the Director of Surveys. Senior surveyors of the department are assigned to check the plans, but they are already hard-pressed with other duties. Consequently, there are delays in checking which affect the payment of the fees payable by Government.

4. Search of Titles

The search of titles is a very important area in the land acquisition process. Before compensation could be paid the title of the person purporting to be the owner must be thoroughly checked and verified. The extraction of the notes from the deeds is done by title clerks who experience difficulty in obtaining the records from the search room and vaults of the Registrar General's office. At this office the volume of the registration of deeds has increased enormously in recent years as a result of the ever increasing transactions in land. For example, the number of deeds and instruments under the Real Property Ordinance which was registered for the period 1974 to 1977 is as follows:-

Year	Deeds	R. P. O. Instruments
1974	16,302	4,935
1975	18,888	6,231
1976	21,427	7,071
1977	22,741	6,940

This increase in the registration of deeds and the Real Property Ordinance instruments has given rise to a corresponding increase in the number of clerks from about

30 to approximately 100 (the vast majority being privately employed) who daily utilize the very inadequate facilities of the Registrar General's office. Both the search room and the vault of this office need to be extended and security measures improved. It is a matter of grave concern to see the state of disrepair of the rooms in which these important records are kept.

5. State Solicitor's office

The task of the Chief State Solicitor is to verify the titles of those persons to whom compensation should be paid. He has a number of heavy schedules relating to the Administrator General, the Courts, the Public Trustee and others. I do not think that in all the circumstances he can reasonably give priority to land acquisition matters. What is urgently needed is adequate staff for his office.

6. Valuation Division

The Valuation Division deals directly with determining the amount of compensation for compulsory acquisition of land in accordance with the provisions of the Ordinance. The division acts in an advisory capacity and functions in two areas, namely:-

- (i) compulsory acquisition
- (ii) private treaty.

As to compulsory acquisition, the Commissioner of Valuations is advised by the Chief State Solicitor through the Sub-Intendant of State Lands to whom an offer is made. If there is an agreement then compensation can be paid within a month, but delays are sometimes caused through disagreement resulting in protracted negotiations between the claimant and the Commissioner of Valuations.

I shall continue my investigations in collaboration with other agencies who are working towards a solution of this major problem. In some cases when the title is clear part payment without prejudice would do a great deal in relieving the frustration and dissatisfaction which at present exist. As it has been done in some cases it savours of discrimination when other owners of land in a similar position are not given part payment *for land acquired by the State.*

ACKNOWLEDGEMENT

Finally, I should like to place on record once again my appreciation for the loyalty and support of the members of my staff.

Statistical data on complaints during the period  
December 6, 1978 to December 5, 1979

During the period under review as can be seen from Table No. 1, 966 written complaints were received. After investigation I discovered that in 112 I had no jurisdiction, 4 were withdrawn, 25 were declined and 48 were premature. 77 i.e. 80.4 per cent of the total number of complaints received were proceeded with and of this number 350 or 45 per cent were concluded while 127 or 55 per cent remained outstanding. It should also be noted that in addition to the 966 complaints received in 1978-79, 408 were brought forward from the year 1977-78 and of this latter number, 270 or 66.1 per cent have been completed while 138 or 33.9 per cent are under investigation. Therefore, a net total of 1,185 complaints were handled, 620 or 52.3 per cent of which have been fully concluded while 565 or 47.7 per cent of this remained outstanding.

Table No. 2 shows that there was a steady stream of complaints during the 12-month period under review, the monthly average being 81. Table No. 3 which gives a breakdown of complaints and shows that persons seeking advice in personal and domestic matters again were in the forefront and that there was an increase of 3 per cent in this category.

I have compiled Table No. 4 'Subject of Complaints' which replaces Table No. 4 (Breakdown of Complaints) of the First Annual Report. This shows the subject matter of the complaints and the present position. In this table under the heading "Result" the term -

- (1) Rectified - pertains to matters which have been resolved.
- (2) Referred - pertains to matters that have been forwarded to the appropriate authority.
- (3) No jurisdiction - pertains to matters which fall outside the jurisdiction of the Ombudsman.
- (4) Discontinued - pertains to matters which fall within the provision of section 95 of the Constitution.
- (5) Not justified - pertains to matters in which the complainants have not suffered an injustice in consequence of a fault in administration.
- (6) Justified - pertains to matters in which the complainant has suffered an injustice in consequence of a fault in administration.
- (7) Advised - pertains to matters in which advice is given.
- (8) Premature - pertains to matters in which the complainant came to the office before exhausting available remedies.
- (9) Withdrawn - pertains to matters in which the complainant requested me not to pursue.

TABLE NO. 1

SUMMARY - STATISTICS ON COMPLAINTS

	December 6, 1978 - December 5, 1979		December 6, 1977 - December 5, 1978	
	Total	Percentage Total	Total	Percentage Total
Total number of complaints brought forward from last report	408	-		-
Total number of complaints received for period under review	966	-		-
Total	1,374		1,098	
Total number of complaints for period under review not proceeded with				
No jurisdiction	112)		184)	
Withdrawn	4)		3)	
Declined	25)	13.8	22)	23.0
*Not justified	-		43)	
Premature	48)		-	
Total complaints proceeded with	1,185	86.2	846	77.0
Total complaints concluded	620	52.3	438	57.8
Total complaints outstanding	565	47.7	408	48.2

\* Wrongly classified in First Annual Report

TABLE NO. 2

Number of complaints per month

Month	DECEMBER 6, 1978 - DECEMBER 5, 1979			DECEMBER 6, 1977 - DECEMBER 5, 1978		
	Number	Percentage of Total	Average Per Month	Number	Percentage of Total	Average Per Month
December	27	2.8		24	2.2	
January	120	12.4		99	9.0	
February	69	7.1		106	9.7	
March	95	9.8		110	10.0	
April	55	5.7		118	10.7	
May	83	8.6		87	7.9	
June	60	6.2	81	62	5.6	92
July	88	9.1		90	8.2	
August	129	13.4		81	7.4	
September	93	9.6		77	7.0	
October	91	9.4		57	5.2	
November to December 5	56	5.8		96	8.7	
Undated	-	-		91	8.3	

TABLE NO. 3

Breakdown of complaints - Ministries/Authorities

Departments	December 6, 1978 - December 5, 1979		December 6, 1977 - December 5, 1978	
	Total	Percentage of Total	Total	Percentage of Total
Central Bank	04	0.4	01	0.09
Central Library	-	-	01	0.09
Judiciary	107	11.0	163	14.8
Judicial and Legal Services	-	-	01	0.09
Legal Aid and Advisory Authority (Referrals)	-	-	62*	5.6
Ministry of Agriculture, Lands and Fisheries	47	4.9	51	4.6
Ministry of Education and Culture	17	1.8	29	2.6
Ministry of Finance	78	8.0	109	9.9
Ministry of Health and Local Government	50	5.2	68	6.2
Ministry of Industry and Commerce	04	0.4	04	0.4
Ministry of Labour, Social Security and Co-operatives	30	3.1	31	2.8
Ministry for Legal Affairs	23	2.4	16	1.5
Ministry of National Security	107	11.0	80	7.3
Ministry of Petroleum and Mines	-	-	07	0.6
Ministry of Works, Transport and Communications	51	5.3	52	4.7
National Insurance Board	16	1.5	16	1.5
National Housing Authority	38	3.9	26	2.4
Police Service Commission	06	0.6	15	1.4
Port Authority of Trinidad and Tobago	07	0.7	-	-
Public Service Commission	24	2.5	60	5.5

\* Wrongly classified in First Annual Report

TABLE NO. 3 (Cont'd)

Departments	December 6, 1978 - December 5, 1979		December 6, 1977 - December 5, 1978	
	Total	Percentage of Total	Total	Percentage of Total
Statutory Service Commission	04	0.4	05	0.5
Teaching Service Commission	-	-	09	0.8
Trinidad and Tobago Electricity Commission	06	0.6	07	0.6
Trinidad and Tobago Telephone Co.	03	0.3	-	-
Water and Sewerage Authority	15	1.5	13	1.2
Other complaints (Personal, domestic etc.)	329	34.0	272	24.8
TOTAL	966	-	1,098	-



TABLE NO. 4

Subject of Complaints  
CENTRAL BANK

No.	Subject of Complaints	Result
424/79	Delay in processing release of fund from blocked account	Under investigation
445/79	Refusal to redeem \$50.00 (TT) notes at face value	Under investigation
483/79	Refusal to redeem \$50.00 (TT) notes at face value	Under investigation
511/79	Refusal to redeem \$50.00 (TT) notes at face value	Under investigation

JUDICIARY

No.	Subject of Complaints	Result
5/79	Delay in hearing High Court Action	Premature
12/79	Delay in receiving salary	Under investigation
13/79	Delay in hearing High Court Action	Advised
18/79	Failure to obtain information in High Court Action	Advised
23/79	Dissatisfaction with decision of Industrial Court	No jurisdiction
24/79	Delay in serving summons	Rectified
27/79	Dissatisfaction with the conduct of a Public Officer	Rectified
29/79	Failure to obtain information on result of case	Advised
30/79	Failure to obtain judgment	Advised
43/79	Delay in hearing Court matter	Under investigation
46/79	Failure to obtain reasons for release of accused without trial	Rectified
48/79	Delay in supplying Notes of Evidence	Rectified
55/79	Delay in hearing Industrial Court matter	Rectified
60/79	Complaint against Magistrate	Referred
68/79	Delay in hearing Magistrate's Court matter	Rectified
71/79	Delay in hearing Magistrate's Court matter	Rectified
73/79	Delay in hearing High Court Action	Rectified
83/79	Delay in obtaining Notes of Evidence	Rectified
88/79	Delay in delivering judgment reserved	Rectified

JUDICIARY (Cont'd)

No.	Subject of Complaints	Result
92/79	Delay in payment of ex-gratia award	Premature
93/79	Condition in which official letter was received	Not justified
123/79	Request for intervention in judicial order in getting time spent at Remand Yard offset against sentence	No jurisdiction
131/79	Error by Court in the postponement of case to a dies non	Rectified
142/79	Delay in obtaining Judge's reasons	Advised
146/79	Request for intervention of judicial order in getting time spent at Remand Yard offset against sentence	No jurisdiction
150/79	Delay in the hearing High Court Action	Referred
154/79	Delay in the hearing Inquest	Referred
161/79	Delay in fixing a date for trial	Rectified
166/79	Refusal by lawyer to pay costs awarded to litigant	Referred
173/79	Delay in obtaining money awarded to litigant	Referred
174/79	Delay in hearing High Court Action	Rectified
185/79	Non-payment of judgment debt and costs	Under investigation
190/79	Not informed of the outcome of his case	Rectified
202/79	Delay in the hearing criminal matters	Under investigation
209/79	Delay in fixing date for trial	Rectified
219/79	Delay in the hearing appeal	Under investigation
223/79	Information sought in High Court Action	Advised
224/79	Refusal to forward Notice of Appeal	Under investigation
232/79	Delay in hearing of a Matrimonial Petition	Advised
235/79	Assistance in Court matter	Advised
237/79	Dissatisfaction with the sale of property	Not justified

JUDICIARY (Cont'd)

No.	Subject of Complaints	Result
272/79	Delay in hearing Appeal Court matter	Under investigation
274/79	Delay in hearing of present position of High Court Action	Advised
317/79	Request for enquiry into husband's death	Advised
319/79	Delay in hearing Appeal Court matter	Under investigation
321/79	Delay in hearing High Court Action	Advised
330/79	Failure in obtaining custody of children	Rectified
338/79	Delay in hearing trade dispute	Under investigation
347/79	Delay in hearing appeal	Rectified
351/79	Delay in hearing High Court Action	Advised
352/79	Delay in hearing High Court Action	Rectified
357/79	Delay in hearing matter in Magistrate's Court	Rectified
364/79	Irregularity in not being notified of date fixed for hearing	Advised
400/79	Litigant not notified of date of hearing of case	Under investigation
404/79	Delay in holding Inquest into husband's death	Rectified
410/79	Misconduct of a Public Officer	Discontinued
418/79	Delay in hearing Appeal Court matter	Under investigation
434/79	Failure to obtain Court order	Advised
447/79	Delay in processing application for letters of administration	Under investigation
449/79	Delay in hearing Appeal Court matter	Under investigation
455/79	Delay in hearing Magistrate's Court matter	Under investigation
491/79	Delay in hearing Workmen's Compensation matter	Rectified
492/79	Delay in hearing Appeal Court matter	Under investigation
497/79	Delay in hearing High Court matter	Under investigation

JUDICIARY (Cont'd)

No. +	Subject of Complaints	Result
505/79	Delay in payment of legal fees	Under investigation
527/79	Delay in hearing Appeal Court matter	Under investigation
546/79	Delay in hearing Appeal Court matter	Under investigation
601/79	Delay in hearing High Court matter	Under investigation
614/79	Delay in delivery of judgment in an Industrial Court matter	Justified
620/79	Delay in holding an Inquest	Under investigation
630/79	Delay in hearing High Court matter	Under investigation
633/79	Report against Public Officer	Under investigation
653/79	Delay in hearing High Court matter	Under investigation
654/79	Delay in hearing High Court matter	Rectified
668/79	Delay in hearing Magistrate's Court matter	Advised
669/79	Delay in obtaining Notes of Evidence	Under investigation
682/79	Delay in hearing Magistrate's Court matter	Under investigation
711/79	Delay in hearing Magistrate's Court matter	Justified
723/79	Failure to have exhibits returned	Under investigation
743/79	Delay in hearing Appeal Court matter	Under investigation
744/79	Failure to obtain Judge's reasons	Under investigation
745/79	Delay in hearing High Court matter	Advised
752/79	Delay in hearing High Court matter	Advised
769/79	Delay in obtaining Notes of Evidence	Rectified
774/79	Delay in hearing High Court matter	Under investigation
780/79	Inconvenience of filing document in Tobago	No jurisdiction
812/79	Complaint on matter before the Court	No jurisdiction

JUDICIARY (Cont'd)

No.	Subject of Complaints	Result
830/79	Discrimination by Court	Advised
854/79	Delay in hearing Appeal Court matter	Under investigation
856/79	Failure to supply copy of Will	Not justified
869/79	Delay in granting Letters of Administration	Under investigation
870/79	Delay in hearing High Court matters	Under investigation
875/79	Delay in hearing High Court matter	Under investigation
877/79	Delay in obtaining Notes of Evidence	Under investigation
902/79	Delay in obtaining money deposited	Under investigation
911/79	Delay in hearing High Court matter	Under investigation
916/79	Delay in obtaining Notes of Evidence	Under investigation

MINISTRY OF AGRICULTURE, LANDS AND FISHERIES

No.	Subject of Complaints	Result
17/79	Delays with regard to land acquisition	Under investigation
36/79	Allocation of lands for purposes other than building houses in housing settlement	Advised
37/79	Harassment by Public Officer	Advised
58/79	Delay in supplying information concerning deceased husband's estate	Rectified
61/79	Delay in processing application for a loan from the Agricultural Development Bank	Advised
63/79	Delay in payment of arrears of wages	Advised
99/79	Delay in paying compensation for land acquired by the State	Under investigation
107/79	Eviction from Government project without notice	Under investigation
126/79	Discrimination in refusing to renew permits for the removal of timber	Prenature
130/79	Harassment experienced from the hands of an Estate Inspector (Police)	Discontinued
159/79	Dissatisfaction with decision to declare a period of years non-effective for pension purposes	Rectified
162/79	Insufficient compensation for injuries sustained on fishing trawler	Referred
201/79	Transfer of tenancy	Under investigation
266/79	Wrongful approval for squatter to remain on land	Under investigation
270/79	Delay in considering application for land	Discontinued
275/79	Deprived of a lease	Under investigation
297/79	Discrimination in granting application for loan	Under investigation
298/79	Delay in notifying complainant about outcome of application	Under investigation
303/79	Dissatisfaction with amount offered for acquisition of land	Advised
329/79	Allocation of agricultural allotment	Advised

MINISTRY OF AGRICULTURE, LANDS AND FISHERIES (Cont'd)

No.	Subject of Complaints	Result
331/79	Delay in approval of application for land	Discontinued
349/79	Allegation of assault by a Public Officer	Under investigation
350/79	Assistance in constructing road to develop land	Under investigation
476/79	Seeking permission to cultivate State land	Rectified
519/79	Delay in processing application for loan from Agricultural Development Bank	Under investigation
555/79	Inadequacy of compensation	Under investigation
577/79	Non-payment of salary	Under investigation
593/79	Nuisance caused by construction work done by neighbours	Under investigation
596/79	Delay in payment of overtime	Under investigation
599/79	Deprivation of cultivated land by the State	Under investigation
657/79	Delay in the processing of application for a parcel of State land	Under investigation
662/79	Failure to pay for transportation	Under investigation
686/79	Discrimination in dealing with squatters	Under investigation
691/79	Difficulty in obtaining possession of a piece of State land	Under investigation
729/79	Failure to obtain back-pay	Under investigation
771/79	Inability to secure loan from Agricultural Development Bank	Under investigation
797/79	Delay in obtaining survey plan	Under investigation
812/79	Delay in processing application for a lease of land	Under investigation
816/79	Inadequate payment of wages	Under investigation
850/79	Delay in payment of compensation for damages	Under investigation
873/79	Delay in obtaining superannuation benefits	Under investigation
874/79	Wrongful allocation of land	Under investigation



MINISTRY OF AGRICULTURE, LANDS AND FISHERIES (Cont'd)

No.	Subject of Complaints	Result
880/79	Delay in obtaining superannuation benefits	Under investigation
915/79	Discrimination in the allocation of State land	Under investigation
920/79	Damage to property	Under investigation

MINISTRY OF EDUCATION AND CULTURE

No.	Subject of Complaints	Result
53/79	Delay in payment of subsistence and travelling allowances	Under investigation
101/79	Transfer in contravention of the regulations	Under investigation
104/79	Error in the payment of salary	Discontinued
139/79	Delay in supplying information relating to deceased estate	Rectified
286/79	Wrongful dismissal as Library Assistant	Discontinued
381/79	Delay in payment for Handicraft work done (Community Development)	Under investigation
407/79	Discrimination in allocating permanent employment	Advised
420/79	Damage to property	Premature
438/79	Delay in payment of increments	Under investigation
441/79	Damage to property	Under investigation
467/79	Victimization resulting in loss of service	Under investigation
557/79	Non-payment for goods supplied to the Handicraft Centre	Under investigation
681/79	Non-payment of increment	Under investigation
693/79	Wrongful classification	Under investigation
778/79	Violation of rights	Under investigation

## MINISTRY OF FINANCE

No.	Subject of Complaints	Result
2/79	Delay in refunding Income Tax and Unemployment Levy	Rectified
4/79	Delay in obtaining Widows and Orphans benefits	Under investigation
8/79	Non-payment of salary	Premature
38/79	Failure to carry out Cabinet's directive	Under investigation
67/79	Refusal to refund money paid to Widows and Orphans Pension Scheme	Advised
82/79	Error in the computation of Pension	Rectified
113/79	Refusal of the Customs Brokers Board to grant licence	Advised
117/79	Discrimination in the allocation of Government quarters	Premature
129/79	Seeking death benefits due with respect to estate of deceased	Premature
153/79	Error in computation of husband's retiring benefits	Under investigation
164/79	Delay in supplying information	Under investigation
180/79	Recognition of previous services	Under investigation
183/79	Gratuity paid on wrongful computation of service	Under investigation
193/79	Wrongful computation of service	Justified
221/79	Failure to obtain pension and gratuity	Advised
230/79	Failure to obtain Government quarters	Under investigation
254/79	Inadequate superannuation benefits	Rectified
263/79	Delay in refund of Widows and Orphans benefits	Under investigation
276/79	Refusal to change name on Assessment roll	Under investigation
290/79	Arbitrary reduction in wages	Referred
324/79	Delay in payment of compensation for land	Under investigation

MINISTRY OF FINANCE (Cont'd)

No.	Subject of Complaints	Result
327/79	Unfair administrative decisions in a public office	Advised
333/79	Delay in payment of super-annuation benefits	Under investigation
341/79	Dissatisfaction with acting allowance received	Under investigation
354/79	Delay in obtaining compensation from Government Insurance Scheme	Under investigation
356/79	Delay in payment of super-annuation benefits	Under investigation
366/79	Failure to obtain old age pension	Advised
370/79	Insufficient gratuity paid on retirement	Under investigation
367/79	Victimization by Government officer	Referred
377/79	Delay in payment for work done	Under investigation
390/79	Delay in payment of super-annuation benefits	Under investigation
396/79	Error in the computation of tax refund	Premature
411/79	Delay in re-classification of post	Under investigation
414/79	Delay in payment of compensation for land	Under investigation
444/79	Refusal to enter name on assessment rolls	Not justified
458/79	Non-payment of death benefits	Advised
461/79	Non-receipt of severance benefits	Under investigation
479/79	Delay in obtaining refund of Income Tax	Advised
486/79	Changing assessment roll without consent	Rectified
500/79	Error in the computation of superannuation benefits	Discontinued
509/79	Claim for gratuity of deceased husband	Not justified

MINISTRY OF FINANCE (Cont'd)

No.	Subject of Complaints	Result
513/79	Delay in payment of compensation for land	Under investigation
517/79	Dissatisfaction with composition of Appeals Committee	Withdrawn
523/79	Delay in payment of judgment debt and costs	Rectified
563/79	Delay in payment for extra duties performed	Under investigation
571/79	Error in the computation of Income Tax	Under investigation
578/79	Delay in payment of compensation for land	Under investigation
580/79	Delay in payment of compensation for land	Rectified
582/79	Refusal to pay benefits	Under investigation
584/79	Inability to obtain tax form	Rectified
622/79	Delay in payment of super-annuation benefits	Under investigation
632/79	Delay in payment of compensation for land	Under investigation
642/79	Difficulty in obtaining money due	Rectified
643/79	Wrongful disposal of machinery	Under investigation
663/79	Discrimination in job assignment	Referred
664/79	Delay in payment of compensation for land	Under investigation
665/79	Discrimination in award of tender	Under investigation
699/79	Delay in obtaining refund of Income Tax	Rectified
707/79	Delay in payment of compensation for land	Under investigation
715/79	Failure of Insurance Company to honour terms of its policy	Under investigation
733/79	Error in computation of gratuity	Under investigation
757/79	Delay in obtaining information	Under investigation

MINISTRY OF FINANCE (Cont'd)

No.	Subject of Complaints	Result
761/79	Delay in obtaining refund	Under investigation
768/79	Refusal to pay out money to personnel representative	Under investigation
773/79	Delay in payment of compensation for land	Under investigation
796/79	Delay in obtaining registration	Under investigation
835/79	Inability to extract notes on deed	Under investigation
848/79	Refusal to transfer land	Under investigation
852/79	Failure to grant super-annuation benefits	Not justified
859/79	Dissatisfaction with conditions of employment	Under investigation
864/79	Wrongful computation of super-annuation benefits	Under investigation
872/79	Wrongful removal of name from assessment rolls	Under investigation
886/79	Failure to obtain salary and back-pay of deceased husband	Under investigation
917/79	Refusal to amend assessment rolls	Under investigation

MINISTRY OF HEALTH AND LOCAL GOVERNMENT

No.	Subject of Complaints	Result
11/79	Delay in payment of rent	Under investigation
15/79	Failure to pay bicycle allowance	Rectified
72/79	Non-payment of wages	Advised
128/79	Delay in supplying information	Rectified
149/79	Non-payment of overtime	Under investigation
156/79	Non-communication of information	Premature
176/79	Denial of use of family allotment	Under investigation
191/79	Failure to obtain compensation for injury	Under investigation
194/79	Wrongful transfer of land	Advised
216/79	Refusal in accepting rates and taxes	Under investigation
226/79	Failure to correct nuisance	Under investigation
228/79	Wrongful dismissal	No jurisdiction
234/79	Harassment to workers	Advised
241/79	Failure to pay compensation for damage to drains	Premature
288/79	Delay in obtaining information	Under investigation
306/79	Victimization	Advised
345/79	Delay in payment of overtime	Rectified
372/79	Wrongful eviction	Under investigation
382/79	Failure to correct nuisance	Under investigation
456/79	Enforced retirement	Under investigation
477/79	Victimization	Under investigation
507/79	Mal-administration	Under investigation
520/79	Delay in payment of death benefits	Not justified
524/79	Disposing of property jointly held	Under investigation
537/79	Failure to apprehend mentally ill person	Rectified
550/79	Failure to provide basic necessities	Under investigation
552/79	Non-payment for work done	Under investigation

MINISTRY OF HEALTH AND LOCAL GOVERNMENT (Cont'd)

No.	Subject of Complaints	Result
567/79	Delay in correcting nuisance	Under investigation
574/79	Delay in payment of retirement benefits	Under investigation
575/79	Delay in correcting nuisance	Under investigation
607/79	Failure to obtain medical report	Under investigation
628/79	Failure to obtain approval to construct house	Under investigation
656/79	Negligence in the performance of duty	Under investigation
660/79	Lack of proper roads	Under investigation
685/79	Negligence in the performance of duty	Under investigation
719/79	Termination of temporary appointment	Under investigation
749/79	Failure to correct nuisance	Under investigation
760/79	Damage to dwelling house	Under investigation
790/79	Delay in payment of superannuation benefits	Under investigation
791/79	Threat of demolition of property	Under investigation
843/79	Failure to obtain superannuation benefits	Under investigation
861/79	Dissatisfaction with forfeiture of day off	Withdrawn
868/79	Failure to correct nuisance	Under investigation
895/79	Failure to correct nuisance	Under investigation
903/79	Failure to obtain superannuation benefits	Under investigation
910/79	Failure to stop erection of structure	Under investigation



MINISTRY OF INDUSTRY AND COMMERCE

No.	Subject of Complaints	Result
90/79	Refusal to grant trade protection	Under investigation
638/79	Refusal to carry out order of Industrial Court	Under investigation
782/79	Wrongful exercise of discretion in granting Import Licence	Under investigation
900/79	Refusal of application for super-annuation benefits	Under investigation

MINISTRY OF LABOUR, SOCIAL SECURITY AND CO-OPERATIVES

No.	Subject of Complaints	Result
7/79	Delay in processing application for old age pension	Rectified
31/79	Efforts to obtain old age pension	Advised
32/79	Efforts to obtain old age pension	Advised
244/79	Request for re-employment with company	Declined
295/79	Delay in processing application for old age pension	Referred
313/79	Delay in payment of compensation	Under investigation
332/79	Discrimination in not granting old age pension	Under investigation
435/79	Failure to pay pension	Under investigation
437/79	Delay in payment of money	Rectified
440/79	Delay in processing application for public assistance	Under investigation
457/79	Delay in processing application for public assistance	Rectified
464/79	Delay in processing application for old age pension	Rectified
525/79	Delay in processing application for old age pension	Under investigation
556/79	Refusal of application for old age pension	Under investigation
568/79	Delay in processing application for old age pension	Under investigation
576/79	Delay in processing application for old age pension	Rectified
586/79	Failure to obtain information in trade dispute	Rectified
591/79	Delay in processing application for old age pension	Rectified
624/79	Removal from list of Auditors of Credit Union	Under investigation
635/79	Refusal of application for old age pension	Under investigation
698/79	Negligence in forwarding documents for public assistance	Under investigation
734/79	Discrimination in payment of public assistance	Under investigation

MINISTRY OF LABOUR, SOCIAL SECURITY AND CO-OPERATIVES (cont'd)

No.	Subject of Complaints	Result
739/79	Delay in processing application for public assistance	Under investigation
803/79	Refusal of application for old age pension	Under investigation
827/79	Failure to obtain old age pension	Discontinued
858/79	Refusal of application for old age pension	Advised
860/79	Delay in obtaining public assistance	Under investigation
879/79	Delay in obtaining old age pension	Under investigation
893/79	Delay in restoring old age pension	Under investigation
918/79	Delay in processing application for old age pension	Under investigation

MINISTRY OF LEGAL AFFAIRS

No.	Subject of Complaints	Result
85/79	Failure to obtain copy of Will	Rectified
122/79	Delay in fixing date for trial	Advised
167/79	Difficulty in obtaining citizenship	Advised
168/79	Delay in obtaining refund of money	Not justified
177/79	Registration of false deed	Referred
205/79	Requisition of land to erect Hall of Justice	Advised
207/79	Request for early trial in matters where accused intends to plead guilty	Rectified
215/79	Inability to obtain grant of Letters of Administration	Referred
284/79	Delay in payment of judgment debt and costs by Government	Rectified
308/79	Delay in obtaining deed	Referred
309/79	Failure to obtain Marriage Certificate	Rectified
393/79	Advice on interest in property	Advised
472/79	Loss of property	Under investigation
480/79	Denial of information	Rectified
535/79	Failure to complete survey	Under investigation
559/79	Wrongfully given notice to quit	Under investigation
605/79	Delay in payment of judgment debt and costs by Government	Under investigation
629/79	Wrongful change of name on Assessment Rolls	Not justified
680/79	Nuisance	Under investigation
725/79	Delay in obtaining birth certificate	Rectified
831/79	Incorrect records	Under investigation
912/79	Delay in obtaining proper title to land	Under investigation

MINISTRY OF NATIONAL SECURITY

No.	Subject of Complaints	Result
10/79	Dissatisfaction with medical attention given at prison	Not justified
19/79	Victimization by Prison Officer	Under investigation
30/79	Wrongful arrest	Advised
42/79	Failure by the Police and Prison Authorities Service to reduce prison sentence	No jurisdiction
44/79	Delay in investigation by Immigration Officer	Not justified
45/79	Delay in investigation by Police	No jurisdiction
52/79	Delay in obtaining superannuation benefits	Under investigation
62/79	Harassment by police	Discontinued
79/79	Failure to obtain assistance for rehabilitation	Advised
98/79	Victimization by Prison Officers	Under investigation
103/79	Compensation for damages	Under investigation
114/79	Insanitary conditions at the Carrera Island Prison	Under investigation
115/79	Insanitary conditions at the Carrera Island Prison	Under investigation
116/79	Service of notice by police at night	Premature
118/79	Mishandling and abuse by Prison Officers	Under investigation
127/79	Seizure of driving permit by police	Referred
141/79	Harassment by Police	Premature
147/79	Denial of visit to prison	Under investigation
155/79	Refusal of application of fitness to hold and use a firearm	Premature
181/79	Revocation of precept by police	Under investigation
195/79	Delay in paying pension	Rectified
206/79	Dissatisfaction with conditions at Prisons	Under investigation

MINISTRY OF NATIONAL SECURITY (Cont'd)

No.	Subject of Complaints	Result
214/79	Failure by Police to take action on report	Declined
217/79	Dissatisfaction with forfeiture of remission	Not justified
220/79	Discrimination by Police	Under investigation
222/79	Subversion of course of justice	Premature
239/79	Dissatisfaction with rehabilitation for prisoners	Under investigation
243/79	Revocation of precept by Police	Discontinued
245/79	Non-payment of salary	Under investigation
253/79	Harassment by prison officers	Advised
255/79	Victimization by prison officers	Under investigation
258/79	Revocation of firearm by Police	Under investigation
268/79	Inconsiderate allocation of work	Advised
273/79	Discrimination in selection for admission into Police Service	Under investigation
279/79	Intimidation by public officer	Premature
280/79	Harassment by Police	Discontinued
301/79	Seizure of documents by Police	Discontinued
305/79	Seizure of money by Police	Under investigation
325/79	Wrongful detention by Immigration Authorities	Not justified
335/79	Dissatisfaction with investigation by Police	Premature
343/79	Failure to obtain benefits of judgment	Under investigation
344/79	Wrongfully charged for motoring offences whilst in Prison	Under investigation
376/79	Trespass by Police	Referred
380/79	Wrongful eviction	Under investigation
394/79	Wrongful seizure of property by Police	Rectified
398/79	Delay in processing application for citizenship	Under investigation
399/79	Mal-treatment by Prison Officers	Under investigation

MINISTRY OF NATIONAL SECURITY (Cont'd)

No.	Subject of Complaints	Result
403/79	Delay in service of summons	Rectified
417/79	Delay in investigation by Police	Premature
454/79	Harassment by Police	Under investigation
462/79	Delay by Police in returning bicycle	Under investigation
470/79	Harassment by Immigration Officers	Under investigation
481/79	Difficulties experienced by visitors to Prisons	Advised
484/79	Withholding of outstanding warrant by Police	Under investigation
501/79	Harassment by Police	No jurisdiction
506/79	Mal-treatment by Prison Officers	Under investigation
515/79	Failure by Prison Officer to forward Appeal to Court of Appeal	Under investigation
516/79	Unsatisfactory conditions at Prisons	Under investigation
530/79	Harassment by Police	Under investigation
543/79	Misconduct by Prison Officers	Under investigation
549/79	Dissatisfaction with prison diet	Under investigation
558/79	Refusal of permission to complain to Ombudsman	Rectified
569/79	Dissatisfaction with prison diet	Under investigation
592/79	Request for medical attention at prisons	Under investigation
602/79	Unsatisfactory conduct at Golden Grove Prisons	Not justified
606/79	Refusal by Police to investigate reports	Under investigation
611/79	Dissatisfaction with prison diet	Under investigation
617/79	Refusal by Police to carry out Magistrate's Court order	Under investigation
618/79	Victimization by Prison Officer	Under investigation
619/79	Wrongfully selling car without authority	Under investigation

MINISTRY OF NATIONAL SECURITY (Cont'd)

No.	Subject of Complaints	Result
670/79	Harassment by Prison Officer	Under investigation
674/79	Wrongful discharge from army	Declined
679/79	Wrongful conviction	No jurisdiction
701/79	Delay by Police in returning motor car	Under investigation
712/79	Wrongful dismissal by Police	Under investigation
735/79	Harassment by Police	Under investigation
741/79	Refusal by Police to call witnesses	Under investigation
754/79	Delay in investigation by Police	Under investigation
759/79	Discrimination by Prison Officer	Under investigation
763/79	Harassment by Prison Officer	Under investigation
772/79	Deportation of complainant's son without investigation	Under investigation
777/79	Delay in investigation by Police	Under investigation
781/79	Harassment by Prison Officers	Under investigation
787/79	Wrongful dismissal from army	Under investigation
788/79	Wrongful arrest and withholding of passport by Police	Under investigation
792/79	Refusal of injury allowance	Under investigation
802/79	Discrimination in demolishing house	Under investigation
815/79	Delay in investigation by Police	Under investigation
820/79	Detention of common-law wife	Under investigation
821/79	Dissatisfaction with prison diet	Under investigation
826/79	Refusal of request to see Superintendent of Prisons	Under investigation
832/79	Delay in investigation by Police	No jurisdiction
847/79	Victimization	Under investigation
849/79	Inaction of Police	Under investigation
855/79	Discrimination by Head of Department	Under investigation
884/79	Discrimination by police	Under investigation



MINISTRY OF NATIONAL SECURITY (Cont'd)

No.	Subject of Complaints	Result
887/79	Refusal of grant of residence status	Under investigation
889/79	Wrongful demolition of house	Under investigation
892/79	Delay in investigation by Police	Under investigation
899/79	Delay in considering application for citizenship	Under investigation
913/79	Seeking a restoration for a remission of sentence	Under investigation
921/79	Dissatisfaction with action of legal practitioner assigned by State	Referred

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATIONS

No.	Subject of Complaints	Result
20/79	Refusal to restore taxi driver's permit	Not justified
21/79	Incorrect wages	No jurisdiction
56/79	Removal of gravel without consent	Under investigation
74/79	Delay in obtaining duplicate driver's permit	Under investigation
81/79	Discrimination	Under investigation
91/79	Wrongful dismissal	No jurisdiction
187/79	Delay in payment of accounts	Rectified
188/79	Discrimination in method of promotion	Advised
196/79	Discrimination in granting time off	Referred
197/79	Delay in payment of arrears of wages	Under investigation
213/79	Wrongful dismissal	No jurisdiction
218/79	Delay in payment of compensation	Under investigation
227/79	Incorrect job classification	No jurisdiction
251/79	Delay in payment of arrears of wages	Under investigation
256/79	Non-recognition of previous service	Under investigation
261/79	Discrimination in reverting to former duty	Under investigation
269/79	Allegation of unfair practice	Advised
322/79	Discourtesy by public officer	Rectified
348/79	Discrimination in the registration of small cars as taxis	Rectified
359/79	Damages to dwelling house	Under investigation
365/79	Discrimination	Under investigation
406/79	Victimization	Discontinued
427/79	Remuneration for use of land	Under investigation
442/79	Damages to property	Under investigation
453/79	Failure to take over maintenance of roads	Under investigation

MINISTRY OF WORKS, TRANSPORT AND COMMUNICATIONS (Cont'd)

No.	Subject of Complaints	Result
474/79	Delay in appointment occasioning lost	Under investigation
485/79	Victimization	Under investigation
494/79	Delay in replying to correspondence	Under investigation
499/79	Lack of courtesy	Justified
512/79	Delay in payment of travelling claims	Under investigation
541/79	Wrongful dismissal	Under investigation
547/79	Delay in rebuilding retaining wall	Under investigation
548/79	Delay in payment of increments	Under investigation
560/79	Delay in payment of compensation	Under investigation
561/79	Delay in payment of compensation	Under investigation
565/79	Delay in payment of super-annuation benefits	Under investigation
579/79	Delay in payment of super-annuation benefits	Under investigation
625/79	Dissatisfaction with method of recruitment	No jurisdiction
702/79	Victimization	Under investigation
710/79	Delay in handling claim for loss of earnings	Rectified
714/79	Delay in payment of longevity increments	Under investigation
727/79	Assistance in securing employment	Referred
755/79	Damage done to property	Under investigation
829/79	Failure to correct nuisance	Under investigation
871/79	Failure to pay wages	Under investigation
897/79	Failure to obtain severance pay benefits	Rectified

NATIONAL INSURANCE BOARD

No.	Subject of Complaint	Results
121/79	Delay in processing claim for benefits	Rectified
145/79	Non-payment of maternity leave benefits	Rectified
172/79	Refusal to award invalidity benefits	Under investigation
204/79	Delay in payment of approved National Insurance benefits	Rectified
262/79	Delay in processing claim for injury allowance	Under investigation
296/79	Delay in processing application for refund	Rectified
385/79	Delay in processing claim for personal injury	Under investigation
473/79	Non-payment of survivor's benefit	Rectified
645/79	Non-payment of death benefits	Under investigation
675/79	Delay in processing claim for injury benefit	Rectified
721/79	Delay in processing claim for sickness benefit	Under investigation
779/79	Failure to obtain invalidity benefit	Under investigation
799/79	Delay in payment of retirement benefits	Under investigation
800/79	Non-payment of pension or other benefits	Under investigation
917/79	Delay in processing application for retirement benefits	Under investigation

NATIONAL HOUSING AUTHORITY

No.	Subject of Complaints	Result
1/79	Error in computation of balance due	Under investigation
70/79	Discrimination in granting building lots	Under investigation
80/79	Demolition of squatter's home	Under investigation
112/79	Discrimination in allocation of lots	Under investigation
137/79	Refusal to transfer tenancy of apartment	Advised
170/79	Delay in processing application for land	Under investigation
175/79	Inability to obtain apartment	Advised
179/79	Denial of right to retain own Conveyancer	Under investigation
184/79	Delay in obtaining possession of house	Under investigation
208/79	Delay in processing application for loan	Under investigation
212/79	Delay in obtaining accommodation	Justified
287/79	Failure to repair damage done to house	Under investigation
315/79	Delay in notification of result of application for land	Referred
369/79	Delay in obtaining housing accommodation	Advised
429/79	Refusal to honour agreement	Under investigation
446/79	Efforts to obtain accommodation	Under investigation
466/79	Delay in obtaining housing accommodation	Advised
471/79	Unfair treatment in sale of property	Under investigation
475/79	Request for transfer	Advised
498/79	Delay in transferring tenancy	Under investigation
503/79	Delay in finalising application for house	Referred

NATIONAL HOUSING AUTHORITY Cont'd

No.	Subject of Complaints	Result
504/79	Subletting without approval	Under investigation
510/79	Refusal of application for loan	Under investigation
536/79	Delay in processing application for loan	Under investigation
640/79	Victimization	Under investigation
647/79	Delay in obtaining larger accommodation	Under investigation
650/79	Discrimination in rehousing occupants	Under investigation
673/79	Discrimination in selection for house	Under investigation
705/79	Efforts to obtain accommodation	Referred
730/79	Incorrect job classification	Under investigation
807/79	Error in computation of backpay	Under investigation
808/79	Refusal of application for loan	Under investigation
853/79	Failure to receive superannuation benefits	Under investigation
862/79	Non-receipt of area of land purchased	Under investigation
882/79	Delay in processing application for loan approval	Under investigation
905/79	Delay in receiving approved loan	Rectified

POLICE SERVICE COMMISSION

No.	Subject of Complaints	Result
86/79	Wrongful dismissal	Discontinued
328/79	Wrongful dismissal	Referred
487/79	Wrongful dismissal	Not justified
489/79	Action contrary to Regulation 45	Under investigation
822/79	Delay in attending to representation by pensioners	Under investigation

PORT AUTHORITY OF TRINIDAD AND TOBAGO

No.	Subject of Complaints	Result
75/79	Delay in obtaining death benefits	Rectified
96/79	Malpractice by security officer	Premature
225/79	Failure to notify consignee of arrival of goods	Under investigation
336/79	Dissatisfaction over non-confirmation	No jurisdiction
563/79	Delay in processing claim	Under investigation
708/79	Delay in payment of superannuation benefits	Advised
722/79	Discrimination in granting overtime	Under investigation



PUBLIC SERVICE COMMISSION

No.	Subject of Complaints	Result
57/79	Delay in appointment as a Cleaner	Referred
102/79	Assistance in securing employment	No jurisdiction
182/79	Discrimination in terminating temporary appointment	No jurisdiction
186/79	Discrimination in terminating temporary appointment	No jurisdiction
192/79	Discrimination in method of selection of candidates	Referred
199/79	Discrimination in terminating temporary appointment	No jurisdiction
236/79	Non-payment of salary	Referred
248/79	Failure to secure interview with respect to employment	Advised
257/79	Assistance in securing employment	Rectified
265/79	Delay in appointment	No jurisdiction
291/79	Delay in payment of salary	Under investigation
318/79	Wrongful dismissal	No jurisdiction
34079	Unfair treatment in employment	Referred
397/79	Discrimination	No jurisdiction
409/79	Discourtesy	Advised
426/79	Failure to secure employment	Advised
508/79	Failure to secure employment	Under investigation
585/79	Delay in hearing Appeal	Under investigation
678/79	Unfair treatment	Under investigation
762/79	Enforced retirement	Under investigation
767/79	Delay in securing employment	Advised
805/79	Discrimination in method of selection of candidates	Under investigation
385/79	Failure to obtain employment	Advised
894/79	Failure to be considered for full employment	Advised

STATUTORY SERVICE COMMISSION

No.	Subject of Complaints	Result
50/79	Frustration caused by reversion to substantial post	No jurisdiction
144/79	Irregularities within the City Police Force	Premature
521/79	Wrongful dismissal	No jurisdiction
810/79	Unfair treatment	Under investigation

TRINIDAD AND TOBAGO ELECTRICITY COMMISSION

No.	Subject of Complaints	Result
105/79	Refusal to pay compensation	Under investigation
450/79	Refusal to supply electrical energy	Under investigation
612/79	Grievance over dismissal	Not justified
684/79	Failure to carry out order of Industrial Court	Under investigation
753/79	Delay in payment of compensation	Under investigation
865/79	Delay in payment of superannuation benefits	Under investigation

TRINIDAD AND TOBAGO TELEPHONE COMPANY

No.	Subject of Complaints	Result
47/79	Non-functioning of telephone since December 1977	Rectified
140/79	Delay in fixing telephone out of order since April 1978	Rectified
416/79	Non-functioning of telephone for the past two years	Rectified

WATER AND SEWERAGE AUTHORITY

No.	Subject of Complaints	Result
16/79	Wrongful computation of severance benefits	Under investigation
84/79	Disruption of water supply	Rectified
133/79	Fear of contamination to water mains	Under investigation
165/79	Inadequate water supply	Rectified
278/79	Inadequate water supply	Rectified
323/79	Damage as a result of excavation work	Under investigation
392/79	Unsatisfactory condition of La Sieva Road	Premature
408/79	Wrongful dismissal	Declined
533/79	Health hazard and damage caused by clogged drain	Under investigation
551/79	Delay in payment of compensation for lands acquired by Government	Under investigation
608/79	Assistance in securing death benefits	Under investigation
655/79	Delay in obtaining superannuation benefits	Under investigation
857/79	Charged for water not supplied	Under investigation
867/79	Wrongful dismissal	Under investigation
906/79	Inadequate water supply	Under investigation

OTHER COMPLAINTS

No.	Subject of Complaints	Result
22/79	Misconduct by midwife	No jurisdiction
25/79	Refusal by Insurance Company to honour claim	No jurisdiction
26/79	Hardship experienced with tenants	Advised
28/79	Dissatisfaction with police investigation	Advised
33/79	Private nuisance	No jurisdiction
34/79	Failure in obtaining loan	Discontinued
35/79	Dissatisfaction with Counsel's advice	No jurisdiction
40/79	Failure in getting document signed	Discontinued
49/79	Disposal of private property	No jurisdiction
51/79	Failure to correct nuisance	Premature
54/79	Failure to obtain private property	No jurisdiction
59/79	Request for legal aid	Referred
64/79	Private nuisance	No jurisdiction
65/79	Dissatisfaction with outcome of Court matter	Advised
66/79	Failure to obtain house	No jurisdiction
69/79	Failure to obtain superannuation benefits from private Company	No jurisdiction
76/79	Request for legal aid	Discontinued
77/79	Trespass to private property	No jurisdiction
78/79	Failure to obtain release of lease	No jurisdiction
87/79	Request for legal aid	Referred
88/79	Professional misconduct	No jurisdiction
94/79	Failure to obtain deceased estate	Premature

OTHER COMPLAINTS Cont'd

No.	Subject of Complaints	Result
95/79	Request for legal aid	Referred
97/79	Professional negligence	No jurisdiction
100/79	Request for legal aid	Referred
106/79	Refusal by landlord to sign application form	No jurisdiction
108/79	Dissatisfaction with conditions of service	Premature
109/79	Compensation for injury	Premature
119/79	Delay in obtaining compensation	Premature
120/79	Trespass to private property	No jurisdiction
124/79	Failure to obtain devise	No jurisdiction
125/79	Failure to pay extra remuneration	Under investigation
132/79	Refusal by Insurance Company to accept liability	No jurisdiction
134/79	Compensation for loss of foodstuff	No jurisdiction
135/79	Error in computation of water rates	Premature
136/79	Delay in submission of list	Premature
138/79	Dissatisfaction with attitude of landlord	Advised
143/79	Dispute over ownership of land	Advised
148/79	Eviction	Discontinued
151/79	Refusal to pay for work done	No jurisdiction
152/79	Failure to obtain benefits from joint ownership	No jurisdiction
157/79	Request for legal aid	Referred
158/79	Failure to obtain possession of land	Discontinued
160/79	Failure to obtain adequate compensation	No jurisdiction

OTHER COMPLAINTS Cont'd

No.	Subject of Complaints	Result
163/79	Refusal to complete contract for sale	No jurisdiction
169/79	Failure to determine beneficiary	No jurisdiction
171/79	Non-payment of severance benefits	No jurisdiction
178/79	Unethical conduct	Not justified
189/79	Request for legal aid	Referred
198/79	Request for legal aid	Advised
200/79	Request assistance in obtaining compensation	Advised
203/79	Dissatisfaction with amount received as compensation	No jurisdiction
209/79	Delay in settling injury claim	No jurisdiction
211/79	Victimization	Under investigation
229/79	Request for legal aid	Referred
231/79	Refusal to pay death benefits	Referred
233/79	Request for period of remand to be counted in sentence	No jurisdiction
238/79	Request for legal aid	Referred
240/79	Failure to obtain deed	Advised
242/79	Request for legal aid	Referred
246/79	Request for legal aid	Referred
247/79	Compensation for damages	Advised
249/79	Request for legal aid	Referred
250/79	Failure to obtain Letters of Administration	Advised
252/79	Request for legal aid	Referred
259/79	Request for assistance in matrimonial matter	Referred



OTHER COMPLAINTS Cont'd

No.	Subject of Complaints	Result
260/79	Request for rehabilitation	No jurisdiction
264/79	Harassment by relative	No jurisdiction
267/79	Delay in obtaining confirmation of proof	Advised
271/79	Request for financial aid	No jurisdiction
277/79	Unfairly dealt with as regards the use of father's estate	Referred
281/79	Breach of contract	Advised
282/79	Request for assistance in private land dispute	Advised
283/79	Fraudulent conversion	No jurisdiction
285/79	Request for legal aid	Referred
289/79	Failure by Executor to obtain probate	No jurisdiction
292/79	Trespass to private property	No jurisdiction
293/79	Request for legal aid	Referred
294/79	Failure to obtain costs	Referred
299/79	Failure by landlord to obtain possession	Advised
300/79	Failure to obtain title	No jurisdiction
302/79	Request for legal aid	Referred
307/79	Dissatisfaction with conduct of legal personal representative	No jurisdiction
310/79	Breach of contract	No jurisdiction
311/79	Damages to property	No jurisdiction
312/79	Request for advice in family dispute	No jurisdiction
314/79	Failure to provide access to land	No jurisdiction
316/79	Request for information on Court matter	Advised

OTHER COMPLAINTS Cont'd

No.	Subject of Complaints	Result
320/79	Dissatisfaction with Solicitor's conduct	No jurisdiction
326/79	Request for legal aid	Referred
334/79	Failure to obtain mortgage release	Under investigation
337/79	Unethical conduct	Referred
339/79	Request for legal aid	Referred
342/79	Assistance in locating relatives	Advised
346/79	Refusal to pay compensation	Under investigation
353/79	Delay in obtaining possession of deceased estate	No jurisdiction
355/79	Inability to obtain grant	Rectified
358/79	Request for legal aid	Referred
360/79	Inability to recover money	Rectified
361/79	Inability to obtain refund of money	Referred
362/79	Request for legal aid	Referred
363/79	Dissatisfaction with gratuity awarded	Under investigation
368/79	Delay in settling insurance claim	No jurisdiction
371/79	Unethical conduct	Referred
373/79	Delay in obtaining deceased estate	Advised
374/79	Request for legal aid	Referred
375/79	Request for assistance in obtaining employment	Advised
378/79	Request for advice as to ownership of land	No jurisdiction
379/79	Request for advice as to ownership of land	Advised
383/79	Dissatisfaction with distribution of private property	No jurisdiction

OTHER COMPLAINTS Cont'd

No.	Subject of Complaints	Result
384/79	Request for legal aid	Referred
386/79	Non-payment of compensation	Advised
387/79	Request for social assistance	Referred
389/79	Failure to obtain money left by deceased	Advised
391/79	Request for legal aid	Referred
395/79	Inability to obtain possession of house	No jurisdiction
401/79	Request for legal aid	Referred
402/79	Harassment by Police	Premature
405/79	Request to vacate premises	Advised
412/79	Transportation difficulty	No jurisdiction
413/79	Refusal to vacate building	No jurisdiction
415/79	Request for legal aid	Referred
419/79	Request for legal aid	Referred
421/79	Professional misconduct	No jurisdiction
422/79	Non-payment of severance benefits	No jurisdiction
423/79	Request for legal aid	Referred
425/79	Request for legal aid	Referred
428/79	Delay in obtaining refund	No jurisdiction
430/79	Request for legal aid	Referred
431/79	Request for legal aid	Referred
432/79	Failure to provide taxi stand	Premature
433/79	Misconduct of tenant	No jurisdiction
436/79	Misconduct of members of an organization	No jurisdiction

OTHER COMPLAINTS Cont'd

No.	Subject of Complaints	Result
439/79	Request for legal aid	Referred
443/79	Delay in transferring property	Advised
448/79	Request for advice on private matter	No jurisdiction
451/79	Failure to obtain legal representation	No jurisdiction
452/79	Inability to obtain information	Rectified
459/79	Request for assistance to obtain apartment	Advised
463/79	Wrongful deprivation of land	Under investigation
465/79	Request for assistance in obtaining alternative accommodation	Advised
468/79	Failure of landlord to keep his promise	No jurisdiction
469/79	Delay in processing claim	No jurisdiction
478/79	Request to vacate house	No jurisdiction
482/79	Request for compensation for injuries	Referred
488/79	Request information on domestic matter	Advised
490/79	Request for legal aid	Referred
493/79	Request for assistance in obtaining alternative accommodation	Referred
495/79	Request for financial assistance	No jurisdiction
496/79	Request for assistance in obtaining maintenance	Advised
502/79	Request for information on the office of the Ombudsman	Advised
514/79	Request for legal aid	Referred
518/79	Dissatisfaction with conduct of Solicitor	No jurisdiction

OTHER COMPLAINTS Cont'd

No.	Subject of Complaints	Result
522/79	Dissatisfaction with preliminary investigation	Under investigation
528/79	Request for legal aid	Under investigation
529/79	Request for advice concerning land	Advised
531/79	Unethical conduct	Discontinued
532/79	Delay in processing application for employment	Referred
534/79	Refusal to pay compensation	Under investigation
538/79	Dissatisfaction with traffic legislation	Under investigation
539/79	Delay in processing deceased estate	Under investigation
542/79	Delay in obtaining death benefits	Advised
544/79	Refusal of application for legal aid	No jurisdiction
554/79	Wrongful detention of property	Rectified
562/79	Delay in payment of compensation	Rectified
564/79	Compensation for loss of goods	Advised
572/79	Professional misconduct	Under investigation
573/79	Delay in hearing High Court action	Under investigation
581/79	Request for information on deceased property	Advised
583/79	Delay in processing application for Letters of Administration	Under investigation
587/79	Request for advice concerning land	No jurisdiction
588/79	Request for assistance in obtaining transfer	Advised
589/79	Request for legal aid	Referred
590/79	Request for legal aid	Referred

OTHER COMPLAINTS Cont'd

No.	Subject of Complaints	Result
594/79	Request for assistance in obtaining property	Advised
595/79	Request for assistance in obtaining information on property	No jurisdiction
598/79	Request for assistance in obtaining property	No jurisdiction
600/79	Delay in hearing Inquest	Advised
603/79	Request for information as to marital status	Advised
604/79	Request for assistance in repatriation	Referred
609/79	Delay in processing Court matter	Under investigation
610/79	Request for assistance in recovering property	Discontinued
613/79	Delay in payment of compensation	Under investigation
615/79	Failure to correct nuisance	Advised
616/79	Request for promotion	Advised
621/79	Request for legal aid	Referred
623/79	Request for legal aid	Referred
627/79	Failure to obtain duplicate deed	Referred
631/79	Refusal to complete conveyance	Advised
636/79	Request for advice on action	Advised
637/79	Delay in securing employment	No jurisdiction
639/79	Delay in laying water main	Under investigation
641/79	Wrongful computation of severance pay	No jurisdiction
644/79	Delay in obtaining compensation	No jurisdiction
646/79	Request for legal aid	Referred

OTHER COMPLAINTS Cont'd

No.	Subject of Complaints	Result
648/79	Request for legal aid	Referred
649/79	Delay in hearing Court matter	Rectified
651/79	Delay in obtaining compensation	Under investigation
652/79	Request for legal aid	Referred
658/79	Delay in furnishing information on Court matter	Under investigation
659/79	Request to vacate premises	No jurisdiction
661/79	Compensation for injury	No jurisdiction
666/79	Dissatisfaction over increased rent	No jurisdiction
667/79	Request for legal aid	Referred
672/79	Request for advice on property matter	Advised
677/79	Request assistance in obtaining property	Advised
683/79	Request for legal aid	Referred
687/79	Delay in furnishing information on Court matter	Under investigation
688/79	Request for legal aid	Referred
689/79	Request for legal aid	Referred
690/79	Request for legal aid	Referred
694/79	Request for legal aid	Referred
695/79	Delay in obtaining Certificate of Title	Under investigation
696/79	Request for advice on division of property	No jurisdiction
697/79	Corrupt practice	Premature
700/79	Public nuisance	No jurisdiction
703/79	Request for assistance in obtaining property	Under investigation

OTHER COMPLAINTS Cont'd

No.	Subject of Complaints	Result
704/79	Request for legal aid	Referred
706/79	Dissatisfaction with settlement	No jurisdiction
716/79	Request for assistance in recovering property	Withdrawn
717/79	Victimization	Under investigation
718/79	Request for legal aid	Referred
720/79	Inability to obtain deed	Under investigation
726/79	Dissatisfaction with increase in rent	No jurisdiction
728/79	Victimization	Premature
736/79	Request for assistance in obtaining will	Advised
737/79	Refusal of landlord to accept rent	Advised
738/79	Request for legal aid	Referred
740/79	Dissatisfaction with penalty imposed	No jurisdiction
742/79	Request for legal aid	Referred
746/79	Delay in obtaining superannuation benefits	Under investigation
747/79	Request for assistance in obtaining release of mortgage	No jurisdiction
748/79	Request for assistance in recovering debt	Referred
750/79	Request for legal aid	Referred
764/79	Fear of victimization	Referred
765/79	Request for legal aid	Referred
766/79	Wrongful dismissal	Referred
770/79	Request for assistance in obtaining employment	No jurisdiction



OTHER COMPLAINTS Cont'd

No.	Subject of Complaints	Result
775/79	Request for legal aid	Referred
783/79	Request for legal aid	Referred
784/79	Dissatisfaction with electricity supplied	Advised
785/79	Discrimination by a public officer	Premature
786/79	Refusal to pay judgment debt	Under investigation
789/79	Dissatisfaction with Counsel	Advised
793/79	Request for legal aid	Referred
794/79	Request for assistance in obtaining employment	No jurisdiction
795/79	Inability to dispose of property	Under investigation
798/79	Inability to obtain judgment debt	Advised
804/79	Request for legal aid	Referred
806/79	Inability to obtain refund of money	Under investigation
811/79	Inability to obtain settlement of claim	Premature
813/79	Discrimination in appointment	Under investigation
814/79	Request for legal aid	Referred
816/79	Request for advice on procedure regarding resignation	Advised
818/79	Delay in probating will	Rectified
819/79	Professional misconduct	Not justified
823/79	Inability to recover deed	Under investigation
824/79	Delay in processing Court matter	Under investigation
825/79	Request for legal aid	Referred
828/79	Wrongful dismissal	Under investigation
833/79	Refusal by landlord to accept rent	No jurisdiction

OTHER COMPLAINTS Cont'd

No.	Subject of Complaints	Result
834/79	Deprivation of property	Premature
836/79	Delay in obtaining documents	Advised
837/79	Wrongful dismissal	No jurisdiction
838/79	Delay in processing Court matter	Under investigation
839/79	Delay in processing Court matter	Under investigation
841/79	Failure to obtain assistance for rehabilitation	Under investigation
844/79	Delay in obtaining property	Under investigation
845/79	Delay in receiving payment	Under investigation
851/79	Failure to obtain payment for judgment debt	Under investigation
863/79	Request for assistance in recovering money	Referred
878/79	Request for assistance as to personal representative of estate	Advised
881/79	Request for advice on personal matter	Advised
883/79	Request for advice on procedure concerning application for maintenance	Advised
888/79	Request for legal aid	Referred
890/79	Allegation of fraud	Under investigation
891/79	Request for legal aid	Referred
893/79	Failure to obtain title deed	Rectified
896/79	Inability to obtain rent	Under investigation
904/79	Victimization	Under investigation
907/79	Delay in settling industrial matter	Under investigation
908/79	Request for legal aid	Referred
909/79	Request for assistance in obtaining information	No jurisdiction

CASE SUMMARIES

OMB: 78/725

An Ex-gratia payment

A car owned by complainant was an exhibit in a criminal case and in custody of the police in the compound of a police station. It was damaged by a falling tree. When the case was concluded complainant was advised to remove his car from the compound.

Complainant contended that since the car had been damaged while in the custody of the police he should be paid the cost of repairs.

I took the matter up with the Commissioner of Police, who informed me some six months later that he had recommended to the Permanent Secretary, Ministry of National Security, that complainant should be compensated. The Ministry sought legal advice on the matter and after approximately one year during which several letters were sent to the Ministry I received a communication stating that while no legal liability could be accepted for the damage caused to the vehicle an ex-gratia payment to cover the cost of the repairs to the car would be made to complainant.

OMB: 79/676

Failure to correct Nuisance

This complaint is an illustration of one of the hardships experienced by the citizens of Trinidad and Tobago.

On August 18, 1975, the residents of Pelican Extension Road, Morvant, who are persons of humble means, complained to me that since the year 1970 there are two drains in the area which have been filled with debris. As a result water overflows the drains causing considerable damage to property. During the rainy season the situation is aggravated giving rise, among other things, to a health hazard.

On September 10, 1979 I wrote to the Permanent Secretary of the Ministry of Transport and Communications asking for a report on the matter. As there was no response I sent reminders on September 27, 1979 and October 17, 1979. I have had no reply to date.

I have included this case in my report mainly to inform Parliament of the difficulties I am having in obtaining replies from certain Government Ministries/Departments. I am continuing my investigations into this matter.

OMB: 78/958

Denial of Severance Pay

The complainant claimed that after working forty (40) years with the now defunct Trinidad Government Railways, he was re-employed by the Public Transport Service Corporation in 1965, one year after he retired. Twelve years later he resigned from the Corporation because of ill-health but received no severance pay benefit.

The matter was investigated and the Board of Management agreed that severance pay should be made to both monthly paid and daily paid workers who were formerly employed by the Trinidad Government Railways. Further, that payment would be made on or before July 16, 1979.

However, the opinion of a public officer was that the directive of the Board should only be relevant to employees who were between the ages of 55 and 60 years and ought not to cover those over the age of 60. I pursued the matter and it was decided that the complainant's benefits should not be based on the Board's recommendations but on a precedent in which two former employees had been paid their benefits under circumstances that were identical with that of the complainant.

The complainant subsequently informed me that he had received his severance pay and the matter was closed.

OMB: 78/971

No funds for maintenance

A Magistrate made an order against a husband for maintenance of his wife and five children. Although the husband made payments into Court the wife was told the money was not available. She quite rightly found this strange and complained to me of the hardship.

I called upon the Chief Magistrate for a report on the matter. So far as material, he stated:-

"Payments are made from our Imprest Vote which is subject to redemption from time to time. The pertinent administrative processes cannot guarantee the availability of funds at any given time, hence a 'hit and miss' situation exists regarding the receipt of monies by individuals under the Vote.

However, one way to alleviate the problems, would be to increase the present allocation, so that more payments could be accommodated, thereby reducing the effect of un-anticipated delays in redemption."

The effect of this is that although a judicial order is made for a husband to maintain his wife and children the order is not carried out because of financial regulations and inadequate allocations to meet the payments. In the meantime the money paid by the husband has gone into the revenue. This is patently unfair to persons in the situation of the complainant and her infant children who may be mainly dependent on the sums ordered by the Court for their support and maintenance.

My investigations have revealed that this is not an unusual situation in all the Magistrates' Courts. I think that immediate steps should be taken to improve the system in order to relieve this hardship to citizens.

OMB: 78/51

Non-payment of full gratuity

On January 25, 1978, I received a letter from a former daily paid worker in the Health Division in Tobago. He complained that the gratuity of one thousand five hundred dollars (\$1,500.00) paid to him on his retirement did not take into account the thirty-eight years of his service. He claimed that in the early years he had worked six days a week and had completed effective years service but the office records showed him as having served non-effective years. Further, the records failed to show the years 1942 to 1948 and 1952 to 1953.

I wrote to the Permanent Secretary of the Ministry of Health and he in turn referred the matter to the Health Services in Tobago. The County Medical Officer informed the Permanent Secretary that "further checks have not revealed records for the years 1942-48 and 1952-53. For the years 1938 to 1941 and 1949 complainant's service was non-effective." The Ministry promised to make a careful examination of the records at the Treasury with a view to ascertaining whether or not the complainant was paid wages for the years 1942-1948 and 1949.

I continued to pursue this matter until June 25, 1979 I received a letter from the Permanent Secretary, Ministry of Health informing me that the complainant was paid a further sum of six thousand five hundred and thirty-two dollars and fourteen cents (\$6,532.14).

It is sad to relate that although this office asked the complainant to confirm that he had received the money in order that the file should be closed he has not replied. This office needs confirmation in writing from complainants when we are informed by the Ministry/Authority that the matter is settled.

OMB: 78/74

Refusal of application for Old Age Pension

The complainant felt aggrieved because her application for old age pension was rejected. She was born in St. Vincent and on June 9, 1967 she became a citizen of Trinidad and Tobago by registration. On attaining the age of sixty-seven years, she applied for old age pension and furnished the required documents in support of her having attained the age of sixty-five years, the statutory age for receiving this benefit.

My investigations revealed that the complainant's application was refused by the Social Welfare Division because she did not satisfy the residential qualification in accordance with section 4(1)(b) of the Old Age Pensions Ordinance Ch. 13 No. 2 which, so far as material, provides:-

"The statutory conditions for the receipt of pension by any person are:-

.....

- (b) the person must have been ordinarily resident in the territory for the twenty years immediately preceding the claim for pension: Provided that a person shall not be deemed to have ceased to be resident in the country merely by reason of temporary absence therefrom for an aggregate period not exceeding two years or such other longer period and subject to such conditions as may be prescribed, during the said period of twenty years:"

In reply to one of the questions contained in her application the complainant admitted that she had been living in Trinidad permanently for only seven years. Moreover, her travel permit gave her place of residence as Dauplire, St. Vincent on August 19, 1961.

The decision denying the complainant a pension was in accordance with the Old Age Pensions Ordinance and I informed the complainant that I found no fault in the administrative discharge of the function of the Social Welfare Division.

OMB: 79/56

A grave injustice

In August 1972 the complainant leased a parcel of land situated at Lure Estate, Tobago including the right to win gravel from the Lure River which abutted the said parcel of land.

In June 1978 employees of the Works Department entered the complainant's holding and began to win gravel from the Lure River without her consent. The complainant protested to the Chief Technical Officer, who then requested permission to continue extraction. The complainant gave the necessary permission provided payment was made for the material extracted.

In January 1979 the complainant, through her Legal Advisers, complained to me that she had not received any payment. I asked the Ministry of Works, Transport and Communications for a report and was informed that they were seeking legal advice on the question of the ownership of the materials in the river bed.

My investigations, which included a visit to the site, led me to the conclusion that the complainant as lessee of the Lure Estate was entitled to payment for the gravel and boulders extracted from that portion of the bed of the Lure River on her property. Indeed, this was substantially the opinion of the Legal Adviser to the Ministry of Transport and Communications.

In accordance with section 96(2) of the Constitution I recommended that the complainant be paid the sums of money due to her on or before December 13, 1979 for the gravel won from her holding.

Since no sufficient action has been taken by the Ministry to remedy the injustice I laid a special report on the case before Parliament in terms of section 96(4) of the Constitution.



OMB: 78/839

Bureaucratic Lethargy

A citizen complained to me by letter dated August 18, 1978 that on October 12, 1977 he submitted to the Tobago Division of Planning and Development a proposed building plan for approval to construct a dwelling house on his lands at lower French Fort, Tobago, but in spite of repeated visits to the Division he had received no reply on the matter.

On August 30, 1978, I asked the Director of Town and Country Planning Division for a report but received no reply. After several reminders I received an acknowledgement dated June 18, 1979 with the promise of a report as soon as it was ready. Several letters to a public office before obtaining an acknowledgement are in addition to anything else downright bad manners and may be evidence of the general complaint of the public.

On July 24, 1979 I was informed by an officer of the Town and Country Planning Division that "the matter was a rather complex one and was handed over to the research department which was looking into the matter as the French Fort area was one of high landscape value and the matter therefore had to be looked into carefully." Nonetheless, the officer promised to send in a report on the matter as well as other relevant documents and correspondence to me "hopefully before the end of the week" to use his own words.

On August 9, 1979, my investigator visited the Town and Country Planning offices in Port of Spain but the officer who had promised the report was in Tobago on official business. A note was left reminding him of the report he had promised to send to my office.

As I heard nothing I sent another reminder on September 13, 1979 to the Director of Town and Country Planning Division. I received no reply. On October 15, 1979 I sent another reminder inviting the personal attention of the Director of the Town and Country Planning Division but again no response was received. On November 13, 1979 I was informed that the report was still being prepared and that an officer of the Division would let me know when to expect a report on the matter.

I have been making every effort by persuasive methods to get something done in this matter since August 30, 1978, and it appears not to be fully appreciated. If I am unable to get the co-operation of Government Ministries and Departments then I may have to lay a special report to Parliament in accordance with section 96 of the Constitution.

OMB: 78/1068

Failure to insure goods for shipping

The complainant's goods for shipment by the coastal steamer to Tobago were stored in a warehouse at the Port of Spain wharves. The warehouse was destroyed by fire. The complainant alleged that Government was liable for the loss he sustained.

The goods were accepted for shipment by the coastal steamer subject to certain conditions. Condition 10, so far as material, reads:-

"The Government will not be responsible  
for .....  
.....  
.....  
.....  
..... Fire or Explosion where-  
ever happening or however caused; and  
whether on board or on land or in ware-  
house prior to or after shipment or  
pending and after transshipment or re-  
shipment; and whether caused by  
negligence of the Government's Servants;  
Agents; or otherwise .....  
.....  
.....  
.....

As I was of the opinion that the above condition was wide enough to absolve the Government from liability for his loss, I informed the complainant accordingly.

OMB: 79/483

Refusal by the Central Bank to redeem \$50 notes  
after expiry date

A Solicitor acting on behalf of his client sought the assistance of my office in a matter relative to the refusal by the Central Bank of Trinidad and Tobago to redeem two fifty-dollar notes, after they had ceased to be legal tender.

In consequence I wrote to the Governor of the Central Bank of Trinidad and Tobago requesting his views on the term "but shall be redeemed at face value by the Bank upon such conditions as may be prescribed" in the context of section 27 (i) of the Central Bank Act, 1964 which reads as follows:-

"27 (i) The Bank, with the approval of the Minister, may on giving three months' notice published in the Gazette call in any of its notes and coins on payment of the face value thereof and any such notes or coins with respect to which a notice has been given under this section shall, on the expiration of the notice, cease to be legal tender, but shall be redeemed at face value by the Bank upon such conditions as may be prescribed."

The Bank replied stating that the date for redemption of the fifty-dollar notes had expired and that to continue to redeem such notes after the expiry date would lead to speculation.

Not satisfied, I again wrote the Governor of the Central Bank indicating my inability to trace any provision in the law which empowered the Bank to discontinue redemption of the notes and enquired under what authority the Bank purported to act. In reply the Bank advised that I should inform members of the public who complain to me in this connection that fifty-dollar notes can be redeemed on presentation to the Bank.

I advised the Solicitor accordingly and he replied thanking me. I should mention that several complaints of the same nature were received by this office.

OMB: 79/197

Delay in payment of monies due

In March 1979 the complainant alleged that he worked as a gateman with the Works Division in Tobago from January 1, 1975 to June 20, 1976 but received no backpay for the period while other workers did. In support of his claim, he attached a letter dated January 9, 1979 from the acting Technical Officer, Works, Tobago (Ministry of Works, Transport and Communications) which reads as follows:-

"I am in receipt of your letter dated 4th December, 1978 in which you are requesting in part that you be paid your arrears of wages, and to inform you that a payroll has been prepared in your favour and is awaiting verification by the Auditors before it could be passed for payment."

On March 13, 1979, I wrote the Technical Officer, Tobago on the matter and asked for an early reply. On May 23, 1979 he replied, stating, inter alia, that "the payroll is now in the possession of the Auditors, as soon as it is returned to us (and if correct) it would be passed for payment."

In July, August, and October, 1979 I enquired as to payment to the complainant. I received a reply on October 10, 1979 informing me that the complainant had not been paid because "the payroll still cannot be located. However, another sheet is prepared and awaiting verification by the Auditor."

I have been troubled in this case that a citizen of humble circumstances should undergo such hardship by the obvious prevarications and indifference of public officers. After a prolonged period of four years the complainant is unable to receive from Government what is justly due to him because of the carelessness, inefficiency and utter lack of sympathy by public officers of this Ministry. The complainant was paid on November 14, 1979.

OMB: 79/04

Delay in Processing Widow's Pension

In January, 1979 the complainant reported that since the death of her husband on August 31, 1976 she was unable to obtain her widow's pension and his death gratuity under the Widows' <sup>and</sup> Orphans' Pension Scheme.

My investigations revealed that her husband was employed at the Customs and Excise Department but as a result of a fire in 1978, the service records were destroyed. I enquired of the Comptroller of Accounts why the pension could not be paid while action was proceeding on the preparation of the records for superannuation purposes.

On August 15, 1979 the Secretary, Widows' and Orphans' Pensions Committee wrote as follows:-

"I write in reply to your letter Ref. OMB: 79/04 dated 3rd August, 1979 in connection with the payment of a Widow's Pension to the (complainant) and wish to inform you that no payment can be effected without the Auditor General's certificate.

A computation of Widows' Pension was submitted for audit verification on 28th March, 1977. The Auditor General made certain observations which were investigated and clarified. However, in July, 1977, he made this further observation:

"I shall be grateful if you would obtain and submit certified particulars of service and salary from 1st November, 1960 to 31st August, 1976 to facilitate a verification of the Widows' and Orphans' Contributions."

The Comptroller of Customs and Excise was advised of the necessity to forward these particulars urgently so that a computation of the death gratuity could be effected and the particulars forwarded to the Auditor General to finalise verification of Widow's pension. Unfortunately, at date of writing, these particulars are still outstanding.

I am still pursuing with the Comptroller of Customs and Excise the question of the submission of particulars of service and have been promised that these particulars would be forwarded later this week."

On September 17, 1979 I was informed that the records had not yet been submitted. On January 25, 1980 I was informed by the Comptroller of Accounts that the complainant had been paid her widow's pension with effect from the date of her husband's death. I advised her that the death gratuity would be paid on proof that she was the Personal Representative of the estate of the deceased.

OMB: 78/786

Claim for compensation for injury

In 1977 the complainant was recruited through the Ministry of Labour for work on the Canadian Seasonal Labour Programme. He sustained an injury during the course of his employment and was sent back to Trinidad. On August 9, 1978 he claimed that he was entitled to a refund of the money spent on the cost of medical treatment and medicines in connection with his injury as well as compensation.

I requested a report from the Permanent Secretary, Ministry of Labour and on September 15, 1978 he informed me that the matter was being investigated. On May 8, 1979 the Permanent Secretary informed me that the matter was still being investigated as he was in communication with the Workmen's Compensation Board of Ontario, Canada.

On July 5, 1979 the Ministry informed me that the complainant was paid a sum of money by the Workmen's Compensation Board, Ontario, Canada, for the loss he incurred in Trinidad in connection with the injury.

I wrote asking the complainant to confirm whether he had received payment but to date he has not replied.

OMB: 78/675

Eligibility for Maternity Leave Benefits

The complainant, a part-time cleaner, complained among other things, of delay in payment of maternity benefits.

My investigation revealed that part-time employees are not entitled to maternity leave. The complainant was, however, advised to consult the National Insurance Board on the question of her eligibility for maternity leave benefits under the National Insurance Scheme and let me know the outcome. The matter was subsequently settled and I later received a letter and a "Thank You" Card for the assistance my office gave her in settling her grievance.

OMB: 78/997

Maternity Leave Benefits

From March 21, 1969 complainant was employed continuously on a temporary basis by several Government Ministries. While assigned to the Ministry of Industry and Commerce she went on vacation leave from February 16, 1976 to February 29, 1976. She was entitled to a further period of 59 days and on March 18, 1976 was again granted leave for a further period of 59 days but omitted to submit a medical certificate as evidence that she was seeking maternity leave.

On March 25, 1976, while still on vacation leave, she gave birth to twins and on her resumption from leave was assigned to the Ministry of Finance, Customs and Excise Division.

She submitted a claim for Maternity Benefit but it was disallowed. I requested the Executive Director of the National Insurance Board to review the matter and it was discovered that she was eligible for maternity benefits. I informed the complainant of the outcome of the matter.

OMB: 78/1095

Perseverance wins

The complainant in this case alleged that on May 25, 1978 while driving his taxi from Fyzabad to San Fernando, he was stopped by a passenger on reaching Harris Village. He took up the passenger. As the complainant was about to drive off a man appeared and seriously damaged his car with a piece of iron. The car was left with dents to the top, the left front door and left rear fender.

The complainant reported the matter to the Oropouche Police Station and two constables were sent to investigate. On their way to the scene of the incident, they observed the offending party in a car travelling in the opposite direction. They gave chase and apprehended him a short distance away. He was a Police Constable.

On November 22, 1978 he complained to me that he had heard nothing about the matter and felt frustrated as he had been to San Fernando Police Station on several occasions and had been referred to the Oropouche Police and to the Superintendent's office at Siparia. On one occasion, he was told that the matter was being handled by the Commissioner of Police and on another occasion he was once more referred to the Oropouche and Siparia Police.

I wrote the Commissioner of Police and asked for a report. Nine months later after several reminders he informed me that the Police Constable had been charged for malicious damage to the complainant's car.

OMB: 78/1131

Struggle to obtain correct quantum of  
Severance Pay Benefits

On December 7, 1978, a former daily-paid employee of the Ministry of Works complained that after thirty-five years service he had not received his full retiring benefits and that a number of years of his service was not taken into account in computing those benefits.

I commenced my investigations and on January 18, 1979 was informed by the Comptroller of Accounts, that approval had been conveyed to the Permanent Secretary, Ministry of Works, Transport and Communications for the payment of severance pay benefits in the sum of three thousand eight hundred and eighty-two dollars and seventy-eight cents (\$3,882.78) to the complainant. The money was not paid to the complainant and on July 17, 1979, I wrote to the Chief Personnel Officer informing him of the position as the matter concerned an agreement made between the National Union of Government and Federated Workers and Government. After several discussions between my office and the Comptroller of Accounts it was discovered that the complainant was entitled to Severance Pay Benefits in the sum of four thousand three hundred and nine dollars and ten cents (\$4,309.10). I gather from the records that on September 21, 1979, the Comptroller of Accounts informed the Permanent Secretary, Ministry of Transport and Communications that approval had been conveyed for the payment of four thousand three hundred and nine dollars and ten cents (\$4,309.10) to the complainant and on October 11, 1979 the District Officer, Nariva/Mayaro was to effect payment.

As I have had no written reply from any of the Government Departments informing me that the complainant has been paid, the matter is still in abeyance. I shall be recommending to the Permanent Secretary, Ministry of Works, Transport and Communications that the sum be paid to the complainant within a specified time and if my recommendation is not carried out within that time, I shall lay a special report to Parliament in accordance with section 96 of the Constitution.



OMB: 78/87

Failure to repay Income Tax overpayments

Complainant felt that he was unjustly dealt with because he was made to pay sums in excess of what was due on his Income Tax for the years 1969 to 1975. He argued that he had paid arrears of his tax for which he held receipts from the Inland Revenue Department and that further deductions had been made from his wages in compliance with a Garnishee Order served on his employer in July 1975. He had tried, without success, to recover from the Commissioner of Inland Revenue the money paid in excess.

I wrote to the Chairman of the Board of Inland Revenue listing payments which were supported by receipts and those which were made under the Garnishee Order. I pointed out that there appeared to be an over-payment of a substantial sum by complainant.

I received a reply indicating that an error had been made in the posting of sums of money deducted under the Garnishee Order. The money overpaid was credited by the Board of Inland Revenue to the complainant's indebtedness in respect of tax liability for subsequent years. The matter was brought to a successful conclusion.

OMB: 78/35

Delay in Payment for Services Rendered  
to Government

The complainant alleged that he entered into a contract with the Special Works Division (now Development and Environmental Works Division) to store on his premises at Siparia Old Road for a period of 18 days at one dollar (\$1.00) per day certain materials and tools, the property of Government. The articles were stored on his premises from June 5 to June 22, 1971 but he has not received the sum due him. In his efforts to recover the money he expended an additional sum of sixty-four dollars (\$64.00) in transportation costs and legal fees.

From my investigations I was satisfied that the sum due was outstanding for over eight years and the additional expenses were properly incurred by the complainant in an effort to recover what was due him. I therefore recommended that the sum due and his additional expenses be paid to the complainant.

OMB: 78/594

Outstanding Accounts - 1977

In 1977 the complainant, who runs a transport and quarry service, entered into a contract with the Caroni County Council to perform certain work. He performed his part of the contract but in spite of repeated requests since 1977, a substantial sum was still due and owing to him. He made a complaint alleging a fault in administration and on May 29, 1978, I requested the Chief Administrative Officer, Caroni County Council to submit a report to me. His reply dated June 14, 1978 was that the matter was under investigation.

One year later, after several reminders with no response, on May 15, 1979 he informed me that the unpaid accounts "had turned up under rather mysterious circumstances." I did not seek an explanation as to what was meant by "mysterious circumstances" because I was more concerned in seeing that the complainant was not delayed further in getting the money due to him.

On June 18, 1979, the Chief Administrative Officer informed me that the accounts were paid to the complainant. This was subsequently confirmed by the complainant who thanked me for my assistance.

OMB: 79/15

Denial of a Bicycle Allowance

The complainant claimed that as a messenger at the County Hospital, Tobago, he was entitled to an allowance if he kept a bicycle and used it for the performance of his duties. To carry out his duties it was necessary for him to travel over hilly and difficult terrain. He used a motor scooter (50 cc) instead of a bicycle and consequently could not certify that he had kept and used a bicycle for the performance of his duties as required by the Travelling Allowances Regulations, 1953. The Personnel Department refused to entertain his requests for a bicycle allowance to assist him in defraying the cost of maintaining the motor scooter.

On investigation it was found that a motor scooter was better suited to the hilly roads than a bicycle. I made representations to the Chief Personnel Officer, who, having regard to all the circumstances of this particular case, approved the payment to the complainant of an allowance equivalent to a bicycle allowance with effect from May 1, 1975.

The Regulations ought to be amended as less bicycles are being used than formerly.

OMB: 78/298

Long outstanding Subsistence claim

The complainant, an economist in the Public Service, was required to undergo a course of training at the University of the West Indies. At the completion of the course the complainant submitted his claim for subsistence and expenses incurred with supporting bills to the then Ministry of Tobago Affairs. They were forwarded to the Chief Personnel Officer for approval to pay.

In 1974 the complainant was sent to the United States on a Government Scholarship to pursue a course of studies. On his return to Trinidad in 1976 he discovered that the claim which had been sent to the Chief Personnel Officer had not been honoured because it was necessary to wait on a directive from him.

On March 2, 1978 the complainant sought my assistance and I called upon the Chief Personnel Officer for a report. He was unable to identify the course which the complainant pursued and requested further information. This was supplied and on April 10, 1979 approval was given to the Permanent Secretary Ministry of Local Government to pay the complainant in accordance with Personnel Department Circular No. 5 of 1970 dated July 16, 1970.

Notwithstanding the approval, the complainant was still not paid. I wrote to the Permanent Secretary of the Ministry of Local Government enquiring of the reason for the delay. On September 13, 1979 I received a reply stating "There were problems which had to be resolved with the Chief Personnel Officer and as this has now been done, (the complainant) will be paid shortly."

On September 20, 1979 I informed the complainant of the position and on October 2, 1979 he informed me by letter that he had received the sum due to him and expressed his thanks. It took him six years to obtain from Government money which was justly due to him.

OMB: 78/191

Inordinate delay in paying Overtime Allowance  
to a Public Servant

The complainant was appointed by the Port of Spain Corporation as the Clerk in charge of the Port of Spain Wholesale Fish Market and from October 5, 1976 was required to work seven (7) days per week. He claimed that although clerks and workers attached to other markets of the Corporation were compensated for working on Saturdays, Sundays and public holidays he was given no overtime allowance. He further stated that consideration for compensation for overtime worked was being considered since 1975 and had not been settled when he complained to me in 1978.

On investigation it was discovered that consequent on the introduction of the five-day work week in 1974, the then acting City Engineer recommended that the Clerk at the Fish Market be paid overtime allowance in lieu of compensatory time-off. After discussion by the relevant authorities it was decided that in accordance with existing policy the complainant should be granted compensatory time-off in respect of excess hours worked.

Quite apart from the merits of the complainant's claim for compensation, I felt that the inordinate delay from 1974 to 1978 constituted an administrative injustice. In this regard, I wrote the Chief Personnel Officer and kept up correspondence with him until by letter dated June 20, 1979, he informed me that he had given approval for the complainant to be paid overtime allowances for the excess hours worked over the period in question as he had resigned from the Service. The complainant was so informed and I now consider this justifiable complaint closed.

OMB: 78/595

Police Negligence

The complainant claimed that she was injured when she was assaulted at her home. A charge was instituted against her alleged assailant but due to the non-appearance at the hearing before the Magistrate of the police officer who laid the complaint, the case was dismissed.

My investigations revealed that on April 27, 1979 when the matter was called the police officer did not appear in person and the Court Prosecutor was unable to advance any reasonable excuse for his non-appearance. The Magistrate exercised his discretion under the Summary Courts Ordinance Ch. 3 No. 4 and dismissed the complaint.

On August 3, 1978 I requested a report on the matter from the Commissioner of Police. He indicated that the file was sent to the Director of Public Prosecutions for his advice with respect to the re-laying of the charge. After eight letters to the Commissioner of Police I received from him a letter which stated that the Director of Public Prosecutions had advised that the circumstances of the case did not warrant the institution of indictable proceedings and therefore no further police action could be taken in this matter. My jurisdiction does not permit me to enquire into the discretion of the Director of Public Prosecutions.

I have mentioned this case because it is clear that justice was denied a citizen through the negligence and indifference of a police officer and nothing has been done to remedy the situation. If no good reason is advanced as to why a police officer (the complainant in a matter) does not attend Court and the prosecution is not pursued, then citizens may lose confidence in the administration of justice.

OMB: 78/294

Position regularised

The complainant was employed as a piece worker with the Central Library of Trinidad and Tobago for the past fourteen years and requested that her post be made permanent. She alleged that workers in her category were not entitled to any benefits whatsoever.

I requested a report from the Permanent Secretary, Ministry of Education and Culture who informed me that it had been agreed that posts of Library Aides be created and that a recommendation was made to the relevant authority for the appointment of the complainant to one of these posts.

The complainant was accordingly informed of the position.

OMB: 78/1097

A case of undue hardship

The complainant alleged that he had suffered an injustice through a fault in administration. He alleged that the Town and Country Planning Division gave approval to a developer for the division into building lots of a parcel of land at Signal Hill, Tobago. The land was divided but the developer did not complete the development work to an acceptable standard. The complainant bought one of the lots but was refused permission to erect his house on the ground that the lay-out was not up to an acceptable standard.

I asked the Director, Town and Country for a report. Six months later he informed me that the development works had been completed to an acceptable standard; that the complainant had been requested to re-submit his application for consideration; that the complainant's application was re-submitted and had been approved.

On July 24, 1979 I wrote the complainant asking him to confirm this but have had no reply. I take it that the matter has been settled to his satisfaction.

EXTRACT FROM THE CONSTITUTION OF TRINIDAD  
TOBAGO ACT NO. 4 OF 1976

PART 2

OMBUDSMAN

Appointment  
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.

Appointment 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.

Restric-  
tions on  
matters  
for in-  
vestiga-  
tion

94. (1) In investigating any matter leading to, resulting 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.

(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 of 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; or
    - (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.
- (5) Notwithstanding subsection (4) the Ombudsman—

Third  
Schedule

- (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).

Discretion of  
Ombudsman

95. In determining whether to initiate, continue or 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.

Report on  
investi-  
gation

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.

(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.

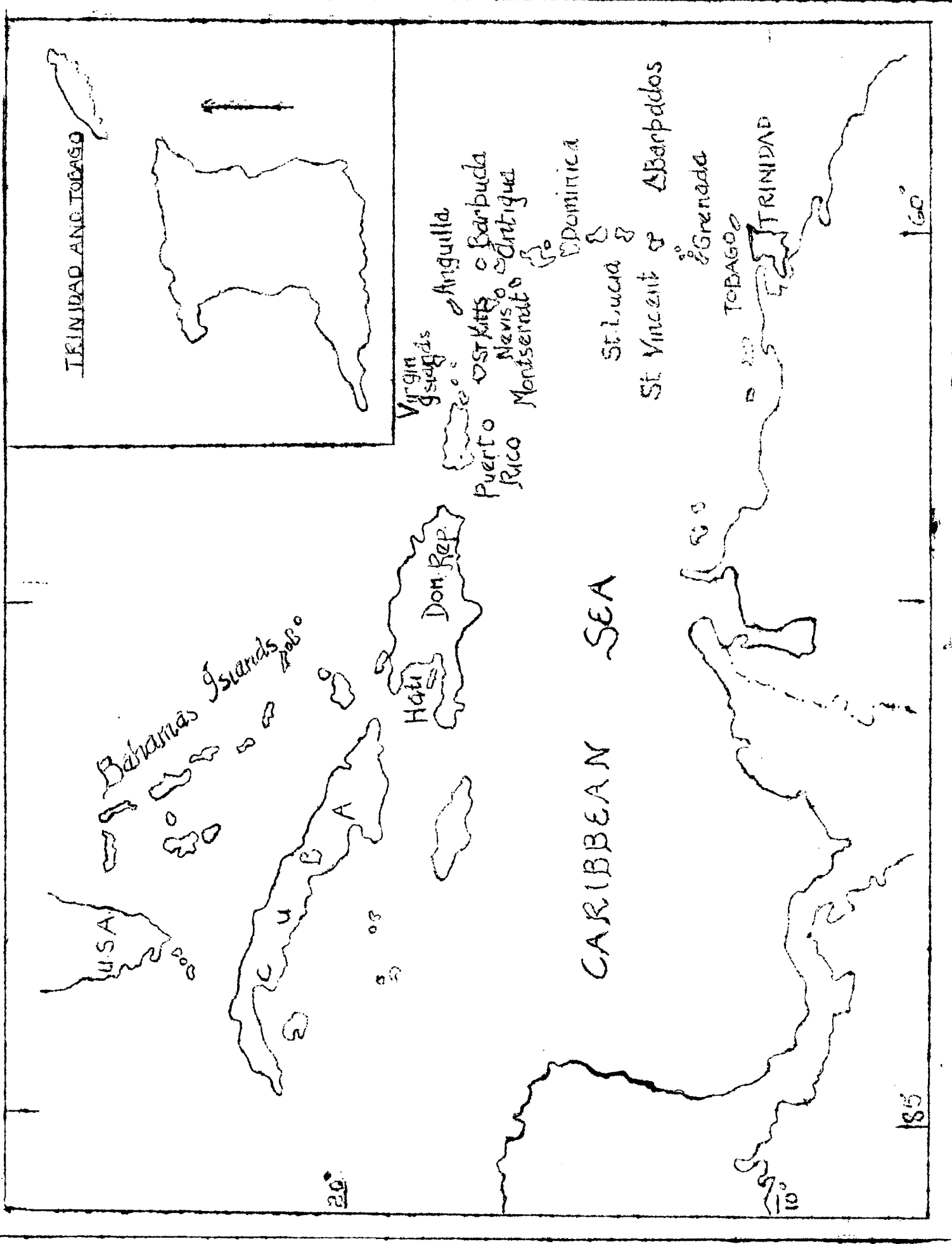
(7) Anything said or any information supplied or any document, paper, or thing produced by any person in the course of any enquiry by or proceedings before an Ombudsman under this Constitution is privileged in the same manner as if the enquiry or proceedings were proceedings in a Court.

(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.

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.



TRINIDAD AND TOBAGO

Bahamas Islands

CUBA

Haiti  
Don. Rep.

Virgin Islands  
Anguilla  
St. Kitts  
Nevis  
Montserrat  
Barbuda  
Antigua

CARIBBEAN SEA

St. Lucia  
St. Vincent  
Grenada  
Tobago

TRINIDAD

160°

185°

20°

10°

