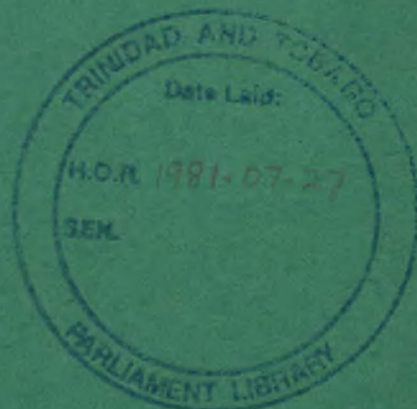


GOVERNMENT OF  
THE REPUBLIC OF  
TRINIDAD AND TOBAGO



THE OMBUDSMAN



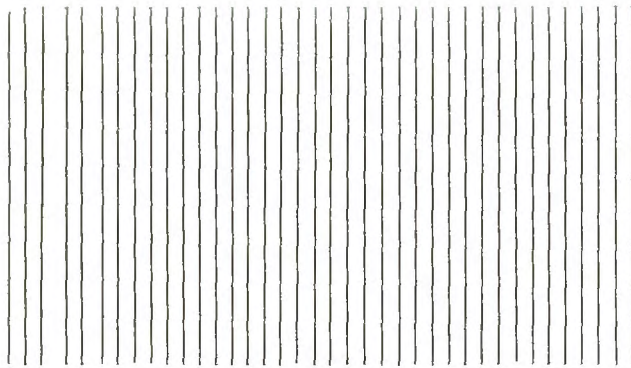
**THIRD  
ANNUAL  
REPORT**



DECEMBER 6, 1979 TO DECEMBER 5, 1980

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# THIRD ANNUAL REPORT





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

July 17, 1981.

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

Dear Mr. Speaker,

I have the honour to present the Third Annual Report of the Ombudsman for the period December 6, 1979 to December 5, 1980.

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

Yours faithfully,

EVAN REES  
*Ombudsman,*  
*Trinidad and Tobago*



## INTRODUCTION

This is my Third Annual Report to Parliament on the performance of my functions as Ombudsman of Trinidad and Tobago. It covers the period December 6, 1979 to December 5, 1980 and, as required by Statute, includes detailed statistics of the number of complaints received for the year, the number of those formally investigated and their disposition. I have also referred to particular cases which are representative of the type which engaged my attention. For ease of reference I have again included Part 2 of the Constitution which deals with the Ombudsman and the Ombudsman Act 1977, which gives effect thereto.

During the year I received 1,102 written complaints. In addition I received a number of oral complaints, enquiries and telephone calls seeking my assistance on a variety of matters, many of which were not reduced to writing because they required no more than an explanation or clarification which was given there and then. Although it is desirable to record how many such calls or enquiries are made a proper record was not kept as this would have required additional staff. I propose to request such staff shortly.

Table No. 1 shows how the 1,102 written complaints were dealt with. Table No. 2 shows a summary of statistics on complaints received for the year under review and those brought forward from the previous year. Table No. 3 shows the statistics on the total amount of complaints for the previous years. Table No. 4 shows the number of complaints per month. Table No. 5 gives a breakdown of the number of complaints and the Ministries / Authorities against which complaints had been made. Table No. 6 shows the complaints still under investigation and the Ministries / Authorities concerned. Table No. 7 gives the "Subject matter of complaints". It will be seen from a comparison of the figures shown in Tables Nos. 2 and 3 that while there has been a steady increase in the number of complaints there was also a rise in the number of matters concluded. It will also be seen from Table No. 5 that complaints relating to domestic and personal matters comprise the highest percentage.

In my previous Annual Reports I have used the terms "justified" and "not justified". Experience has shown these terms are not sufficiently descriptive of what is intended. I have therefore decided to adopt the terms "sustained" and "not sustained" in keeping with a decision of the Australasian Conference of Ombudsman in Adelaide in 1979. There it was decided that the classification "sustained" does not necessarily infer that the administrative action of the department or authority was wrong. For example, a member of the public may allege a fault in administration. On investigation it is discovered that there is good reason for the Administrative decision. However, the information is not passed on to the complainant by the department or authority concerned and the complainant is left in the dark. He makes a complaint to me and after investigation is given the



reason for the decision, for the first time, by my office. Thus, many persons whose complaints have been classified as unjustified, were sustained because they had not received a full and careful explanation of the reasons for the decisions from the department or agency.

My office was established under the Constitution in 1976 but I did not commence functioning until the end of December 1977. From a population of a little over 1<sup>1</sup>/<sub>2</sub> million people, during the first year, 1,098 written complaints were received, 252 of which were not investigated for want of jurisdiction and 846 were left to be formally investigated. During the second year 966 written complaints were received, 112 of which were outside my jurisdiction. In the third year 1,102 written complaints were received with 449 being outside my jurisdiction. These figures show that there was a decrease in the number of written complaints received in the second year, but that the number rose in the third year. I am of the view that the rise in the number of complaints received in the third year was partly due to the favourable media exposure the office received in the programme undertaken to publicise the office during the first two years. My investigators and I gave public addresses, accepted invitations for speaking engagements, were interviewed on television and gave talks on the radio on various aspects of the role of the Ombudsman.

Experience has shown that the influence of the office of Ombudsman should not only be dependent on the publicising of what it ought to do but what it actually does. Further, there must be a proper and reasonable approach to avoid over publicising or under publicising the office of the Ombudsman. I therefore reduce my pace on publicity and concentrated on putting the office on a solid foundation.

The main purpose of the Ombudsman idea is to protect the citizen against executive and administrative mistakes and abuses of power by investigative methods. Apart from being a watchdog over the exercise of administrative power, the Ombudsman is also expected to be an important check on inefficiency, dishonesty and corruption in the public service when he finds such inefficiency, dishonesty and corruption. An Ombudsman can only be successful in this sensitive role if he obtains the confidence of Parliament, of which he is an officer, the public and the administration.

To gain this confidence there must be a judicious handling of his duties by a fair, impartial, independent, thorough and confidential investigation of every complaint. Speculation, rumour, suspicion and unjustified criticism are not the tools of his trade. Every complaint is important to the aggrieved person seeking redress and therefore should be so considered by the Ombudsman who, however, has the discretion to refuse, to initiate or discontinue an investigation when it appears to him that the complaint is trivial, frivolous or vexatious or is not made in good faith.

The Constitution by way of assisting the Ombudsman to perform his functions with thoroughness and fairness has empowered him with the right to compel the attendance of witnesses and the production of documents, the right to expect co-operation from any Government department or authority under investigation and the right to have access to Government records and files.

Turning to my jurisdiction I should mention that there are certain restrictions on the matters that can be investigated. As Ombudsman of Trinidad and Tobago I cannot investigate a Minister's decision but only the advice given or recommendation made by a public officer upon which that Minister acted, thus, at one and the same time, preserving the principle of ministerial responsibility and allowing investigation into the action of the department or authority concerned. Nor have I any jurisdiction in relation to complaints against the decisions of judicial officers because judicial independence is most important for the preservation of democracy and consequently ought not to be subject to any interference.

Subsection 4 of section 94 provides that the Ombudsman shall not investigate—

- (a) any action in respect of that 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,

but subsection 5 of section 94 provides:—

“Notwithstanding subsection 4 the Ombudsman—

- (a) may investigate a matter notwithstanding that the complainant has or had a remedy by way of proceedings in a court if satisfied that in the particular circumstances it is not reasonable to expect him to take or to have taken such proceedings;
- (b) is not in any case precluded from investigating any matter by reason only that it is open to the complainant to apply to the High Court for redress under section 14 (which relates to redress for contravention of the provisions for the protection of fundamental rights).

It will be observed that subsection 5 of section 94 gives me a discretion if the complainant could have taken the matter to court and therefore in my opinion, the first and most important question to be considered in matters

which are listed in the Schedule as matters not subject to investigation is whether the complainant could have sought redress in a court of law. In most cases, I have exercised my discretion in favour of the complainant because litigation is too expensive and too dilatory in this country. Further, it is to the advantage of the complainant if I investigate the matter as it costs him nothing and at the end of the investigation if his complaint is not sustained he does not have to pay costs. Secondly, my investigations are carried out privately and away from the glare of publicity. Thirdly, I have access to departmental files and records relevant to the matter, a right which the complainant does not have and finally but by no means least important, my investigations are carried out in a climate of co-operation and reasoned persuasion rather than by time-consuming confrontation and adversarial arguments. Consequently, if the core of the dispute is detected from the material facts, the relevant laws, regulations or procedures readily applied, the matter properly researched and analysed, the motives and intentions of the parties ascertained, there is a chance of cheap and speedy resolutions of the problem one way or another.

I have also particularly referred to subsection 4(a)(ii) of section 94 because there are several persons who have sought the assistance of my office on some alleged injustice done to them by administrative tribunals.

As a result of rapid economic and social development, the exercise of administrative power continues to grow more and more important. The functions of Government keep expanding and new departments, new boards and new public bodies are coming into existence from day to day. These institutions, and in the main administrative tribunals, require competent administrators with specialised knowledge and technical training involving the exercise of discretion. If the discretion is not exercised reasonably or is either intentionally or mistakenly outside the limits of the statute, then an individual adversely affected should be in a position to seek redress either to an appellate tribunal or to a court of law.

The practice in my office is not to investigate any matter in respect of which the individual has a right of appeal to an independent or impartial tribunal. On the other hand, if a decision is given by an administrative tribunal or Government department or authority and there is no statutory right of appeal or institutional remedy the complaint is investigated by me.

The service commissions concerned with appointments and discipline include the Judicial and Legal Service Commission, the Public Service Commission, the Teaching Service Commission, the Police Service Commission. They all make decisions. In matters of discipline if an individual is dissatisfied with a decision of any of those Commissions, he must seek redress from the Public Service Appeal Board, an institution designed for that purpose and not the Ombudsman. This is not to say that the Ombudsman will not investigate a complaint alleging that an individual has sustained



an injustice as a result of the administrative acts or omissions of public servants which precede or follow the decisions of a tribunal.

Complaints to the office continued to come from a wide cross-section of the community. Most of them were rational and normal people who had exhausted every avenue to obtain redress for some alleged injustice by the administration. They included individuals, business companies, close relatives and friends as advocates of the aged or disabled and legal representatives acting for and on behalf of their clients. Many persons came directly for legal advice and had either to be referred to the Legal Aid Authority in appropriate cases or to legal advisers of their choice. I continued to get from our regular customers letters of alleged conspiracies and persecution which reflected some emotional disturbance or mental aberration.

At the end of an investigation if I find that there is an injustice to the complainant through a fault in administration, I first suggest a remedy to the department. If that has no effect I make a recommendation as to what, in my opinion, should be done to remedy the injustice. I may in that original recommendation or at any later stage in my discretion, specify the time within which this injustice should be remedied. I have no power to alter or reverse administrative decisions but there is statutory provisions as to what I must do if a department or authority does not accept my recommendation.

Section 96 provides that when the Ombudsman has made a recommendation and within the time specified by him no sufficient action has been taken to remedy the injustice, the Ombudsman shall lay a special report on the case before Parliament. For my three years in office I have laid only one special report on a case before Parliament and this is because Governments departments and authorities have, in the main, been most co-operative and reasonable in resolving cases in a just and humane manner. Further, I consider the power to recommend and lay a special report to Parliament is one to be taken seriously as it may have serious consequences. Power that is likely to have serious consequences to those directly and indirectly concerned should always be used sparingly.

In my Second Annual Report I mentioned that I laid a special report on a case to Parliament because the Ministry of Transport and Communications had failed to take action on a recommendation I made for the payment of sums of money for goods received. I have not so far had any intimation as to whether or not any action was taken. The facts of this special report concerned a widow in Tobago whose financial position at the time prevented her from taking the matter to court and are worthy of repetition. In 1978 employees of the Ministry of Works, Transport and Communications trespassed on the complainant's land in Tobago and commenced to remove sand and gravel from the river. She protested and the Chief Technical Officer thereafter sought her permission to continue

to win the sand and gravel for a consideration. She gave her consent but the Ministry refused to pay. I consider this a grave injustice as just compensation should be given for the materials taken.

It has been said that the application of the system of Ombudsman in developing countries will run into special problems particularly if the public service is riddled with patronage. I have not been able to find a positive reason for the alleged discrimination against the widow by the officers of the Ministry concerned. What I find disturbing is that I have not been informed of the outcome of the special report to Parliament.

Annual or Special Reports submitted to Parliament will achieve little without the support of Parliament. For this reason, amongst others, I would strongly recommend a Joint Select Committee of Parliament to consider the reports and the general operation of the office of the Ombudsman. This would ensure that the Annual and Special Reports of the Ombudsman will be followed up.

Because of the easy access to my office many complainants preferred to lodge their complaints personally when, at the same time, they could speak freely of their feelings of frustration by the alleged faults or omissions of the bureaucracy. This was time consuming but warmth, humanity and an attentive ear at these discussions gave a measure of relief to the complainant at the very outset. As the nature of the office is highly personal, in addition to having personal interviews with complainants and other persons concerned in a case, I continued to inspect sites and see for myself the circumstances and conditions that gave rise to complaints; to visit hospitals, prisons, county and borough authorities and to have face to face meetings with officials of Government departments or authorities.

Tobago is a sister isle of Trinidad and its residents expect to be equally served as residents of Trinidad. I therefore continued to visit Tobago at least twice per month and my investigators also visited on fact-finding missions, inspecting sites and holding discussions with public officers. These visits were well publicised in the press and radio. I am most appreciative of the assistance provided by the Public Relations Division of the Prime Minister's office and the media as a whole in giving wide publicity of my intended visits to Tobago for the information of the residents there.

I continued to use the office of the former Minister for Tobago Affairs in the Public Administration Building in Scarborough but this was intended to be a temporary measure. The Ombudsman is not a Minister of Government and must never appear to be or be a party man. Indeed, in Tobago, while using the office, I have been sometimes addressed as Mr. Minister, an error which I have always hastily corrected. The Ombudsman is totally independent of every branch of State power. To avoid any semblance of compromising the independence of the office I will recommend that priority be given to the provision of separate accommodation for the Ombudsman.

I also personally reviewed all correspondence addressed to the office, held meetings and discussed with members of staff cases that were being investigated, examined and assessed progress and final reports of investigators who were given every opportunity to put forward their points of view. As I am a lawyer, the head of the legal department and I are available for legal advice and consultations with members of the staff at all times.

There is a general complaint throughout the country of the breakdown of the services of public utilities. Residents in groups or as individuals complain of having to pay water rates to the Water and Sewerage Authority when the water supply is inadequate or non-existent; having to pay rates and other charges for telephone service when the telephones, for the most part, are not serviceable; having to pay motor vehicle licences when the roads are in a state of continuous disrepair; the sudden and regular outages at times resulting in damage to electrical appliances; the state of the health services and the abuse of the Land Acquisition Act. On those occasions when I have referred matters to individual public officers to whom no blame can be directly attached, every effort was made to give temporary relief by administering a plaster to the pimple but this will not cure the deep-seated disease. Social and economic development requires efficient administrators adequately equipped to perform their specialised functions. Further, there should be a proper understanding of the problems of the masses and the authorities should approach their functions in the light of that understanding.

### **Ombudsman Liaison**

I have been in touch with Ombudsmen in other parts of the world. I am a member of and in regular communication with the International Ombudsman Institute of Edmonton, Alberta, Canada. The Institute was established in 1978 at the University of Alberta, after years of discussion and planning. It is incorporated as a non-profit organisation under the Canada Corporation Act. Its objects are: —

- (a) To promote the concept of Ombudsman and to encourage its development throughout the world;
- (b) To encourage and support research and study into the Office of the Ombudsman;
- (c) To develop and operate educational programmes for Ombudsmen, their staff and other interesting people;
- (d) To collect, store, disseminate information and research data about the institute of the Ombudsman;
- (e) To develop and operate programmes enabling an exchange of information and experience between Ombudsmen throughout the world;



- (f) To provide scholarships, fellowships, grants and other types of financial support to individuals throughout the world to encourage study and research into the institution of Ombudsmen;
- (g) Such other matters as are necessary to further the above objects.

In my last report I mentioned that I was invited to participate in the Second International Ombudsman Conference which was held in Jerusalem from October 27 to 30, 1980 but unfortunately was unable to attend. I was also invited by the Vice-Chairman of the International Bar Association to attend its Eighteenth Biennial Conference in Berlin from August 24 to August 29, 1980. I attended as a representative of Trinidad and Tobago and derived much benefit from meeting Ombudsmen from various parts of the world, discussing matters of mutual interest and exchanging notes. There were several addresses prepared for presentation at the Conference on the subject "Military, Health, Corrections and Complaints—The Ombudsman's Role".

#### **Acquisition of Land by the State**

In my Second Annual Report I reported on the commencement of an indepth investigation into the entire machinery of land acquisition by the State. I then gave a detailed analysis of the procedure in the acquisition process and in doing so I mentioned the role of each agency (Ministry/Department/Division) concerned in the process and the problems encountered when land is acquired by the State. I particularly suggested that when land was compulsorily acquired for public purposes under the provisions of the Land Acquisition Act, Ch. 58:01, part payment without prejudice would do a great deal in relieving the frustration and dissatisfaction which then existed and continue to exist throughout the country. After all, every property owner has an interest in administrative acts involving his property and the public interest requires that administrative decisions should not be left in suspense for long periods. Admittedly, the deprivation of property is not arbitrary when it is based on considerations of public interest but that deprivation must always be accompanied by fair and just compensation.

Although a Government Senator publicly declared in the Senate that as far as possible Government will seek to purchase private property by private treaty rather than resort to available compulsory purchase machinery which is responsible for delays in payment, I have found even in those cases where section 3 notice of intended acquisition is published a proper survey plan of the property is available, title is established and the land owner is ready to deal with Government by private treaty, the matter remains in suspense. There are several land owners who are forced to pay interest on borrowed capital because of the inordinate delay in receiving compensation for land acquired by the State. On the other hand, some land owners are given

preferential treatment by Government by being given part payment while others are not. Complaints from the latter allege discrimination which could only sow seeds of discord.

In 1977 there were 377 cases in which land was compulsorily acquired but compensation had not been paid and as I stated although there had been several more acquisitions since 1977, I am still unable to identify what progress has been made in the settlement of those matters because it is an enormous task in obtaining any information on land acquisition.

Two tragic events occurred during the year which hampered my investigations. Firstly, on April 28, 1980 the building that housed the acquisition section of the Lands and Surveys Department was destroyed by fire. The result is that personnel from the Acquisition Section has to spend valuable time reconstituting their records and files by using copies of documents that were previously submitted to other departments and to my office. It also meant a relocation of the Acquisition Section.

The Acquisition Section was, until recently, located at a very small and cramped corner of the Lands and Surveys Department of the Red House very much to the discomfort of the employees who then had no alternative but to preform their duties on a small desk with two filing cabinets at their disposal. On the eve of submitting this report I was informed that office accommodation had been provided in a building at 2-4, Abercromby Street but that furniture is still being awaited.

Secondly, in the same year one of the only two surveyors working on the proposed route of the Scarborough Parkway in Tobago died in a motor vehicular accident. The notes of his surveys on the several acquisitions of land in Tobago were not found with the result that the surveys and the preparation of notes have to be done all over again. It is in this connection that on July 18, 1980, I wrote to the Sub-Intendant of State Lands enquiring whether arrangements had been made for the refunctioning of the Land Acquisition Branch and seeking information whether the surveys in Tobago had been resumed. He replied :—

“I wish to refer to your letter dated the 18th July, 1980 relative to the refunctioning of the Land Acquisition Branch and would like to state that on the 7th May, 1980 the day on which permission was granted by the investigating officer from the Police Service to visit the burnt out office, a report was then made to the Ministry of Agriculture, Lands and Fisheries indicating the Branch's urgent requirements so that the Branch would not have to rely too heavily on other sections of the Lands and Surveys Department for use of their already depleted equipment whenever they are not in use and when they could be made available.

2. Both the Ministry of Agriculture, Lands and Fisheries and the Organization and Methods Division of the Ministry of Finance have been personally contacted with regards (sic) to the rehousing, of the Branch, which at present occupies a four-foot square portion of the Lands and Surveys Department and is equipped with two typist desks and a typewriter, obtained on loan from the Ministry of Agriculture, Lands and Fisheries. Other than two verbally arranged appointments by the Organization and Methods Division (neither of which was kept) to visit proposed office space, no communication has been received in regards to the rehousing of the Branch.

3. Thanks however to the constant prodding by members of your staff, a Report on the status of the Land Acquisition files (or most of them) up to October, 1979 was fortunately in their possession at the time of the fire and from this Report all was not lost and the Branch in some way has been able and is continuing to "pick up the pieces."

I am continuing my investigations into the several complaints of land acquisition matters that I have received but the picture is a grim one as the reconstituting of records lost in the fire is a time-consuming and difficult exercise. It is a matter of grave concern that the people affected should have to suffer greater hardships.

#### Visits

I continued the policy of visiting institutions. Among those visited were the Prisons at Port-of-Spain, Carrera and Golden Grove; the Port-of-Spain General Hospital, Sangre Grande County Hospital, San Fernando General Hospital and Tobago County Hospital. My visits to these hospitals deserve special mention because of what was revealed through discussion and observation.

In February, 1980 when I visited the Port-of-Spain General Hospital it was represented to me that the present type of hospital administration was now archaic and no longer in keeping with the size of the institution. The Chief Medical Officer had no freedom whatsoever in running the hospital. To obtain supplies, orders had to go through the Central Tenders Board. Before any construction work could be done on the buildings, approval had to be obtained from the Ministry of Works and this in itself retards progress. It was represented further that there were shortages of staff in the the areas of nursing, kitchen and in the dispensary and that the Chief Medical Officer had no authority in the area of discipline. The cleaning was done by daily-rated staff and this was creating tremendous problems. I should mention that on the day of my visit I was impressed by the way the casualty unit was operating.



In February, 1980 I also visited the Sangre Grande County Hospital. This hospital is expected to treat all cases except those relating to ear, nose, throat and orthopaedic complaints. On enquiry I was informed that there was a shortage of ambulances which was aggravated by a lack of a communication system between the ambulances and the hospital. Moreover, there was no proper maintenance service and in cases of extreme urgency, the hospital had to seek the assistance of the Fire Service Department. I was shown electronic telephone equipment allegedly costing half a million dollars lying in the compound which I was told had been there for over a year and had not been installed because of a dispute as to the authority responsible for its installation. I was made to understand that the staff was not satisfied with meals and that there was insufficient cooking equipment; and the kitchen lacked proper refrigeration facilities. It was pointed out that in the male surgical ward the toilet facilities were inadequate. The refrigeration in the mortuary was also not functioning.

Following my visits correspondence was sent to the Permanent Secretary, Ministry of Health on the question of the telephone equipment and the non-functioning of the refrigeration facilities both in the kitchen and mortuary. Subsequently, we were advised that the telephone company had been asked to arrange for the installation of the equipment and that the refrigeration facilities were receiving the attention of the Hospital Plant Engineers in the Ministry of Health.

On my visit to the San Fernando General Hospital it was represented to me that the hospital was operating under severe handicaps as they were experiencing shortages of drugs and equipment in nearly every area of health care. Equipment ordered for the hospital since 1969 had not been delivered at the time of my visit. The hospital which was built to accommodate 450 patients was stated to be accommodating 700 on the date of my visit. The wards were therefore all over-crowded and because of a shortage of beds two patients were very often forced to occupy one bed.

The lack of a proper telephone or communication service hampered speedy communication with the Ministry of Health in Port-of-Spain, the main centre of control. The ambulances provided could not meet the needs of the public. This situation was aggravated when these vehicles required repairs as the length of time that a vehicle remained under repair depended on the availability of a mechanic from Port-of-Spain. The expiry date of some of the drugs supplied had passed and some of the doctors were so dissatisfied about the position that they went to the news media on the type and quality of service rendered to the public. I was informed that the central stores were too centralised and the distribution method could be best described as chaotic. Some patients were actually advised and requested to purchase their own drugs.

It was represented to me further that the hospital was not adequately staffed. It lacked the required number of registrars, consultants and house officers. No readable record of the movement of doctors was kept. There were insufficient quarters for doctors. The common room was totally inadequate for its purpose and although very small in size, was used by both nurses and doctors. It was observed that the kitchen was adequate but some of the ovens were out of order. In my view there should be some comfortable accommodation for doctors to relax between operations. There was no changing room for nurses.

I inspected the pharmacy and observed that it was cramped and that officers had great difficulty in moving around that area. I also observed that the room for keeping medical records of patients was totally inadequate and that these cramped conditions could easily give rise to the loss or misplacement of vital records.

It was represented further that the arrangements for the security of the hospital were totally inadequate and so too were those for the laundering of hospital linens. Further, as the clerical staff did a 40-hour week and were off on weekends, the Accident and Emergency Centre was adversely affected. I was told that the operating tables in the Casualty Theatre were in need of repair and there were cases where some patients had actually fallen off the tables because of their state of disrepair. I think that the San Fernando General Hospital, which serves approximately half of the population of Trinidad, including the industrial areas of the South, should be expanded.

In May, 1980 I visited the Tobago County Hospital. On my visit several serious problems were represented to me. For example, there was scarcity of a vital gas like oxygen because bills had not been settled on time. The unavailability and faulty distribution of drugs was a major problem as orders from Tobago took approximately six months before they are met. The lack of a proper transport system at the time contributed largely to the problem. It was represented that the proper maintenance of machinery was another matter of concern and there were instances when replacements parts posed a problem. There was a lack of quarters for staff of the hospital. There were a number of empty buildings on the compound which could be used by the hospital but I was told that they were not under the jurisdiction of the Ministry of Health. There were no recreational facilities for the nurses and although plans were made for the expansion of the hostel to commence in February, 1980, work had not yet begun.

I visited the Administration section of the hospital and found it to be cramped and overcrowded. There was an insufficiency of furniture in all sections of the hospital especially in the nursing hostel where there was need for at least fifty chairs. It was reported to me that the hospital experienced great difficulty in obtaining foodstuffs, particularly green

vegetables which were ordered from Trinidad and often arrived in bad condition. Further, food contractors were reluctant to supply foodstuffs to the hospital because of the delays in the settlement of the bills. The refrigeration facilities in the kitchen were inadequate. Agitation by staff and their representative Association for better conditions in the Health Service continues. This agitation centered around a great deal of the matter brought to my attention during my visits. As Ombudsman I am particularly concerned with complaints of faults in administration. However, I am satisfied that the matter is engaging the attention of the authorities concerned.

In my last report I mentioned my concern about the inordinate delay in the hearing of criminal appeals *in forma pauperis* to the Judicial Committee of the Privy Council. Complaints continue to come from condemned prisoners and their local lawyers and the main contention is that lawyers in the United Kingdom will not accept a brief without their fees.

In Trinidad and Tobago, as a rule all payments of whatsoever kind made by Ministries and Departments of Government are made in arrears, that is to say, after articles are supplied or services are rendered.

Accounting officers are accountable and are required to show the basis upon which a payment is made. It is always possible to show the cost of an item or the value of a service on a bill. A cheque is prepared only on the basis of a voucher which is supported by appropriate bills and other documents. Regulation 69 of the Financial Regulations, 1965, which so far as material, states: —

“Payments shall not be made before they are due.”

Counsel retained on behalf of the State from time to time requested payment in advance of rendering service on the ground that this is the practice of the legal profession but they could not obtain their fees. The officers responsible contend that in the absence of express instructions to the contrary, payment on behalf of Government can only be made after a service is rendered or an article supplied in accordance with the Financial Regulations.

The existing practice, which causes great hardship to condemned prisoners, is that fees will only be paid to Counsel and Solicitors in respect of appeals to the Privy Council *in forma pauperis* when special leave to appeal to the Privy Council has been granted. Finally, there are no provisions in the Legal Aid and Advice Act, Ch. 7:07 whereby legal aid is granted to persons who appeal to the Privy Council.

It is my view that this state of affairs should be reviewed in order to relieve the great hardship and injustice to condemned prisoners. As I see it, payments are due to legal advisers who are retained when they submit their requisitions and not after the conclusion of the matter.



### ACKNOWLEDGEMENT

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

TABLE NO. 1

Summary —Statistics on complaints received during  
period December 6, 1979 to December 5, 1980

	Total	Percentage of Total
Total number of complaints received ...	1102	—
Total number of complaints without jurisdiction ...	449	40.7
Total number of complaints proceeded with ...	653	59.3
Total number of complaints concluded		
Sustained ...	222	337 51.6
Not sustained ...	74	
Discontinued ...	34	
Withdrawn ...	7	
Total number of complaints under consideration	316	48.4

TABLE NO. 2

Summary —Statistics on complaints received for the year under review  
and those brought forward from the previous year

	Total	Percentage of Total
Total number of complaints brought forward from last report (December 6, 1979 to December 5, 1980) ...	565	—
Total number of complaints received in 1980 ...	1102	—
Total ...	1667	
Total number of complaints without jurisdiction ...	449	26.9
Total number of complaints proceeded with ...	1218	73.1
Total number of complaints concluded ...	749	61.5
Total number of complaints under consideration ...	469	38.5



TABLE NO. 3

**Summary —Statistics on total amount of complaints  
for previous years**

	1977-1978	1978-1979
Total number of complaints brought forward ... ..	—	408
Total number of complaints received ... ..	1098	966
Total ... ..	1098	1374
Total number of complaints without jurisdiction ... ..	252-23.0	189-13.8
Total number of complaints proceeded with ... ..	846-77.0	1185-86.2
Total number of complaints concluded ... ..	438-57.8	620-52.3
Total number of complaints under consideration ... ..	408-48.2	565-47.7

TABLE NO. 4

**Number of complaints per month**

Month	No.	Percentage of Total	Average
6th to 31st December, 1979 ... ..	105	9.5	92
January ... ..	70	6.4	
February ... ..	78	7.1	
March ... ..	152	13.8	
April ... ..	102	9.3	
May ... ..	66	5.9	
June ... ..	64	5.8	
July ... ..	107	9.7	
August ... ..	63	5.7	
September ... ..	58	5.3	
October ... ..	125	11.3	
November ... ..	105	9.5	
1st to 5th December, 1980 ... ..	7	0.6	
Total ... ..	1102		

TABLE NO. 5  
Breakdown of complaints —Ministries /Authorities

Department	Total	Percentage of Total
Caroni Limited	4	0.36
Central Bank	3	0.27
Central Library	1	0.09
•Judiciary	97	8.8
Industrial Development Corporation	3	0.27
Ministry of Agriculture, Lands and Fisheries	52	4.8
Ministry of Education and Culture	33	3.0
Ministry of Energy and Energy Based Industries	1	0.09
Ministry of Finance	84	7.6
Ministry of Government Construction and Maintenance	21	1.9
Ministry of Health and Local Government	69	6.3
Ministry of Industry and Commerce	4	0.36
Ministry of Labour, Social Security and Co-operatives	33	3.0
Ministry for Legal Affairs	22	2.0
Ministry of National Security	134	12.2
Ministry of Transport and Communications	25	2.3
Ministry of Works	30	2.7
National Insurance Board	12	1.1
National Housing Authority	39	3.5
Police Service Commission	2	0.18
Port Authority of Trinidad and Tobago	14	1.3
Public Service Commission	25	2.3
Public Transport Service Corporation	4	0.36
Trinidad and Tobago Electricity Commission	15	1.4
Trinidad and Tobago Oil Company	2	0.18
Trinidad and Tobago Television Board	2	0.18
Trinidad and Tobago Telephone Company	3	0.27
Water and Sewerage Authority	18	1.6
Other complaints (Personal, domestic, etc.)	350	31.7
<u>Total</u>	<u>1102</u>	

TABLE NO. 6  
Complaints still under investigation and the  
Ministries/Authorities concerned

Department	1978	1979	1980
Caroni Limited ... ..	—	—	3
Central Library ... ..	—	1	—
Judiciary ... ..	3	8	24
Industrial Development Corporation ... ..	—	—	2
Ministry of Agriculture, Lands and Fisheries ... ..	4	13	27
Ministry of Education and Culture ... ..	1	2	15
Ministry of Energy and Energy Based Industries ... ..	1	—	1
Ministry of Finance ... ..	12	16	33
Ministry of Government Construction and Maintenance ... ..	—	—	16
Ministry of Health and Local Government ... ..	12	8	36
Ministry of Industry and Commerce ... ..	1	1	2
Ministry of Labour, Social Security and Co-operatives ... ..	—	—	10
Ministry for Legal Affairs ... ..	—	1	10
Ministry of National Security ... ..	4	17	67
Ministry of Transport and Communications ... ..	—	3	13
Ministry of Works ... ..	7	11	14
National Insurance Board ... ..	—	2	3
National Housing Authority ... ..	3	9	16
Police Service Commission ... ..	1	2	1
Port Authority of Trinidad and Tobago ... ..	—	—	7
Public Service Commission ... ..	—	2	1
Public Transport Service Corporation ... ..	—	—	1
Trinidad and Tobago Electricity Commission ... ..	—	2	6
Trinidad and Tobago Oil Company ... ..	—	—	1
Trinidad and Tobago Television Board ... ..	—	—	1
Water and Sewerage Authority ... ..	2	4	6
Total ... ..	51	102	316

TABLE NO. 7

**CARONI LIMITED**

## Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Failure to honour agreement for sale of land ...	Under consideration
2.	Delay in attending to application for permission to use lands	Under consideration
3.	Delay in transferring tenancy ...	Under consideration
4.	Reduction in working hours causing reduction in wages	Not sustained

## CENTRAL BANK

## Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Unable to obtain payment out of funds ...	Not sustained
2.	Failure to redeem fifty dollar bills ...	Rectified
3.	Failure to redeem fifty dollar bills ...	Rectified

## CENTRAL LIBRARY

## Outside Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Dissatisfied with hours of work ...	No jurisdiction

## INDUSTRIAL DEVELOPMENT CORPORATION

## Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in dealing with loan application ...	Under consideration
2.	Dissatisfied with the handling of application ...	Under consideration
3.	Delay in processing application for loan ...	Advised

## JUDICIARY

## Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in hearing High Court Action ...	Not sustained
2.	Delay in hearing High Court matter ...	Rectified
3.	Unable to obtain notes of Inquest proceedings ...	Under consideration
4.	Failure to obtain Counsel from Legal Aid ...	Advised
5.	Delay in hearing Appeal Court matter ...	Under consideration
6.	Delay in hearing petition for divorce ...	Withdrawn
7.	Delay in hearing High Court Action ...	Rectified
8.	Delay in hearing High Court Action ...	Under consideration
9.	Delay in hearing Inquest ...	Rectified
10.	Delay in delivering Judgment ...	Advised
11.	Delay in hearing Court matter ...	Not justified
12.	Delay in hearing Court matter ...	Not justified
13.	Delay in hearing Court matter ...	Advised

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
14.	Delay in hearing Court matter ... ..	Under consideration
15.	Delay in hearing Inquest ... ..	Rectified
16.	Delay in hearing Appeal Court matter ... ..	Under consideration
17.	Delay in obtaining Notes of Evidence ... ..	Rectified
18.	Delay in hearing ejectment case ... ..	Advised
19.	Delay in hearing Court matter ... ..	Rectified
20.	Delay in hearing Court matter ... ..	Referred
21.	Not informed of date of hearing of Industrial Court matter	Not justified
22.	Delay in payment for taxis hired ... ..	Rectified
23.	Delay in obtaining Notes of Evidence ... ..	Under consideration
24.	Request for early trial ... ..	Rectified
25.	Delay in hearing Court matter ... ..	Advised
26.	Delay in hearing divorce petition ... ..	Rectified
27.	Delay in hearing Court matter ... ..	Discontinued
28.	Delay in hearing Court matter ... ..	Not justified
29.	Delay in hearing Appeal Court matter ... ..	Under consideration
30.	Not served with a copy of petition for divorce ...	Referred
31.	Delay in hearing Inquest ... ..	Under consideration
32.	Delay in obtaining Notes of Evidence ... ..	Advised
33.	Failure to pay out-of-pocket expenses for attending Court	Rectified
34.	Delay in hearing trial on charge of murder ...	Under consideration
35.	Delay in hearing Court matter ... ..	Not sustained
36.	Delay in hearing Inquest ... ..	Referred
37.	Difficulty in obtaining information about Court matter	Rectified
38.	Delay in hearing Court matter ... ..	Rectified
39.	Unable to secure three separate Judgments ...	Not sustained
40.	Wrongfully imprisoned ... ..	Referred
41.	Unable to get information about divorce proceedings	Advised
42.	Delay in hearing criminal matter ...	Rectified
43.	Delay in determining a case of assault ... ..	Rectified
44.	Delay in hearing Court matter ... ..	Not sustained
45.	Delay in hearing Court matter ... ..	Under consideration
46.	Delay in hearing Court matter ... ..	Under consideration
47.	Delay in hearing Court matter ... ..	Under consideration
48.	Delay in hearing Civil Appeal ... ..	Advised
49.	Unable to get confirmation of sentence ... ..	Advised
50.	Delay in hearing Court matter ... ..	Under consideration
51.	Non-receipt of Notes of Evidence ... ..	Advised
52.	Failure to pay increment ... ..	Under consideration
53.	Delay in hearing criminal Court matter ... ..	Rectified
54.	Victimization in trying to influence decision of the Court	Under consideration
55.	Delay in obtaining Notes of Evidence ... ..	Under consideration
56.	Delay in hearing Appeal Court matter ... ..	Under consideration
57.	Delay in obtaining Counsel for Appeal Court hearing (Legal Aid)	Rectified
58.	Negligence in omitting to take him to Court ...	Under consideration
59.	Delay in hearing Appeal Court matter ... ..	Under consideration
60.	Delay in obtaining judgment ... ..	Discontinued



TABLE No. 7—Continued

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
61.	Delay in granting legal representation (Legal Aid)	Rectified
62.	Delay in hearing Court matter	Under consideration
63.	Unable to get bail ... ..	Under consideration
64.	Delay in obtaining Notes of Evidence ... ..	Under consideration
65.	Unable to obtain bail ... ..	Under consideration
66.	Delay in hearing Magistrate's Court matter ...	Under consideration
67.	Delay in hearing Appeal Court matter ... ..	Rectified
68.	Unable to maintain animals while in Police compound	Rectified
69.	Delay in hearing Court matter ... ..	Rectified
70.	Frequent attendance at Court without any hearing ...	Rectified
71.	Delay in determination of Court matter ... ..	Not sustained
72.	Delay in hearing Court matter ... ..	Rectified
73.	Failure to send exhibits to Appeal Court ... ..	Rectified
74.	Delay in obtaining Judge's Notes of Evidence ...	Rectified
75.	Unable to get lawyer to represent him on constitutional motion	Advised
76.	Failure to obtain legal representation ... ..	Rectified
77.	Delay in obtaining legal aid ... ..	Rectified
78.	Delay in obtaining legal aid ... ..	Rectified

**JUDICIARY****Outside Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in filing constitutional motion ... ..	No jurisdiction
2.	Dissatisfied with Court sentence ... ..	No jurisdiction
3.	Dissatisfied with Magistrate's Court order ...	No jurisdiction
4.	Dissatisfied with Court sentence ... ..	No jurisdiction
5.	Request for transfer of Court hearing ... ..	No jurisdiction
6.	Unable to obtain bail ... ..	No jurisdiction
7.	Objecting to Summing—Up on tape recorder sent to trial Judge	Premature
8.	Assurance that a Court matter will be heard ...	No jurisdiction
9.	Assistance in getting date of hearing for Petty Civil Court matter	No jurisdiction
10.	Assistance in obtaining separate trial ... ..	No jurisdiction
11.	Assistance in getting time spent in Remand Yard offset against sentence	No jurisdiction
12.	Victimization ... ..	Premature

**Outside Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
13.	Assistance in obtaining hearing of a charge of murder	No jurisdiction
14.	Dissatisfied with results of High Court matter	No jurisdiction
15.	Seeking re-opening of road	No jurisdiction
16.	Dissatisfied with decisions taken by the Courts	No jurisdiction
17.	Dissatisfied with outcome of Court matter	No jurisdiction
18.	Failure to order his reinstatement	No jurisdiction
19.	Assistance with mattei' referred to Industrial Court	Referred

# MINISTRY OF AGRICULTURE, LANDS AND FISHERIES

## Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in handling application for land to extend pig farm	Inquiry made/Advised
2.	Failure to receive compensation for damages done to vehicle parked in compound	Rectified
3.	Delay in payment of retirement benefits	Not sustained
4.	Delay in processing claim for Workmen's Compensation	Rectified
5.	Acquisition of land without prior notification	Not sustained
6.	Delay in payment of compensation for land acquired	Under consideration
7.	Unable to obtain allocation of piece of State lands	Under consideration
8.	Unable to get State lands to engage in farming	Not sustained
9.	Delay in collection of pigs ... ..	Rectified
10.	Delay in attending to flood control measures ... ..	Under consideration
11.	Delay in obtaining transfer of land ... ..	Under consideration
12.	Delay in settling claim for land acquired ... ..	Rectified
13.	Dissatisfied with order to demolish property ... ..	Under consideration
14.	Unfair termination of services ... ..	Under consideration
15.	Demolition of house ... ..	Under consideration
16.	Delay in granting application for State lands ... ..	Discontinued
17.	Non-receipt of compensation for lands acquired by Government	Discontinued
18.	Delay in finalising application for lease of State lands	Under consideration
19.	Failure to be allocated a piece of State land he cultivated	Under consideration
20.	Non-receipt of back-pay ... ..	Under consideration
21.	Delay in finalising payment for vacation leave ... ..	Rectified
22.	Delay in attending to application for parcel of land	Under consideration
23.	Unfair dismissal ... ..	Discontinued
24.	Delay in obtaining permission to remove logs ... ..	Under consideration
25.	Unable to get information as to the width of a road reserved	Under consideration
26.	Error in the payment of wages ... ..	Not sustained
27.	Failure to obtain parcels of State land for which he applied	Advised
28.	Unable to locate tenancy agreement ... ..	Under consideration
29.	Delay in obtaining compensation for land acquired	Under consideration
30.	Failure to secure possession of parcel of land ... ..	Discontinued
31.	Delay in finalising acquisition of land ... ..	Under consideration
32.	Refusal to accept payment of lease rent ... ..	Under consideration
33.	Delay in preparing lease for parcel of State lands ... ..	Under consideration
34.	Error in the amount paid as salary ... ..	Under consideration
35.	Delay in finalising application for lease of State lands	Under consideration
36.	Delay in payment of compensation for lands acquired by Government	Under consideration
37.	Discrimination in not considering him for vacant post	Not sustained
38.	Forced to vacate land for intended Highway	Under consideration
39.	Unfair dismissal from agricultural school ... ..	Under consideration
40.	Delay in payment of compensation for damages to crops	Under consideration



TABLE No. 7—Continued

<i>No.</i>	<i>Subject of Complaints</i>	<i>R.result</i>
41.	Failure to obtain materials ... ..	Advised
42.	Failure to pay compensation for cutting down full bearing trees	Rectified
43.	Threatened with demolition of additional structure	Under Consideration
44.	Refusal of application for parcel of land for agricultural purposes	Under Consideration
45.	Failure to obtain supply of electricity for residue of leased lands	Under Consideration
46.	Delay in payment for material ... ..	Rectified
47.	Victimization ... ..	Not sustained

**MINISTRY OF EDUCATION AND CULTURE****Outside Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Dishonesty and corruption ... ..	Premature
2.	Corruption with regards to distribution of subsidy and lease to farmers	Premature
3.	Delay in payment for acquisition of land by private treaty	Premature
4.	Discrimination in allocating work ... ..	Premature
5.	Unable to get developers to complete development	Premature

**MINISTRY OF EDUCATION AND CULTURE****Within Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in providing uniforms ... ..	Under consideration
2.	Delay in payment of outstanding wages ... ..	Rectified
3.	Error in the amount received for retirement benefits	Under consideration
4.	Discrimination in employment	Advised
5.	Dissatisfied with operations of Children's Home ...	Under consideration
6.	Refusal of back-pay ... ..	Under consideration
7.	Delay in releasing funds for 1979 Estimates ...	Under consideration
8.	Difficulties in receiving remunerations for extra duties	Advised
9.	Unfair dismissal on medical grounds ... ..	Rectified
10.	Failure to receive retirement benefits ... ..	Under consideration
11.	Unable to secure book allowance ... ..	Rectified
12.	Failure to assess qualifications ... ..	Advised
13.	Dissatisfied with amount of compensation awarded for personal injuries	Discontinued
14.	Deprived of payment of Widows' and Orphans' Pension Fund	Under consideration
15.	Unable to get meaningful discussions on the unification of teachers	Rectified
16.	Dissatisfied with reclassification ... ..	Under consideration
17.	Assistance in getting additional period taken into account for pension purposes	Not sustained
18.	Wrongful dismissal ... ..	Advised
19.	Delay in payment of gratuity ... ..	Rectified

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
20.	Serious delay in payment of retirement benefits ...	Under consideration
21.	Registered for wrong type of examinations ...	Rectified
22.	Failure to receive wages for several months ...	Rectified
23.	Discrimination in making grants to organizations ...	Under consideration
24.	Delay in attending to assessment of qualifications ...	Under consideration
25.	Delay in payment for travelling done	Rectified
26.	Denied promotion ... ..	Withdrawn
27.	Failure to receive salary ... ..	Under consideration
28.	Delay in settling claim for travelling allowance ...	Under consideration
29.	Refusal to refund payment for transporting freight	Under consideration
30.	Error in the computation of his backpay ...	Under consideration

### MINISTRY OF EDUCATION AND CULTURE

#### Outside Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Discrimination in teaching employment ...	Premature
2.	Adverse situation experienced by school children ...	Premature
3.	Failure to obtain one quarter of salary ...	Premature

### MINISTRY OF FINANCE

#### Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Failure to take enforcement action on nuisance (Town and Country Planning Division)	Rectified
2.	Delay in payment of land acquired by Government ...	Under consideration
3.	Non-payment of superannuation benefits ...	Not sustained
4.	Delay in taking enforcement action for breach (Town and Country Planning Division)	Rectified
5.	Delay in processing claim for refund of contributions to Provident Fund	Rectified
6.	Delay in refund of customs duty ... ..	Under consideration
7.	Refusal of application for outline approval (Town and Country Planning Division)	Under consideration
8.	Unable to develop land despite approval (Town and Country Planning Division)	Advised
9.	Dissatisfied with paying customs duty and purchase tax	Not sustained
10.	Delay in obtaining Widows' and Orphans' benefit ...	Under consideration
11.	Failure to obtain permission to sub-divide lands (Town and Country Planning Division)	Under consideration
12.	Delay in obtaining compensation for lands acquired by Government	Discontinued
13.	Delay in honouring claim for damages ... ..	Rectified
14.	Discrimination in granting approval for excision of lands (Town and Country Planning Division).	Referred
15.	Delay in processing income tax return ... ..	Under consideration
16.	Delay in payment for work done ... ..	Rectified
17.	Delay in renovation of plans (Town and Country Planning Division)	Rectified

TABLE No. 7—Continued

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
	<i>Results</i>	
18.	Inadvertently placed in the clerical class ...	Under consideration
19.	Delay in finalising application for refund of money	Under consideration
20.	Removal of name from Assessment Roll ...	Referred
21.	Delay in handling representations for payment of increase in salary	Under consideration
22.	Delay in payment of superannuation benefits ...	Under consideration
23.	Non-receipt of full retirement benefits ...	Rectified
24.	Delay in payment of Widows' and Orphans' pension	Not sustained
25.	Non-payment of compensation by Government	Under consideration
26.	Refusing to stamp deed submitted ...	Discontinued
27.	Delay in payment of death benefits ...	Under consideration
28.	Error in computation of severance benefits ...	Rectified
29.	Delay in processing estate duty ...	Rectified
30.	Delay in finalising application ...	Rectified
31.	Failure to secure pension computed on higher salary	Advised
32.	Error in the amount of gratuity paid ...	Under consideration
33.	Delay in returning citizen band set (Customs) ...	Under consideration
34.	Delay in payment of severance benefits ...	Rectified
35.	Delay in obtaining retirement benefit scheme ...	Under consideration
36.	Delay in relocating tyre factory (Town and Country Planning Division)	Under consideration
37.	Delay in obtaining compensation for land acquired by Government	Advised
38.	Delay in settling claim for extra pay for performing extra duties	Rectified
39.	To review planning permission rules and regulations (Town and Country Planning Division)	Under consideration
40.	Failure to pay balance of pension ...	Advised
41.	Refusal of plans submitted for construction of showroom	Under consideration
42.	Name erroneously removed from Assessment Roll	Under consideration
43.	Delay in payment of acting allowance	Rectified
44.	Delay in payment of pension ...	Rectified
45.	Error made in deduction of tax from contract gratuity	Under consideration
46.	Delay in settling outstanding payments due on scholarship	Rectified
47.	Restriction and detention of book imported ...	Under consideration
48.	Delay in payment of emoluments ...	Under consideration
49.	Delay in settling claims for refund ...	Not sustained
50.	Refusing to pay insurance for property destroyed by fire	Advised
51.	Refusal of payment of taxes ...	Under consideration
52.	Refusing to approve plans (Town and Country Planning Division)	Advised

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
53.	Delay in payment of compensation for land acquired by Government	Not sustained
54.	Delay in acquiring lands ... ..	Under consideration
55.	Delay in payment of compensation for damaged crops	Under consideration
56.	Non-payment of acting allowances ... ..	Under consideration
57.	Delay in payment of compensation for lands acquired by Government	Under consideration
58.	Serious effect on Estate Policemen because of recent judgment of Industrial Court	Under consideration
59.	Delay in refunding Widows' and Orphans' contribution card	Rectified
60.	Delay in payment of acting allowance ... ..	Under consideration
61.	Refusal of permission to sub-divide lands ... ..	Under consideration
62.	Unable to get previous service counted for pension purposes	Rectified
63.	Victimization in the filling of vacant posts ... ..	Under consideration
64.	Failure to receive refund of duty and purchase tax	Advised
65.	Delay in handling request for honorarium ... ..	Not sustained
66.	Refused permission to change type of business ... ..	Advised
67.	Delay in attending to application for permission to use State's land	Advised
68.	Delay in settling outstanding payments ... ..	Under consideration
69.	Dissatisfied with permission granted to develop lands	Under consideration
70.	Failure to obtain record of Assessment Roll ... ..	Discontinued
71.	Delay in settling claim for vacation leave ... ..	Rectified
72.	Difficulty experienced in having to pay outstanding house tax bills	Advised
73.	Delay in payment of land acquired by Government ...	Advised
74.	Delay in finalising price by private treaty ...	Advised

## MINISTRY OF FINANCE

### Outside Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Requesting reclassification of leave (Chief Personnel Officer)	Premature
2.	Difficulty experienced in efforts to develop land ...	Premature
3.	Information about correct procedure followed in obtaining land deed	Advised
4.	Unhappy with appointment of acting Chairman of Commission	Premature
5.	Refusal of tax exit certificate ... ..	Premature
6.	Delay in obtaining compensation for land acquired ...	Premature
7.	Delay in finalising price by private treaty ... ..	Premature
8.	Assistance in getting Government to acquire lands for tenants	Premature
9.	Dissatisfied with service of certain public servants ...	Premature
10.	Irregularities in the reviewing of permanent list of employees	Premature
11.	Failure to obtain refund of Provident Fund ... ..	Premature
12.	Request that Government acquire lands for tenants	Premature



TABLE No. 7—Continued

**MINISTRY OF GOVERNMENT CONSTRUCTION AND MAINTENANCE****Within Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in paying adequate compensation for injury sustained while working	Not sustained
2.	Full service not taken into account for superannuation purposes	Under consideration
3.	Non-payment of back-pay ... ..	Under consideration
4.	Delay in payment of severance benefits ... ..	Rectified
5.	Delay in constructing retaining wall ... ..	Under consideration
6.	Delay in constructing retaining wall to stop flooding	Under consideration
7.	Unfair dismissal without hearing ... ..	Under consideration
8.	Failure to pay outstanding accounts for work done	Under consideration
9.	Delay in payment of wages ... ..	Under consideration
10.	Overflowing of drains causing erosion of land ...	Under consideration
11.	Failure to receive travelling allowance ... ..	Rectified
12.	Non-payment of maternity leave ... ..	Under consideration
13.	Non receipt of arrears of salary ... ..	Under consideration
14.	Blocking of drain causing frequent flooding ...	Under consideration
15.	Delay in completing rebuilding of wall ... ..	Under consideration
16.	Delay in dealing with representation made for loss of goods	Under consideration
17.	Delay in payment of severance benefits ... ..	Rectified
18.	Delay in repairing malfunctioning of the sewer system	Under consideration
19.	Delay in handling outstanding travelling allowance	Under consideration
20.	Delay in payment for storage	Rectified
21.	Delay in payment for trespassing and damages to property	Under consideration

**MINISTRY OF HEALTH AND LOCAL GOVERNMENT****Within Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Discrimination in employment of casual workers ...	Rectified
2.	Delay in alleviating threatening landslide ...	Under consideration
3.	Discrimination in employment of daily paid labour ...	Advised
4.	Delay in payment of increments ...	Rectified
5.	Damages to property caused by inadequacy of drains	Under consideration
6.	Dissatisfied with the amount of retiring benefits received	Under consideration
7.	Unable to receive articles taken by City Police when arrested	Rectified
8.	Deviating from priority list in making acting arrangements	Referred
9.	Delay in handling claim for reinstatement ... ..	Rectified
10.	Failure to receive remunerations for extra duties performed	Not sustained
11.	Nuisance created by insanitary condition of two farms	Rectified
12.	Error in the computation of retirement benefits ...	Not sustained
13.	Wanton desire for demolishing property ... ..	Not sustained

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
14.	Nuisance caused by disposing effluence on his property	Under consideration
15.	Failure to abate nuisance on premises ... ..	Under consideration
16.	Dissatisfied with treatment at hospital ... ..	Referred
17.	Dissatisfied with termination of appointment ... ..	Discontinued
18.	Refusal to check claim for lost wages ... ..	Not sustained
19.	Delay in payment of compensation for land acquired by Government	Under consideration
20.	Refusal to pay claim for compensation for injury sustained (Town Hall)	Advised
21.	Nothing done to remedy damage of property ... ..	Under consideration
22.	Unable to get parcel of land acquired for public playground	Under consideration
23.	Delay in payment of superannuation benefits ... ..	Under consideration
24.	Failure to pay gratuity ... ..	Not sustained
25.	Securing ownership of a piece of land ... ..	Rectified
26.	Delay in payment of compensation for injuries sustained	Under consideration
27.	Refusal to pay damages for property due to flooding	Under consideration
28.	Health hazard created by cesspit ... ..	Referred
29.	Failure to carry out instructions ... ..	Rectified
30.	Delay in payment of retirement benefits ... ..	Under consideration
31.	Delay in settlement of claim for work done ... ..	Under consideration
32.	Severe inconvenience and hardship experienced as a result of poor drainage	Rectified
33.	Failure to maintain drain ... ..	Rectified
34.	Unable to obtain gratuity ... ..	Under consideration
35.	Delay in obtaining pension and gratuity ... ..	Not sustained
36.	Unable to get medical certificate from hospital ... ..	Under consideration
37.	Indiscriminate dumping of trash on road ... ..	Under consideration
38.	Failure to pay rent ... ..	Under consideration
39.	Delay in obtaining medical certificate from hospital	Referred
40.	Exudation of poison through use of aluminium pots for cooking	Not sustained
41.	Failure to allow cemetery allotment ... ..	Under consideration
42.	Health hazard exists through pollution of river ... ..	Under consideration
43.	Non-receipt of salary ... ..	Under consideration
44.	Nuisance created by stench coming from fowl farm	Under consideration
45.	Delay in making retroactive payment ... ..	Under consideration
46.	Health hazard existing as a result of stagnant water nearby	Under consideration
47.	Delay in payment of severance benefits ... ..	Rectified
48.	Dissatisfied with the termination of appointment on medical grounds	Under consideration
49.	Nuisance created by playing of loud music ... ..	Under consideration
50.	Failure to obtain compensation for injuries sustained	Not sustained
51.	Failure to grant him vacation leave for which eligible	Under consideration
52.	Misconduct of nurse on the ward	Advised
53.	Unlawfully served with notice to have home demolished	Referred
54.	Delay in handling application for remuneration for performing extra duties	Under consideration

TABLE No. 7—Continued

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
55	Existing public nuisance due to improper drainage	Under consideration
56	Constant flooding of property	Referred
57	Delay in constructing wall to prevent movement of earth	Under consideration
58	Non-receipt of increments in higher posts ...	Under consideration
59	Failure to receive increments in higher posts ...	Under consideration
60	Difficulty experienced in obtaining medical report	Under consideration
61	Nuisance created due to improper sewerage connections	Under consideration
62	Discrimination in recruitment of workers ...	Under consideration
63	Racial discrimination ...	Under consideration
64	Demolishing of property ...	Advised
65	Discrimination in recruitment of workers ...	Under consideration

**MINISTRY OF HEALTH AND LOCAL GOVERNMENT****Outside Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Securing employment ...	No jurisdiction
2.	Assistance in obtaining public recreation ground ...	Premature
3.	Asked to clean already cleaned property ...	Premature
4.	Dissatisfied with reasons given for failure to promote him	No jurisdiction

**MINISTRY OF INDUSTRY AND COMMERCE****Within Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Denied licence to import goods ...	Not sustained
2.	Refusal of licence to import mosquito coils ...	Under consideration
3.	Delay in obtaining costs in Court matter ...	Under consideration
4.	Refused permission to import vehicle to use on farm	Advised

**MINISTRY OF LABOUR, SOCIAL SECURITY AND CO-OPERATIVES****Within Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in granting public assistance ...	Rectified
2.	Delay in finalising application for old age pension	Rectified
3.	Not satisfied with remuneration received for work done	Referred
4.	Securing public assistance ...	Referred
5.	Not satisfied with date of approval for old age pension	Under consideration
6.	Delay in obtaining old age pension ...	Under consideration
7.	Delay in obtaining old age pension ...	Under consideration
8.	Failure to receive old age pension ...	Referred
9.	Assistance in repairing damaged house ...	Rectified
10.	Refusal of application for old age pension ...	Under consideration

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
11.	Delay in handling reports of malpractices ...	Under consideration
12.	Discontinuance of public assistance ...	Advised
13.	Delay in payment of salary ...	Rectified
14.	Non-receipt of old age pension ...	Under consideration
15.	Unable to obtain adequate compensation for injury sustained	Discontinued
16.	Failure to take action on complaint of unsatisfactory working condition	Under consideration
17.	Delay in obtaining replacement for lost bus pass	Under consideration
18.	Delay in replying to application for funds to repair home	Not sustained
19.	Discrimination in selecting less qualified persons for employment	Rectified
20.	Seizure of old age pension book ...	Rectified
21.	Discontinuance of old age pension ...	Rectified
22.	Delay in approving application for old age pension	Rectified
23.	Non-receipt of public assistance ...	Rectified
24.	Refused application for old age pension ...	Not sustained
25.	Delay in obtaining old age pension ...	Not sustained
26.	Delay in processing application for public assistance	Not sustained
27.	Delay in obtaining replacement of pension book ...	Rectified
28.	Delay in obtaining old age pension ...	Under consideration
29.	Delay in finalising application for old age pension ...	Rectified
30.	Assistance in obtaining public assistance ...	Advised
31.	Failure to obtain deceased husband's pension and death grant	Under consideration

#### MINISTRY OF LABOUR, SOCIAL SECURITY AND CO-OPERATIVE

##### Outside Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Failure to receive severance pay ...	Premature
2.	Failure to pay compensation for loss of earnings ...	No jurisdiction

#### MINISTRY OF LEGAL AFFAIRS

##### Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Refusal of claim for compensation ...	Not Sustained
2.	Delay in payment of judgment debt and costs ...	Rectified
3.	Delay in processing documents ...	Under consideration
4.	Delay in payment of judgment debt and costs ...	Rectified
5.	Denied ownership of parcel of land ...	Rectified
6.	Incorrect registration number on title deed ...	Discontinued
7.	Delay in obtaining compensation for personal injuries sustained	Under consideration
8.	Delay in obtaining compensation for personal injuries sustained	Under consideration
9.	Unable to obtaining compensation for personal injuries sustained	Under consideration
10.	Delay in supplying certified copy of deed ...	Rectified



TABLE No. 7—Continued

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
11.	Unable to ascertain true position of appeal to Privy Council.	Referred
12.	Error in handing out duplicate certificate of title	Under consideration
13.	Failure to get a date of hearing for his trial	Advised
14.	Delay in settling payment of fees ... ..	Under consideration
15.	Error in the Assessment Rolls ... ..	Under consideration
16.	Unable to get a date of hearing for his trial ...	Under consideration
17.	Delay in attending to application for Letters of Administration	Under consideration
18.	Delay in receiving information of deceased wife's salary	Rectified
19.	Denied proper justice because of non-representation	Under consideration
20.	Errors obtained in duplicate marriage certificate	Rectified

**MINISTRY OF LEGAL AFFAIRS****Outside Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Assistance in obtaining early date for trial ...	Referred
2.	Failure to use medical evidence produced ...	No jurisdiction

**MINISTRY OF NATIONAL SECURITY****Within Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Undue harassment by members of the Police service	Under consideration
2.	Delay in hearing Court matter because of loss of documents (Police)	Rectified
3.	Failure to take action on several reports of misconduct (Police)	Not sustained
4.	Failure to take action on reports of attacks ...	Rectified
5.	Delay in investigating report of theft ... ..	Under consideration
6.	Refusal of application for citizenship ... ..	Under consideration
7.	Failure by police to take action on a matter ...	Not sustained
8.	Assistance in obtaining certain police and court records	Advised
9.	Failure to take action on report of assault ...	Under consideration
10.	Cancellation of precept ... ..	Withdrawn
11.	Cancellation of firearm's licence ... ..	Under consideration
12.	Failure to return Court's exhibit ... ..	Under consideration
13.	Non-receipt of increments or adjustment in salary	Under consideration
14.	Non-receipt of articles brought for him in Remand Yard	Referred
15.	Delay by the police in taking action on report of theft	Under consideration
16.	Loss of money in possession of when arrested ...	Discontinued
17.	Delay by the Police in taking action on report of rape	Under consideration
18.	Delay in dealing with appeal of his case ... ..	Rectified
19.	Delay by the police in taking action on several reports of harassment	Under consideration

No.	Subject of Complaints	Results
20.	No action taken by police on report of assault ...	Under consideration
21.	Non-payment of increments ...	Withdrawn
22.	Wrongfully discharged in light of previous public service	Under consideration
23.	Discrimination in dismissing case of assault ...	Not sustained
24.	Delay in obtaining confirmation of appointment of legal representative to the Privy Council	Discontinued
25.	Failure to obtain clothes taken by the police ...	Under consideration
26.	Delay by the police in taking action in a vehicular accident	Rectified
27.	Cancellation of appointment made to attend eye clinic	Not sustained
28.	Delay in obtaining replacement for lost passport ...	Rectified
29.	Failure to take action in a vehicular accident	Advised
30.	Failure to return driver's permit ...	Under consideration
31.	Failure to obtain money paid to the prison authority	Under consideration
32.	Lack of proper security at the prisons ...	Under consideration
33.	Unlawful punishment inflicted by prison officers ...	Under consideration
34.	Non-payment of increments for periods on suspension	Withdrawn
35.	Non-receipt of salary ...	Under consideration
36.	Delay in finalising application for one month's salary due to husband's death	Rectified
37.	Seizure of two books (Prisons) ...	Under consideration
38.	Seizure of firearm ...	Under consideration
39.	Failure of police to investigate reports of unruly behaviour	Not sustained
40.	Inordinate delay in granting family permanent residence	Withdrawn
41.	Delay in granting application for citizenship ...	Rectified
42.	Failure to take action on reports of harassment ...	Under consideration
43.	Unable to regain possession of articles taken by police	Under consideration
44.	Error in computation of amount of years sentenced	Discontinued
45.	Unable to obtain court exhibits ...	Advised
46.	Failure to take action on report of the cause of a fire	Not sustained
47.	Police brutality ...	Rectified
48.	Delay in payment of death benefits ...	Under consideration
49.	Assistance in obtaining new passport ...	Advised
50.	Unjust dismissal ...	Advised
51.	Unfairly discharged on medical grounds ...	Under consideration
52.	Delay in taking action on report of continuous public nuisance	Under consideration
53.	Denied the right to see Inspector of Prisons ...	Discontinued
54.	Unable to regain possession of vehicle moved by police wrecker	Under consideration
55.	Failure to receive salary ...	Rectified
56?	Police brutality ...	Advised
57.	Unable to get any information about missing daughter	Under consideration

TABLE No. 7—Continued

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
58.	Reluctance of police to take action with respect to vehicular accident	Rectified
59.	Encroachment of already limited rights (Prison) ...	Under consideration
60.	Delay in payment of compensation for damages done to property (Regiment)	Discontinued
61.	Restriction of visits by relatives ... ..	Under consideration
62.	Undue harassment from the police ... ..	Referred
63.	Failure to get proper diet and medication ...	Under consideration
64.	Dissatisfied with sentence imposed .. ...	Not sustained
65.	Confiscation of passport ... ..	Not sustained
66.	Delay in taking action with respect to vehicular accident	Rectified
67.	Unable to get a more balanced diet ... ..	Under consideration
68.	Delay in taking action with respect to vehicular accident	Under consideration
69.	Unlawful seizure of a bag containing money (Prison)	Under consideration
70.	Denied special diet ... ..	Advised
71.	Lack of proper water supply for inmates ...	Under consideration
72.	Delay in executing warrants ... ..	Under consideration
73.	Not informed about the state of his appeal ...	Advised
74.	Not receiving correspondence sent to him ...	Under consideration
75.	Not allowed to see doctor to have his eyes tested ...	Not sustained
76.	Delay in handling inquest ... ..	Rectified
77.	Failure to take action on report of assault ...	Under consideration
78.	Failure to allow his children to visit him ...	Not sustained
79.	Not served with summons to attend court ...	Under consideration
80.	Denied visits from his family ... ..	Discontinued
81.	Delay in taking action on reports of assault and unlawful destruction	Under consideration
82.	Delay in the completion of enquiries into a report	Under consideration
83.	Deprived of opportunity to learn trade (Prison) ...	Under consideration
84.	Dissatisfied with amount of cigarettes allowed (Prison)	Under consideration
85.	Retired before completion of extension of service allowed (Regiment)	Under consideration
86.	Delay in handling inquest ... ..	Under consideration
87.	Harassment and police brutality ... ..	Under consideration
88.	Delay in settling question of necessary amendments	Under consideration
89.	Discrimination in obtaining written statement from police	Under consideration
90.	Delay in taking action on report of unlawful wounding	Under consideration
91.	Failure to take action on report of assault ...	Under consideration
92.	Seizure of firearm ... ..	Under consideration
93.	Delay in taking action on several reports of assault	Under consideration
94.	Undue harassment by police officer	Under consideration
95.	Unable to receive death benefits ... ..	Under consideration
96.	Detained without any formal charge laid ...	Under consideration
97.	Review of rights, privileges and/or entitlements to prisoners	Under consideration

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
98.	Failure to take any effective action on reports of assault	Under consideration
99.	Undue harassment by police officer ... ..	Under consideration
100.	Failure to take positive action on report of assault	Under consideration
101.	Termination of his commission (Regiment)	Under consideration
102.	Severely beaten by police and thrown in cell ...	Advised
103.	Dismissal of court matter because of frequent absence of police witness	Under consideration
104.	Requesting advice with respect to sentence pronounced in court	Advised
105.	Refused permanent residence ... ..	Referred
106.	Delay in attending to report of a vehicular accident	Under consideration
107.	Dissatisfied with conduct of the police <i>re</i> an accident	Under consideration
108.	Failure to take action on reports made ...	Discontinued
109.	Denied re-entry of his wife ... ..	Under consideration
110.	Misconduct of members of police service in executing their duty	Under consideration
111.	Delay in lifting deportation order ... ..	Rectified
112.	Undue harassment and police brutality ... ..	Under consideration
113.	Unable to see doctor despite several requests ...	Not sustained
114.	Failure to obtain uniform allowance ...	Under consideration
115.	Delay in payment of compensation for damaged car	Under consideration
116.	Police brutality ... ..	Not sustained
117.	Victimization ... ..	Discontinued
118.	Seizure of firearm ... ..	Not sustained

#### MINISTRY OF NATIONAL SECURITY

##### Outside Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Unreasonable request for an expired passport claimed to have been destroyed by fire (Immigration)	Inquiry made/Advised
2.	Fraudulent sale of land ... ..	Referred
3.	Wrongful arrest ... ..	No jurisdiction
4.	Police brutality ... ..	Premature
5.	Corruption of a police officer ... ..	Premature
6.	Discrimination in demolishing houses ... ..	No jurisdiction
7.	Discrimination for promotion ... ..	No jurisdiction
8.	Severity of sentence imposed by Inspector of Prisons	No jurisdiction
9.	To offset period of stay in Remand Yard against sentence	No jurisdiction
10.	To offset period of stay in Remand Yard against sentence	No jurisdiction
11.	Unsatisfactory conditions in the Prisons ... ..	Premature
12.	Discomfort of inmates during Christmas and Carnival seasons—noise from Carnival tent	No jurisdiction
13.	Transferred on basis of false reports by another prisoner	No jurisdiction



TABLE No. 7—Continued

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
14.	To offset period of stay in Remand Yard against sentence	No jurisdiction
15.	Unable to recover bicycle seized by the police ...	Premature
16.	Failure to take action on report ... ..	Premature

# **MINISTRY OF TRANSPORT AND COMMUNICATIONS**

## **Within Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in repairing deplorable condition of road ...	Rectified
2.	Delay in payment of increments ... ..	Rectified
3.	Deprived of national insurance benefits ... ..	Under consideration
4.	Delay in payment of compensation for injuries sustained	Under consideration
5.	Delay in payment of compensation for damages done to lands	Under consideration
6.	Delay in payment of increments ... ..	Rectified
7.	Discrimination in selecting officers to perform over-time duties	Not sustained
8.	Lack of proper drainage causing accumulation of sand	Under consideration
9.	Delay in payment of retirement benefits ... ..	Rectified
10.	Heavy rains causing erosion of land and bridge ...	Rectified
11.	Failure to receive travelling allowance on transfer	Under consideration
12.	Delay in erecting new wall	Under consideration
13.	Inadequate drainage causing landslips ... ..	Under consideration
14.	Delay in payment of severance benefits ... ..	Rectified
15.	Error in the computation of retirement benefits ...	Not sustained
16.	Discrimination in licensing Mazda cars ... ..	Under consideration
17.	Failure to repair and maintain drains along the road	Under consideration
18.	Denied access to relevant documents to substantiate case	Under consideration
19.	Property damage due to construction of highway	Not sustained
20.	Delay in relocating people whose lands are acquired by Government	Under consideration
21.	Delay in handling application for taxi driver's badge	Rectified
22.	Delay in obtaining salary ... ..	Rectified
23.	Discrimination in licensing of taxis ... ..	Under consideration
24.	Discrimination in licensing of taxis ... ..	Under consideration

# **MINISTRY OF TRANSPORT AND COMMUNICATIONS**

## **Outside Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in filling vacant posts ... ..	Premature

**MINISTRY OF WORKS****Within Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in payment of back-pay (Development and Environment Works Division)	Rectified
2.	Error in wages payable (Development and Environmental Works Division)	Under consideration
3.	Non-payment of wages (Development and Environmental Works Division)	Rectified
4.	Delay in finalising claim for shift bonus ... ..	Under consideration
5.	Delay in payment of back-pay (Development and Environmental Works Division)	Rectified
6.	Failure to clear clogged drains ... ..	Under consideration
7.	Delay in repairing landslide ... ..	Under consideration
8.	Difficulties in securing death benefits ... ..	Advised
9.	Delay in payment of compensation for damages done to house	Under consideration
10.	Delay in payment of compensation for excess duties performed	Under consideration
11.	Transferred without just cause ... ..	Referred
12.	Delay in obtaining retirement benefits ... ..	Under consideration
13.	Unable to receive work on casual basis ... ..	Under consideration
14.	Access to property blocked by wall ... ..	Under consideration
15.	Unable to recover death benefits ... ..	Advised
16.	Delay in obtaining retrenchment payments ... ..	Not sustained
17.	Property damage because of construction work done nearby	Under consideration
18.	Unable to get compensation for property destroyed by storm	Under consideration
19.	Delay in building retaining wall ... ..	Under consideration
20.	Delay in repairing damages to house cause by landslide	Under consideration
21.	Delay in repairing pot holes ... ..	Under consideration
22.	Damage to property through erosion of land ...	Not sustained
23.	Failure to obtain payment for work done ... ..	Rectified
24.	Discrimination in being overlooked for promotion ...	Advised

**MINISTRY OF WORKS****Outside Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Revision of pension rights ... ..	Premature
2.	Delay in clearing landslide ... ..	Premature
3.	Victimization from superior officers ... ..	Premature
4.	Discrimination in selecting daily paid workers ...	Premature
5.	Failure to receive wages ... ..	Premature
6.	Failure to be re-employed ... ..	No jurisdiction

# **NATIONAL INSURANCE BOARD**

## **Within Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in payment of retirement benefits ...	Rectified
2.	Delay in payment of retirement benefits ...	Rectified
3.	Delay in settling claim for retirement benefits ...	Rectified
4.	Unable to obtain sickness benefits ...	Discontinued
5.	Discrimination ...	Under consideration
6.	Difficulty in securing sickness benefits ...	Rectified
7.	Delay in refunding contributions ...	Under consideration
8.	Delay in payment of pension benefits ...	Rectified
9.	Delay in payment of retirement benefits ...	Rectified
10.	Delay in dealing with application for maternity benefits	Under consideration
11.	Non-receipt of national insurance benefit ...	Not sustained

## **Outside Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in settling travelling allowance ...	Premature

# **NATIONAL HOUSING AUTHORITY**

## **Within Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in fulfilling an undertaking ...	Rectified
2.	Delay in processing application for housing accommodation	Referred
3.	Delay in remedial action for structural defects in house	Under consideration
4.	Failure to obtain housing accommodation after application was approved	Under consideration
5.	Delay in processing application for housing accommodation	Under consideration
6.	Delay in having property conveyed and securing deed of lease	Under consideration
7.	Undue harassment from tenants of the authority ...	Under consideration
8.	Delay in supply of all documents <i>re</i> tax exemption	Rectified
9.	Difficulties being experienced in repaying loan ...	Under consideration
10.	Failure to provide necessary protection against landslides	Advised
11.	Delay in fixing retainer wall and burst pipe ...	Rectified
12.	Non-payment of wages due for overtime work ...	Advised
13.	Delay in processing application for loan ...	Rectified
14.	Unfairly dismissed ...	Not sustained
15.	Failure to obtain refund ...	Discontinued
16.	Delay in changing pipeline to stop flooding ...	Under consideration
17.	Delay in obtaining refund of fees paid to the National Housing Authority	Not sustained
18.	Unable to have application for soft loan processed ...	Under consideration
19.	Delay in obtaining balance of loan approved	Rectified
20.	Failure to obtain release of mortgage ...	Under consideration

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
21.	Refusing to allocate balance of loan ... ..	Rectified
22.	Delay in granting consent for assignment to the land	Under consideration
23.	Delay in handling application for tax exemption ...	Under consideration
24.	Failure to enforce action <i>re</i> encroachment of property	Under consideration
25.	Non-payment of gratuity ... ..	Not sustained
26.	Denied housing accommodation although successful in lottery draw	Under consideration
27.	Delay in the finalisation of his application for housing	Advised
28.	Assistance in obtaining tenancy of flat	Withdrawn
29.	Discrimination in revoking accommodation ...	Under consideration
30.	Delay in obtaining soft loan .. ...	Under consideration
31.	Delay in the allocation of houses ... ..	Under consideration

#### Outside Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Requesting relocation of business place ... ..	Advised
2.	Assistance in obtaining housing accommodation ...	Advised
3.	Unable to secure a house although number was drawn a long time	Premature
4.	Delay in distributing houses to successful applicants	Advised
5.	Delay in processing application for loan ...	Premature
6.	Failure to attend to construction of retaining wall ...	Premature
7.	Assistance in securing housing accommodation	Advised
8.	Assistance in securing housing accommodation ...	Advised

#### POLICE SERVICE COMMISSION

##### Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Unfair dismissal ... ..	Discontinued
2.	Delay in being reinstated as Special Reserve Police	Under consideration

#### PORT AUTHORITY OF TRINIDAD AND TOBAGO

##### Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Discrimination in laying off some temporary workers	Under consideration
2.	Loss of cargo ...	Advised
3.	Dissatisfied with amount paid as death benefit ...	Rectified
4.	Undue hardship due to prolonged suspension ...	Discontinued
5.	Error in the amount received as severance benefits	Under consideration
6.	Non-receipt of compensation for overtime work done	Discontinued
7.	Unfair dismissal ... ..	Under consideration
8.	Reduced pension on retirement ... ..	Not sustained
9.	Non-receipt of cargo shipment ... ..	Under consideration
10.	Refused entry to move cargo ... ..	Under consideration
11.	Forced to do other duties ... ..	Rectified
12.	Discrimination in the selection of employees ...	Under consideration
13.	Failure to secure re-employment ... ..	Rectified
14.	Failure to obey Board's decision to reinstate him ...	Under consideration



**PUBLIC SERVICE COMMISSION****Within Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in hearing appeal against dismissal ...	Rectified
2.	Delay in hearing appeal against termination of services (British West Indian Airways)	Rectified
3.	Deplorable conditions at work place ...	Advised
4.	Not satisfied in not having appointment back-dated	Referred
5.	Not selected for monthly-paid post ...	Not sustained
6.	Guidance on the question of termination of temporary employees	Under consideration
7.	Unable to get salary for sick leave taken ...	Not sustained
8.	Discrimination in selecting permanent employees after interview	Not sustained
9.	Delay in payment of acting allowance ...	Referred
10.	Failure to return original documents accompanying application	Not sustained
11.	Delay in obtaining monthly salary ...	Rectified
12.	Deplorable working condition ..	Advised

**Outside Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Transfer due to hardship ...	Advised
2.	Securing employment ...	Referred
3.	Failure to be promoted ...	No jurisdiction
4.	Reinstatement in the Public Service ...	No jurisdiction
5.	Securing employment ...	Referred
6.	Denied rights to be confirmed in post ...	No jurisdiction
7.	Difficulty in securing permanent employment ...	No jurisdiction
8.	Not called for interview despite several applications submitted	No jurisdiction
9.	Assistance in obtaining employment ...	Advised
10.	Termination of services ...	No jurisdiction
11.	Securing transfer ...	Referred
12.	Dissatisfied with promotion of a principal ...	Advised
13.	Unjustly demoted ...	Premature

**PUBLIC TRANSPORT SERVICE CORPORATION****Within Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in payment of compensation for injuries sustained	Under consideration
2.	Denied money awarded in accordance with pension plan	Not sustained
3.	Inadequate bus service ...	Advised

**Outside Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Unable to determine why appeal was dismissed ...	No jurisdiction

## TRINIDAD AND TOBAGO ELECTRICITY COMMISSION

### Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Threat by trees touching electricity lines ... ..	Under consideration
2.	Delay in giving supply of electricity ... ..	Under consideration
3.	Delay in obtaining compensation for tomato plants destroyed	Under consideration
4.	Failure to discontinue supply of electricity ... ..	Not sustained
5.	Delay in payment of compensation for damage done to house	Discontinued
6.	Using of electricity pole not installed by the Commission	Rectified
7.	Unfair increase for the supply of electricity ... ..	Not sustained
8.	Delay in providing electricity to new development ... ..	Rectified
9.	Inadequate compensation for damages suffered ... ..	Discontinued
10.	Unable to obtain electricity supply ... ..	Under consideration
11.	Delay in payment for food items spoilt as a result of power failure	Under consideration
12.	Nuisance created by having a electricity pole in his yard	Under consideration

### Outside Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Request for supply of electricity for administrative purposes	Premature
2.	Non-functioning of street light ... ..	Premature
3.	Failure to obtain electricity supply ... ..	Premature

## TRINIDAD AND TOBAGO OIL COMPANY

### Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Damage to land resulting from seismic operations ... ..	Under consideration
2.	Delay in paying death benefits ... ..	Rectified

## TRINIDAD AND TOBAGO TELEPHONE COMPANY

### Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in repairing telephone ... ..	Rectified
2.	Delay in having telephone restored ... ..	Rectified

### Outside Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Refusal to install telephone service ... ..	Premature

**TRINIDAD AND TOBAGO TELEVISION CO.**

**Within Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1. Discrimination	... ..	Rectified
2. Discrimination	... ..	Under consideration

**WATER AND SEWERAGE AUTHORITY**

**Within Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Unable to obtain an adequate supply of water	Under consideration
2.	Not allowed to resume work after completing studies	Rectified
3.	Non-payment of retirement benefits	Under consideration
4.	Delay in installing water-meter	Rectified
5.	Failure to receive compensation for overtime work and uniform allowances	Under consideration
6.	Failure to receive additional salary due on transfer	Advised
7.	Objection with assessment of his property for water rates	Discontinued
8.	Delay in settling claim for damages done to his house	Rectified
9.	Delay in payment of compensation for using property to lay pipe	Not sustained
10.	Failure to pay compensation for water damages to his home	Rectified
11.	Discrimination in the appointing of checkers	Under consideration
12.	Discrimination in debarring him for promotion	Under consideration
13.	Unjustly charged sewerage rates as he is not connected to system	Not sustained
14.	Delay in payment of compensation for use of premises	Not sustained
15.	Inadequate supply of pipe-borne water	Under consideration

**Outside Jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Results</i>
1.	Failure to be confirmed in post	No jurisdiction
2.	Dissatisfied with amount of compensation received for injury	No jurisdiction
3.	Assistance in being promoted to monthly-paid staff	No jurisdiction

**OTHER COMPLAINTS**

**Not within jurisdiction**

<i>No.</i>	<i>Subject of Complaints</i>	<i>Action taken</i>
1.	Assistance in securing public assistance	Advised
2.	Non-refund of contributions to Trust Company	Informed
3.	Request for legal aid	Referred
4.	Dissatisfied with behaviour of landlord	Informed
5.	Delay in securing deeds for lands purchased	Advised
6.	Inability to get deed for lands purchased	Referred
7.	Difficulties experienced at work place	Informed

<i>No.</i>	<i>Subject of Complaints</i>	<i>Action taken</i>
8.	Unfairly treated—refused to supply deed and to see client	Referred
9.	Delay in payment of benefit under special fund ...	Advised
10.	Improper representations ... ..	Informed
11.	Dissatisfaction with results of court hearing ...	Informed
12.	Assistance in obtaining possession of deed ...	Informed
13.	Request for legal aid ...	Referred
14.	Assistance to make sports a financial success ...	Informed
15.	Assistance in forming employment agency ...	Advised
16.	Negligence on her case ... ..	Advised
17.	Non-payment for work done under agreement ...	Advised
18.	Unable to withdraw from bank accounts ...	Advised
19.	Request for legal aid ...	Referred
20.	Delay in preparation of deed ... ..	Advised
21.	Dissatisfied with Counsel ... ..	Referred
22.	Request for legal aid ... ..	Referred
23.	Trees on neighbour's property posing threat to his home	Informed
24.	Dissatisfied with Counsel ... ..	Referred
25.	Unfair dismissal ... ..	Informed
26.	Difficulties in gaining possession of parcel of land ...	Informed
27.	Unable to get maintenance	Advised
28.	Unable to receive cheque from Solicitors ...	Assisted
29.	Dissatisfied with disposal of husband's estate ...	Advised
30.	Difficulties in gaining possession of property ...	Informed
31.	Recovering possession of weight reducing clinic ...	Informed
32.	Recovering possession of equipment ... ..	Informed
33.	Encroachment of neighbours on property ...	Informed
34.	Securing permanent employment ... ..	Referred
35.	Recovering money from Solicitor ... ..	Informed
36.	Securing employment ... ..	Advised
37.	Difficulties in obtaining possession of a piece of land	Referred
38.	Securing employment ... ..	Referred
39.	Request for legal aid ... ..	Referred
40.	Assault by vendor of land ... ..	Informed
41.	Request for legal aid .. ..	Referred
42.	Dissatisfied with service of new refrigerator ...	Informed
43.	Exorbitant increases in rent ...	Informed
44.	Difficulty in securing deed ... ..	Informed
45.	Request for legal aid .. ..	Referred
46.	Unable to obtain original lease ... ..	Assisted
47.	Assault of character in weekly newspaper ...	Advised
48.	Delay by Solicitors in probating will ... ..	Informed
49.	Obtaining letters of administration ... ..	Informed
50.	Securing employment ... ..	Referred
51.	Assistance in recovering costs against defendants ...	Advised
52.	Difficulties in enforcing judgment ... ..	Referred
53.	Request for legal aid ... ..	Referred
54.	Difficulty in transferring land ... ..	Referred
55.	Lack of information concerning result ... ..	Advised
56.	Securing proper accommodation ... ..	Informed
57.	Exorbitant prices asked for lands ... ..	Advised



TABLE No. 7—Continued

<i>No.</i>	<i>Subject of Complaints</i>	<i>Action taken</i>
58.	Deplorable conditions of rented premises ...	Informed
59.	Securing part of husband's property ...	Referred
60.	Unable to receive compensation awarded ...	Advised
61.	Dissatisfied with Solicitor ...	Referred
62.	Securing employment ...	Referred
63.	Delay by insurance company in settling claim ...	Referred
64.	Delay by Solicitor in obtaining letters of administration	Advised
65.	Securing employment ...	Referred
66.	Securing employment ...	Advised
67.	Unable to obtain release of deed from Solicitors ...	Informed
68.	Delay in getting weedy machine to work ...	Informed
69.	Securing employment ...	Referred
70.	Securing part of husband's estate ...	Withdrawn
71.	Dissatisfied with repairs done to new car ...	Premature
72.	Unable to obtain insurance benefits ...	Referred
73.	Obtaining letters of administration ...	Advised
74.	Securing possession of parcel of land ...	Advised
75.	Unable to get custody of son ...	Referred
76.	Obtaining letters of administration ...	Referred
77.	Obtaining letters of administration ...	Referred
78.	Securing employment ...	Referred
79.	Difficulty in finalising land transaction ...	Rectified
80.	Difficulty with common-law wife ...	Informed
81.	Dissatisfied with Solicitors ...	Advised
82.	Dissatisfied with amount offered for compulsory acquisition of land	Advised
83.	Fear that land might be taken ...	Advised
84.	Requesting extension of time for persons displaced by acquiring land	Advised
85.	Unable to get estate of deceased husband from Solicitor	Advised
86.	Difficulty in obtaining possession of parcel of land	Advised
87.	Request for legal aid	Referred
88.	Obtaining financial death benefits ...	Referred
89.	Assistance concerning trial of a charge for wounding	Informed
90.	Revocation of deed of conveyance ...	Advised
91.	Securing employment ...	Advised
92.	Difficulties with tenants ...	Informed
93.	Breach of contract on constructing of house ...	Advised
94.	Corruption in buying large pigs at reduced prices ...	Premature
95.	Denial of freedom of movement ...	Rectified
96.	Unable to obtain deed from Solicitor ...	Advised
97.	Discrimination against women ...	Advised
98.	Obtaining possession of a parcel of land ...	Advised
99.	Failure to migrate despite several applications ...	Advised
100.	Dissatisfied with Solicitor ...	Advised
101.	Unable to get deed of conveyance ...	Rectified
102.	Difficulty with insurance company ...	Advised
103.	Request for legal aid ...	Referred
104.	Delay in obtaining inheritance ...	Advised

<i>No.</i>	<i>Subject of Complaints</i>	<i>Action taken</i>
105.	Obtaining possession of mother's estate ... ..	Advised
106.	Difficulty with joint owner of property ... ..	Referred
107.	Unable to pay Solicitor's fee ... ..	Referred
108.	Unable to pay Solicitor's fee ... ..	Referred
109.	Dissatisfied with amount received from insurance company	Referred
110.	Dissatisfied with disposal of husband's estate ...	Informed
111.	Dissatisfied with Counsel's decision ...	Informed
112.	Failure to obtain gratuity and severance pay ...	Advised
113.	Unable to get survey completed ...	Rectified
114.	Requesting advice as to connection with parcel of land	Informed
115.	Request for legal aid	Referred
116.	Request for legal aid ... ..	Referred
117.	Request for legal aid ... ..	Referred
118.	Request for legal aid ... ..	Discontinued
119.	Difficulty in obtaining possession of property ...	Advised
120.	Dissatisfied with lawyer's representation ...	Advised
121.	Refusal to accept rent ...	Informed
122.	Request for legal aid ... ..	Referred
123.	Difficulty in securing lands left by deceased father ...	Informed
124.	Request for legal aid ... ..	Referred
125.	Unfair dismissal ... ..	Informed
126.	Refusal to pay maintenance ... ..	Discontinued
127.	Unable to pursue legal action for recovery of money	Advised
128.	Resolving domestic quarrel ... ..	Informed
129.	Difficulty in securing lands left by deceased father ...	Informed
130.	Unable to recover deed from the bank ... ..	Discontinued
131.	Problems in securing estate ... ..	Informed
132.	Request for legal aid ... ..	Referred
133.	Delay by insurance company in processing claim for damages	Referred
134.	Failure to reach agreement for way-lease over lands	Informed
135.	Having deed numbers changed ...	Referred
136.	Difficulty with reputed husband ... ..	Referred
137.	Securing money payable to pregnant women ...	Advised
138.	Unable to get necessary information from Solicitors	Advised
139.	Unable to enforce judgment obtained	Advised
140.	Assistance in contacting his brother ... ..	Advised
141.	Securing possession of estate ... ..	Advised
142.	Wrongful diagnosis causing death of dog ... ..	Advised
143.	Failure to receive severance pay ...	Referred
144.	Unable to get piece of land surveyed ... ..	Discontinued
145.	Securing letters of administration for mother's estate	Advised
146.	No access to road because of diversion ... ..	Premature
147.	Securing possession of parcel of land left by parents	Informed
148.	Recovering money spent in repairing property ...	Advised
149.	Termination of part-time employment ...	Informed
150.	Securing transfer of lease to lands ... ..	Advised
151.	Non-payment of severance benefits ... ..	Informed
152.	Dissatisfied with representation made by solicitor ...	Referred
153.	Difficulty in getting landlady to receive rent	Advised
154.	Securing parcel of land to erect dwelling house ...	Advised

TABLE No. 7—Continued

<i>No.</i>	<i>Subject of Complaints</i>	<i>Action taken</i>
155.	Unable to get deed for parcel of land ... ..	Informed
156.	Difficulty with landlord concerning sale of land ...	Informed
157.	Securing portion of father's estate left in will ...	Advised
158.	Request for legal aid ...	Referred
159.	Unable to obtain necessary information for legal action	Discontinued
160.	Securing letters of administration for father's estate	Informed
161.	Difficulty in getting landlord to renew lease for lands	Informed
162.	Securing employment ... ..	Informed
163.	Dissatisfied with landowner dumping dirt on the road	Informed
164.	Dissatisfied with executor of sister's will selling a parcel of land	Informed
165.	Securing employment ... ..	Informed
166.	Refusal of insurance company to pay full costs of repairs	Referred
167.	Failure to get money due on surrendering policy to insurance company	Informed
168.	Delay by insurance company in carrying out repairs	Referred
169.	Inability to collect share of estate of reputed husband	Advised
170.	Request for advice concerning writ of possession issued	Advised
171.	Unable to get deed of conveyance registered ...	Advised
172.	Unfair termination of his services ...	Informed
173.	Failure of dentist to complete work ... ..	Informed
174.	Unfair advantage taken by landlord ... ..	Advised
175.	Delay in having brother's will probated ... ..	Informed
176.	Difficulties with new owner of land ... ..	Informed
177.	Request for advice to convey life interest to daughter	Advised
178.	Undue harassment from her brothers	Referred
179.	Unable to enforce judgment obtained in court ...	Advised
180.	Unsatisfactory condition of new car purchased ...	Informed
181.	Unable, to obtain Workmen's Compensation awarded	Advised
182.	Securing divorce from husband ...	Referred
183.	Assistance in enforcing order for maintenance ...	Advised
184.	Difficulty in obtaining possession of land ... ..	Referred
185.	Securing conveyance of parcel of land ... ..	Referred
186.	Unruly behaviour of husband ... ..	Advised
187.	Error made in surveying property ... ..	Informed
188.	Securing rightful share of estate ... ..	Advised
189.	Delay by Solicitor in dealing with High Court matter	Informed
190.	Request for legal aid	Referred
191.	Difficulty in getting information about deceased estate	Informed
192.	Unreasonable behaviour of father ...	Informed
193.	Unethical conduct of lawyer ... ..	Referred
194.	Securing possession of deed for land left by father ...	Referred
195.	Securing permanent residence abroad ... ..	Referred
196.	Dissatisfied with Solicitor ... ..	Informed
197.	Securing home for adopted daughter ... ..	Referred
198.	Undue harassment from landlord ... ..	Advised
199.	Difficulty with landlord ... ..	Informed



<i>No.</i>	<i>Subject of Complaints</i>	<i>Action taken</i>
200.	Unable to receive remainder of taxed costs from Solicitors	Advised
201.	Unfair dismissal from private company ...	Informed
202.	Recovering sums of money from finance company ...	Assisted
203.	Opportunity to make new start ...	Referred
204.	Failure to pay compensation for vacation leave ...	Advised
205.	Request for legal aid ...	Referred
206.	Investigation of ownership of property ...	Informed
207.	Encroachment of neighbours ...	Informed
208.	Difficulty with lawyer ...	Informed
209.	Securing employment ...	Informed
210.	Securing accommodation when released from prison	Informed
211.	Property settlement ...	Advised
212.	Problem with excessive drinking ...	Advised
213.	Securing maintenance from husband ...	Referred
214.	Requesting recommendation ...	Advised
215.	Difficulty with landlord ...	Informed
216.	Difficulty in having application for loan approved ...	Informed
217.	Dissatisfied with Counsel ...	Informed
218.	Problems in winding up estate ...	Advised
219.	Securing parcel of land ...	Advised
220.	Obtaining true position of High Court action ...	Advised
221.	Securing maintenance for two children ...	Advised
222.	Dissatisfied with Counsel ...	Informed
223.	Requesting imposition of fine instead of imprisonment	Informed
224.	Request for legal aid	Referred
225.	Difficulty in getting tenant ejected ...	Advised
226.	Inconvenience due to delay of flight ...	Advised
227.	Securing release of inmate ...	Informed
228.	Securing parcel of land ...	Informed
229.	Request for legal aid ...	Referred
230.	Assistance in repairing house ...	Informed
231.	Request for legal aid ...	Referred
232.	Recovery of funds paid for correspondence course ...	Informed
233.	Reduction of prison sentence imposed ...	Informed
234.	Seeking pardon for sentence imposed on conviction	Informed
235.	Dissatisfied with niece's behaviour ...	Informed
236.	Assistance in selling parcel of land ...	Referred
237.	Praying for all suffering people ...	Informed
238.	Request for legal aid ...	Referred
239.	Request for legal aid ...	Referred
240.	Difficulty with tenants ...	Informed
241.	Recovering possession of husband's property ...	Advised
242.	Deprived of transportation ...	Informed
243.	Unable to recover deposit paid towards purchase of house	Referred
244.	Negligence of lawyer in transferring ownership of land	Informed
245.	Request for legal aid ...	Referred
246.	Request for information about Ombudsman's office	Advised
247.	Request for legal aid ...	Referred
248.	Securing death benefits ...	Advised



TABLE No. 7—Continued

<i>No.</i>	<i>Subject of Complaints</i>	<i>Action taken</i>
249.	Request for legal aid ... ..	Referred
250.	Request for legal aid ... ..	Referred
251.	Request for legal aid ... ..	Referred
252.	Dissatisfied with Solicitor ... ..	Informed
253.	Not visited by his family ... ..	Advised
254.	Difficulty with landlord ... ..	Advised
255.	To determine ownership of parcel of land ... ..	Informed
256.	Request for legal aid ... ..	Referred
257.	Securing employment ... ..	Referred
258.	Difficulty in obtaining soft drinks ... ..	Informed
259.	Fraud committed in dealing with parcel of land ... ..	Informed
260.	Unreasonable behaviour of neighbours ... ..	Informed
261.	Failure of race club to pay winnings ... ..	Informed
262.	Securing divorce against husband ... ..	Referred
263.	Disposal of estate ... ..	Informed
264.	Requesting lighter sentence because of first conviction	Informed
265.	Securing employment	Informed
266.	Request for legal aid ... ..	Referred
267.	Obtaining probate of estate of deceased father ... ..	Referred
268.	Request for legal aid ... ..	Referred
269.	Request for legal aid ... ..	Referred
270.	Securing her share of the estate of deceased father	Informed
271.	Assistance in retaining apartment ... ..	Referred
272.	Abduction of wife ... ..	Informed
273.	Unruly conduct of agent appointed to collect rent ... ..	Informed
274.	Request for legal aid ... ..	Referred
275.	Dissatisfied with respect to reclassification of post ... ..	Informed
276.	Unlawfully charged with throwing stones ... ..	Informed
277.	Questioning validity of wills ... ..	Advised
278.	Not enough retirement benefits ... ..	Informed
279.	Displeased with action taken with respect to father's estate	Informed
280.	Assistance in writing letter to Embassy to waiver application	Rectified
281.	Not properly represented by Counsel ... ..	Informed
282.	Securing crown grant certificate, will and valuation report	Assisted
283.	Inability to receive insurance claim ... ..	Referred
284.	Dissatisfied with the outcome of High Court action	Advised
285.	Recovering cost of burial ... ..	Informed
286.	Request for legal aid ... ..	Informed
287.	Difficulty experienced after death of husband ... ..	Informed
288.	Unable to get deed of transfer from Solicitor ... ..	Assisted
289.	Securing copy of grant of probate ... ..	Assisted
290.	Representations made for pension benefits ... ..	Advised
291.	Unable to get mortgage release on property ... ..	Informed
292.	Refusal of Solicitor to refund money ... ..	Advised
293.	Assistance in obtaining death benefits from company	Informed
294.	Securing letters of administration of estate	Informed
295.	Dissatisfied with disposal of estate ... ..	Informed
296.	No provision made for son .. ..	Informed

TABLE No. 7—Continued

<i>No.</i>	<i>Subject of Complaints</i>	<i>Action taken</i>
297.	Securing possession of properties ... ..	Advised
298.	Unethical conduct of Solicitor ... ..	Informed
299.	Misconduct of the General Manager of firm ...	Informed
300.	Assistance as to ownership of estate ... ..	Informed
301.	Failure to adequately handle case for dismissal ...	Informed
302.	Unfair dismissal ... ..	Informed
303.	Request for legal aid ... ..	Referred
304.	Unable to get money standing in an account at Royal Bank	Informed
305.	Unreasonable increases in rent ... ..	Informed
306.	Alleged loss of deed ... ..	Informed
307.	Unauthorised structure on his property ... ..	Informed
308.	Violation of rights with respect to property settlement	Informed
309.	Securing letters of administration ...	Advised
310.	Securing ownership of two parcels of land ... ..	Informed
311.	Unruly behaviour of tenants ... ..	Informed
312.	Delay in releasing property mortgaged after full payment	Advised
313.	Dissatisfied with Counsel ... ..	Informed
314.	Unable to get pay for services rendered ... ..	Advised
315.	Request for legal aid ... ..	Referred
316.	Request for legal aid ... ..	Referred
317.	Securing estate of deceased reputed husband ...	Advised
318.	Unable to gather relevant information ... ..	Referred
319.	Unable to get file from Solicitor ... ..	Assisted
320.	Request for legal aid ... ..	Referred
321.	Securing information about petition for divorce ...	Advised
322.	Refusal of landlord to sign plans for erection of house	Informed
323.	Securing employment	Referred
324.	Assistance in filing civil court action ... ..	Referred
325.	Enforcing of judgment obtained against insurance company	Advised
326.	Request for legal aid ... ..	Referred
327.	Request for legal aid ... ..	Referred
328.	Delay in obtaining death benefits ... ..	Rectified
329.	Request for legal aid ... ..	Referred
330.	Assistance in securing payment for work done ...	Informed
331.	Request for legal aid ... ..	Referred
332.	Request for legal aid ... ..	Referred
333.	Securing estate of deceased reputed husband ...	Advised
334.	Dissatisfied with the disposal of father's estate ...	Informed
335.	Unethical conduct of lawyer ... ..	Informed
336.	Difficulty experienced in obtaining employment ...	Informed
337.	Recovering money paid to Solicitor ... ..	Informed
338.	Dissatisfied with Solicitor ... ..	Referred
339.	Securing mortgage release from Solicitor ... ..	Advised
340.	Delay in settling judgment debt and costs ... ..	Informed
341.	Assistance in resolving dispute over lands ... ..	Informed
342.	Assistance in recovering money ... ..	Informed
343.	Financial strain experienced in pursuing matter ...	Advised
344.	Request for legal aid ... ..	Referred

TABLE No. 7—Continued

<i>No.</i>	<i>Subject of Complaints</i>	<i>Action taken</i>
345.	Inability to obtain information about a bank account	Informed
346.	Request for legal aid     ...     ...     ...     ...	Referred
347.	Assistance in obtaining letters of administration     ...	Advised
348.	Request for legal aid     ...     ...     ...     ...	Referred
349.	Assistance in getting child maintenance     ...     ...	Advised
350.	Failure by Solicitor to prepare deed     ...     ...	Advised

## SELECTED CASE SUMMARIES

### A Grave Misfortune

On Christmas day of the year 1963 a student nurse fell down a flight of stairs leading from one ward to another at the San Fernando hospital. The damage to her spine was more serious than she thought because the fall caused a prolapsed vertebral disc. She suffered slight discomfort but continued to work.

On January 16, 1965 she slipped on the waxed floor of the Nurses' Sitting Room in the Nurses' Hostel and this aggravated the injury to her spine. A Specialist Medical Officer diagnosed a case of paraplegia and assessed her disability at 100 per cent. She will be confined to a wheel chair for the rest of her life as she was paralysed from the waist down. She exhausted every avenue to obtain some form of compensation for the injury she sustained but failed.

On February 28, 1978 she complained to me and I commenced investigations. I wrote the Permanent Secretary of the Ministry of Health who in reply informed me that while Government was denying liability for negligence, the Ministry was prepared to put forward a recommendation to Cabinet for the payment of an *ex gratia* award to the complainant. At the time of her accident she was getting a salary of one hundred and five dollars per month.

An *ex gratia* award to the complainant in the sum of two thousand five hundred and twenty dollars was made by Government. It is not within my authority to assess the merits of an *ex gratia* payment made by Cabinet for any reasons whatsoever, but under the provisions of section 93 of the Constitution the Ombudsman shall investigate any advice given or recommendation made to a Minister. The recommendation made to Cabinet was founded on subsections (b) and (c) of section 5 of the Workmen's Compensation Ordinance which, so far as material, read as follows:—

- “(b) where permanent total disablement results from the injury—
  - (i) in the case of an adult, a sum equal to forty-eight months earnings;
  - (ii) in the case of a minor, a sum equal to ninety-six months earnings;
- (c) where permanent partial disablement results from the injury—
  - (i) in the case of an injury specified in the Second Schedule, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the incapacity caused by that injury; and
  - (ii) in the case of an injury not specified in the Second Schedule, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the incapacity permanently caused by the injury:

Provided that where more injuries than one are caused by the same accident, the amount of compensation payable under this paragraph shall be aggregated, but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries.”

These subsections deal with the amount of compensation payable by an employer if in any employment personal injury by accident arises out of and in the course of the employment is caused to a workman. A “workman” means any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour or otherwise. As the *ex gratia* award was made for



a sum equal to twenty-four months earnings and the complainant had suffered permanent total disablement I continued my investigations and discovered that it was the thinking of the Ministry of Health that to have given the complainant the equivalent of forty-eight months salary instead of twenty-four months would have amounted to an admission of liability by Government.

In my opinion, that is not correct in law. On October 31, 1980 I wrote to the Permanent Secretary of the Ministry of Health giving him my views and pointing out that in all the circumstances of the matter I think that justice will be done if a recommendation be resubmitted by the Minister of Health to Cabinet in order that a more realistic *ex gratia* payment be made to the complainant. I have been informed that the matter is now in the hands of the Solicitor General and I am anxiously awaiting the outcome of this matter.

OMB: 78/832

On August 22, 1978, the complainant, a former employee of a Statutory Authority, complained to me that he had suffered an injustice through a fault in administration. He claimed he was made to contribute to the Widows' and Orphans' Pensions scheme while employed by the Authority and even after his retirement on May 4, 1971. He stated that in pursuance of the provisions of section 4 of the Widows' and Orphans' Pensions Extensions Act, 1974, he opted in writing to cease making contributions to the scheme and was therefore entitled to a refund of the total amount of his contributions to the scheme in accordance with the provisions of section 5 of the Act—the option was exercised within the prescribed time.

The 1974 Act was passed in order to deal with the problem of employees of Statutory Authorities who had been contributing to the Widows' and Orphans' Pensions scheme since it had been held that such employees were not public officers for the purposes of the Widows' and Orphans' Pensions Ordinance, and therefore could not be accepted as contributors to the scheme. That interpretation created a problem for employees who were still in the service and for the widows and orphans of deceased officers. In the case of such deceased officers the widows and orphans were denied the benefits of the scheme because of the interpretation placed on the status of the employees of Statutory Authorities. The 1974 Act was accordingly passed to protect such persons. The Act also gave employees the option of either ceasing or continuing to make contributions to the scheme. If an employee opted to cease making contributions, he was refunded the total amount of his contributions.

The complainant exercised the option to cease making contributions. He informed me that other employees of the Statutory Authority who exercised this option had received their refunds. I am satisfied that those employees had not retired from the Statutory Authority as was the case of the complainant.

The 1974 Act only gave the right to exercise the option to officers who at the commencement of the Act were employed by the Statutory Authority and were contributing to the scheme. It appeared therefore that the Act did not apply to the complainant. The Authority held the view that as the Act came into force after the retirement of the complainant and was not made retroactive the complainant did not benefit under the Act. I was of the opinion however that since it had been held that employees of Statutory Authorities were not public officers for the purposes of the Widows' and Orphans' Pensions Ordinance deductions ought not to have been made from the complainant's salary as contributions to the Widows' and Orphans' Pensions scheme. I accordingly recommended that he be refunded the contributions he had made.

After some time the refund was made and the complainant expressed his gratitude in the following words:—

“I cannot thank you sufficiently Sir, but I shall continue to lift you up, your dear family and your faithful staff in prayer, for the prayers of a righteous man availeth much that this world cannot understand.”

OMB: 78/856

A senior public official complained that he had sustained an injustice as a result of irregular administrative action taken by the Comptroller of Accounts. He alleged that certain sums of money lawfully due to him by way of gratuity and pension had been wrongfully withheld from him. He claimed that the Comptroller of Accounts refused to include his house allowance as part of his pensionable emoluments and included in an amount he was required to refund as pension previously paid to him, a sum paid by him as income tax and unemployment levy to Government in respect of that pension.

My investigations disclosed that the Comptroller of Accounts had excluded the house allowance from the public official's pensionable emolument pursuant to policy decision and that the sum of money paid by the complainant as income tax and unemployment levy to Government would have to be recovered by the complainant from the Inland Revenue Department and therefore that sum was included in the amount the complainant was required to refund as pension previously paid to him.

In so far as the house allowance is concerned the statutory definition of “pensionable emoluments” appearing in section 2 of the Pensions Ordinance, Ch. 9. No. 6 (1950 edition) so far as material states: —

“pensionable emoluments” in respect of service under the Government of Trinidad and Tobago includes salary . . . house allowance . . . Provided that the amount to be allowed for house rent . . . shall not exceed one sixth of the actual salary of the office.”

The question then of whether the house allowance received by the complainant should be included in his pensionable emoluments is one of law. I pointed out to the Comptroller of Accounts that if there were any doubts in his mind as to the proper legal interpretation of the provisions of a statute he ought to seek the advice of the Attorney General. In my opinion the house allowance received by the complainant was a pensionable emolument and this was also the opinion of the law officers. I recommended accordingly.

As regards the refund to be made by the complainant, my investigations revealed that the complainant had benefited by a change in legislation surrounding the payment of superannuation benefits. One of the conditions of the change was that the public official would refund to the Government of Trinidad and Tobago, the full amount of pension and/or gratuity paid to him previously and that the amount to be refunded should be deducted from any pension and/or gratuity payable under the new regulations.

The complainant agreed to the terms contained in the new regulations but contended that as he had already paid to the Government of Trinidad and Tobago through the Income Tax Department a certain sum of money the amount to be deducted from his gratuity and pension payable to him under the new regulations should be the amount of gratuity and pension previously paid him less the amount paid by him to the Income Tax Department.

I agreed with the contention of the complainant as the new regulations provided for the refund of the full amount of the pension and gratuity to the Government of Trinidad and Tobago and not to any particular department of Government and I so recommended.

The Comptroller of Accounts on the other hand maintained that the complainant should petition for a refund of the sum paid by him to the Inland Revenue Department under section 74 of the Income Tax Ordinance. The Permanent Secretary, Ministry of Finance was also of this view and informed the complainant that his Ministry would be prepared to support a petition from the complainant. The complainant replied that he had no objection to the Permanent Secretary adopting any means that seemed to him appropriate to meet the justice and equity of his claim.

Some time later the complainant informed me that, without filing any petition for a refund under section 74 of the Income Tax Ordinance, Ch. 33. No. 1, he received the amount paid by him from the Board of Inland Revenue with a letter that a refund of income tax had been approved in the sum in question under the provisions of section 74 of the Income Tax Ordinance, Ch. 33. No. 1.

In addition to the receipt of the above-mentioned amount the complainant informed us that his pension and gratuity had been recomputed with the inclusion of the house allowance as a pensionable emolument.

Although the Comptroller of Accounts had indicated to me that he would keep me informed of developments in the matter I have received no word from him about the outcome of the matter.

OMB: 79/74

#### **Refusal to issue taxi driver's licence and badge**

In 1964 the complainant was convicted for Robbery with Aggravation and sentenced to seven years hard labour.

In March 1978 he made an application to the Licensing Authority for a duplicate taxi driver's licence and badge to replace those he had lost. This application was refused. On March 17, 1979 he sought my assistance.

My investigation revealed that during the incarceration of the complainant his driving permit had been renewed annually and there was no record that the Licensing Authority had been informed of his conviction in 1964. On his release from prison he continued to use his taxi driver's licence for a period of ten years until he reported its loss in 1978. In the course of enquiries his conviction for robbery was discovered by the Licensing Authority who served him with a notice to the effect that he did not appear to be a fit and proper person to hold a taxi licence. He was requested to submit any explanation or representations he might wish to make. He replied through his legal adviser.

Section 90c(1) of the Motor Vehicles and Road Traffic Regulations, Ch. 16. No. 3 states in part—

“The Licensing Authority may cancel any taxi driver's licence (which expression when hereinafter used shall include a duplicate licence) if the holder thereof shall be convicted of any offence against any of the regulations contained in this part of these regulations . . . or that the holder has ceased to be a fit and proper person to hold a taxi driver's licence . . .”.

The complainant's matter was referred by the Licensing Authority to the Transport Board for a decision under and by virtue of section 3 subsection 3 of the Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3, which reads thus: \_\_



“The Board shall hear and determine any appeal submitted by any aggrieved person against any order or decision of the Licensing Authority; or of a Licensing Officer, and the Board’s decision thereon shall be final and conclusive.”

I was of the view that the action taken by the Licensing Authority and the Transport Board was in keeping with the prescribed regulations of the Motor Vehicles and Road Traffic Ordinance, Ch. 16. No. 3, and consequently discontinued my investigation into the matter.

OMB: 79/308

On March 6, 1970 the complainant entered into an agreement to purchase a lot of land at Sangre Grande from a lady who received the full purchase price and allowed the complainant to enter into possession. The lady, (hereinafter referred to as the “deceased”), died on August 20, 1970 before executing a deed of conveyance in the complainant’s favour. The deceased died intestate, unmarried and without issue or any lawful next of kin.

The complainant alleged that in 1973 he retained solicitors to assist him in obtaining a deed for the land but after some considerable time, was forced to change his solicitors. There was no change in the position and after several visits to his solicitors and Government departments, he was informed that the files relating to his matter were misplaced. He stated to me that he was suffering great hardship and would like me to investigate the question of the loss of his files at the office of the Administrator General.

I investigated the matter and discovered that on June 25, 1975, the complainant, through his legal advisers, had filed an application in the High Court for an order that the Administrator General be appointed to convey to him the lot he agreed to purchase. On October 29, 1975 that application was dismissed with costs to the Administrator General.

On September 16, 1977, the complainant, through other legal advisers, filed a similar application. That matter came on for hearing and was adjourned generally to be brought on by notice. The procedure adopted was presumably not in order for the complainant again complained to me in April, 1979.

I referred the matter to the Administrator General who after obtaining further facts from the complainant applied for and obtained a deed of conveyance for the complainant. I was satisfied that the papers had not been lost in the office of the Administrator General.

The delay in this matter was not caused by any officers of the administration. The complainant thanked me for being instrumental in his obtaining his deed.

OMB: 79/380

#### **Evicted from own Building**

In 1949 the Police Wives Association was founded. As its name implies the Association comprised of wives of police officers. The aims and objects of the Association are :—

- (a) Cultural—To improve and develop the cultural qualities of the wives by discussions and lectures.
- (b) Social—To integrate the wives of the husbands of all ranks and to engage in all social activities.



- (c) Industrious—To organise courses where wives will be taught all craft, with the aim of augmenting the income and providing opportunities for profitable leisure.
- (d) Assistance—To assist, where possible members and their children.

In 1950 the Association saw the need for a clinic and day nursery and approached the Sub-Intendant of Crown Lands (as he was then called). As a result a parcel of land comprising approximately twenty-three thousand superficial feet to the south-east of the entrance to the St. James Barracks was allocated by His Excellency the Governor, who was at that time the Intendant. The relevant conditions were that—

- (a) the land be used for the erection thereon of a building to be used as a clinic and day nursery for wives and families of members of the Police Force;
- (b) the clinic and day nursery be managed by the Police Wives Association which would be responsible to the Commissioner of Police for the administration thereof.

Having regard to the condition at (b) a sub-committee of the Association was formed for the running of the clinic and day nursery with a senior police officer as Chairman.

The Association intensified its efforts and raised the necessary funds for the construction of a building which was completed in 1954 from funds raised entirely by the Association, except for a small grant made by members of a police out station.

On the completion of the building the members of the Association went into occupation of the building. In 1962 the Association had reason to believe that steps were afoot to hand over the building to the Police Sports Club. The Association was most vocal in its protest and some fourteen members of the Association attended a meeting on April 24, 1962 of the Police Clinic and Day Nursery Committee to discuss the matter. Notwithstanding the protest the meeting took a decision that the building be handed over to the Police Sports Club. The Police Sports Club therefore entered into occupation of the said building and both bodies used the building until April 27, 1979 when the Association received a notice to quit from the Secretary of the Police Sports Club.

It is with this background of frustration that the Association came to my office for assistance. In view of reports that the Commissioner of Police had without notice taken over the building in question for use as a dormitory and since the matter appeared to me to have taken a new turn which would constitute a fault in administration, I immediately commenced investigation.

I raised the matter with the Ministry and by letter dated November 4, 1980 I was informed that on the advice of the Attorney General's office the Commissioner of Valuations had been requested to assess the building for the purposes of paying compensation to the Association and that the Ministry of Agriculture, Lands and Fisheries had been approached for the allocation of a parcel of land to the said Association.

The Police Wives Association was accordingly informed and I look forward to an amicable settlement of this matter.

OMB: 79/568

**Bad manners**

The complainant, having attained the age of sixty-five years, applied for old age pension. The application was rejected. Not being aware of the statutory provisions relating to the grant of old age pension, the complainant felt he was discriminated against.

On investigation it was revealed that the complainant was regularly employed with Caroni Ltd. earning the sum of one hundred and fifty dollars per fortnight. The complainant's annual income was then in excess of two thousand five hundred dollars per annum which disqualified him from receiving a grant of old age pension on the grounds of "Income in excess of the statutory amount of \$2,500.00."

However, the complainant submitted a second claim when he resigned from the employ of Caroni Ltd. The Social Welfare Department re-investigated his new claim and found him eligible for the grant of old age pension.

On February 13, 1980 I informed the complainant that the sum of eighty-five dollars per month was granted to him by way of old age pension with effect from September, 1979. He was requested to confirm whether he is receiving the sum. Regretfully, the complainant has not replied. It is important to my office that complainants reply when requested so to do in order that the file could be closed.  
OMB: 79/575

**A case for the courts**

The complainant, after complaining to the Mayor, the Town Engineer, the Town Clerk, the Building Inspector, the Sanitary Inspector and the Town and Country Planning Division, directed a letter to me about damages and trespass to his property by adjoining neighbours at Bertrand Street, San Fernando. He alleged that one of his neighbours was performing works on part of his land and the water from the roof of that building was creating a nuisance to his property.

On investigation I discovered that the block plan for the buildings in that area showed that drains were to be constructed but as a result of the dispute between the complainant and the adjoining owners, the drains had not been completed and until the dispute was settled, the complainant's problems could not be solved.

It appeared to me that the real issue was a boundary dispute between adjoining owners which was not within my jurisdiction and advised the complainant accordingly.

I have included this case in my report because it is necessary to be assured that a Government department or authority is not at fault when a complaint is made which, on its face, might appear to be between private individuals.  
OMB: 79/803

**Timely intervention**

In August 1978 a senior citizen applied to the Local Public Assistance Board at Siparia for old age pension. His claim was rejected on the grounds that he had transferred his property in order to qualify for his old age pension. He appealed to the Central Board and at its meeting on August 15, 1979 the decision of the Local Board was upheld.

On September 26, 1979, the complainant wrote to me alleging that the Local Board did not have the necessary facts upon which to fully arrive at a just and positive decision. He stated in his letter that—

“In 1978 when I submitted my application for Old Age Pension my income from property (from the sale of sugar-cane) was six thousand seven hundred and ninety-four dollars and six cents (\$6,794.06). This sum after deducting the normal cost of working the land which I understand is fifty per cent, leaves a net income of three thousand three hundred and ninety-seven dollars and three cents (\$3,397.03). Since only half of this sum is my income, I have a net income of one thousand six hundred and ninety-eight dollars and fifty-one cents (\$1,698.51). This in my humble but logical view qualifies me for old age pension.

Official documentary evidence would reveal that from the year 1976, my actual crop reaped in terms of tons showed a marked and sharp decline, hence therefore a sharp fall in my actual earnings. The statistics is as follows:—

<i>Years</i>	<i>Tons of canes supplied</i>
1976	295.26
1977	188.60
1978	113.48

Records at Caroni Ltd., Ste. Madeleine, would prove this fact. Check A/C No. 72043, Penal Scale 3/50.

The reason for this decline was due to the fact that I was suffering from arthritis and was in ill-health and am still suffering these pains and unable to do much manual labour having done this slavishly for the past fifty-five years. It was this reason alone which prompted me to transfer said property to my son and not to qualify for pension as the Local Board suggests.”

I wrote to the Director of Social Welfare inviting his comments and sent a copy of my letter to the Permanent Secretary of the Ministry of Labour, Social Security and Co-operatives.

The Director, in reply, informed me that the claim of the complainant would be considered again by the Central Public Assistance Board. This was done and the complainant was granted old age pension in the sum of eighty-five dollars per month with effect from July 1, 1970.  
OMB: 79/1038

#### **The effect of change**

For the past eighteen years the complainant had been trying to obtain housing accommodation from the National Housing Authority without success. On December 13, 1979 she received a letter from the Authority to the effect that she had been allocated a two-bedroom apartment and should call at the office to have tenancy arrangements effected. However, by a subsequent letter dated December 19, 1979, she was informed that the offer contained in letter dated December 13, 1979 had been withdrawn.

I investigated the matter and found that the Cabinet had taken the decision that all allocations for housing accommodation are to be based on the Computer/Lottery System. Cabinet's decision had however reached the National Housing Authority after it had issued to the complainant the letter dated December 13, 1979 which resulted in the cancellation.



I informed the complainant of the position and discontinued my investigations because by section 94 of the Constitution the Ombudsman shall not enquire into or question the policy of the Minister (or Ministers) in accordance with which a decision is made.

OMB: 80/265

#### **To protect and serve**

On October 13, 1980 the complainant complained that his thirteen-year old son had died as a result of a motor vehicular accident on November 2, 1979, and the police had done nothing about it.

On October 29, 1980 I wrote the Commissioner of Police and requested a report on the matter. By letter dated November 17, 1980 I was advised by the Commissioner of Police that the driver of the vehicle, who was involved in the accident resulting in the death of the complainant's son, had been charged for:—

- (1) Careless Driving
- (2) Dangerous Driving
- (3) Failing to render aid.

These matters came up for hearing on several occasions but were postponed, pending the outcome of a Coroner's inquiry into the death of the complainant's son. The inquest was held on November 4, 1980 and the Coroner found that death was due to shock and haemorrhage sustained from injuries in a vehicular accident. No felony was suspected.

I was able to advise the complainant accordingly which gave him some relief but it seems to me that the father should have been told what was the position by the police investigating the circumstances surrounding the death of his son.

OMB: 80/590

#### **Entered for wrong examination**

Nine students of the San Fernando Technical Institute complained to me that after being trained for two years in Woodwork Craft Practice they were entered by the Principal to write an examination in a subject which did not form part of the syllabus.

They alleged that on entering the examination room on the morning of Wednesday, June 18, 1980 instead of receiving the mathematics paper in Woodwork Craft Practice as they expected, they were handed the Applied Science and Calculations paper for the Construction, Carpentry and Joinery Course. They protested to the invigilator who advised them to write the paper if they could, but if not, to sign the attendance register. They adopted the latter course and immediately thereafter went to the Principal and complained about the situation. He maintained that he had entered them for the Construction, Carpentry and Joinery examination and that they should have written the examination. The students made efforts to have the matter put right but as nothing was done in July, 1980 they made representations to me pointing out that their future depended on the outcome of the examination.

On July 22, 1980 I wrote to the Permanent Secretary of the Ministry of Education and Culture and would like to mention particularly, the expedition with which he dealt with this matter. He immediately wrote back to inform me that he was taking up the matter with the National Examinations Council and was hoping that the Council would set an appropriate examination as early as possible to accommodate the students involved.



By letter dated August 19, 1980, the Permanent Secretary informed me that the Examinations Committee had decided to set an examination in Woodwork Craft Practice—Full Time (Final) in order to remedy the complaint registered by candidates of the San Fernando Technical Institute which was planned to commence on September 1, 1980.

I was very pleased when I received a letter from the students expressing their warmest thanks and appreciation to me for the part I played in providing for them the opportunity of writing the correct examination.

### Letters of Appreciation

May I thank you very sincerely with all my heart (though small), coupled with a prayer and appeal to God that His warm and richest blessings continue to be bestowed upon you and your family throughout your lifetime and may you continue to exercise concern, interest, humane ability and sympathy to others in need, as you have done to relieve me after trying for fourteen years and failed.

It is impossible for me to find words in which to state the sentiment my heart is revealing. Nevertheless, I wish to express a task my pen will never really be capable of performing. From the very depth of my heart Sir, I thank you most sincerely and wish you abundant success and continued prosperity.

Mrs. A. W.

A special note of thanks for your help and advice. May God Bless you.

Ms. P. G.

Your thoughtfulness is appreciated far more than these words can express.

Mr. M. A. H.

Thank you so very much!

S. & E. H.

It is with a sense of deep gratitude and sincerest thanks, I wish to record and convey to you Sir, God's eternal blessings for your patience, tolerance and understanding. I shall continue to pray that God will bless you with health and strength that you will continue to serve the oppressed of our country.

Since 1975, I was endeavouring to get the Widows and Orphans Department to refund me my contributions which I had made to the fund in accordance with Act No. 25 of 1974 to no avail, and when I saw that all the doors were closed to me I came to you Sir, in 1978 and you set yourself at once to see that justice be meted out to me.

It took you almost three years Sir, to get my matter reconciled and a person of less stature and strength than you may have faltered on the way. Sir, I know of the many times when you became discouraged and frustrated but you still carried on the fight in the name of justice and at long last Sir justice prevailed.

Sir, I am indeed very happy to let you know that your labour was not in vain, as today (7/4/81) I received my cheque from the Widows and Orphans Department for the amount I had contributed to the Fund.

I cannot thank you sufficiently Sir, but I shall continue to lift you up, your dear family and your faithful staff in prayer, for the prayer of a righteous man availeth much that this world cannot understand.

Mr. R. K.

Thank you for your letter dated 25th July, 1979 which was written in reply to mine of 19th April last. My apologies for the delay in sending this acknowledgment, but I was away when your letter was delivered, and it has come to my notice only recently.

I hasten, however, to thank you for your action in response to my letter, and wish to let you know that you have given renewed hope that our dear country can be a better place to live in, if only because of the establishment of your office, and the efficient performance of your good selves.

I wish to put on record that it was never my intention to have the officer in question dismissed, but I do hope that she, and all concerned will benefit from this incident, if only to realize where our duty lies.

My sincere thanks again.

Mrs. K. L.

When I saw this card, which said "To Someone Nice," there wasn't any need at all to look it over twice or stop and think about it, for right away I knew it was the perfect card to bring. My "Many Thanks" to you!

Mr. E. W.

Port-of-Spain.

I am a prisoner under the sentence of death, at the State Prison, Frederick Street, Port-of-Spain.

Firstly may I take this opportunity in wishing your family, and yourself good health, and all success in whatsoever you all may do.

I am writing to you, to express my deep appreciation of the good work you are doing for us. There are many condemned prisoners who speak highly about you. As I said it, and I will never ever forget you, as long as I live.

I don't know how I can thank you enough for all you had done for me, and still doing for me.

May I also take this opportunity in wishing you a Happy Father's Day.

May the good Lord bless you, with long life that you will be able to see many, many more father's day. Good Luck. God bless.

Condemned Prisoner

Please allow me to express my sincere "Thanks" for your kind assistance in resolving the case on which I solicited your help. Were it not for your intervention Sir, I am afraid that the matter would not have concluded in so short a time.

I see the office of the Ombudsman representing the sign of the last Inn in which the weary traveller is welcomed and in which there is room for all. How many unfortunate ones are there who are the victims of bureaucratic injustice and who have not heard of your good office and who desperately need your kind assistance. May I again say "Thank You Sir" and pray that you continue in office to strike the blow for Justice.

Mr. P. R.



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

Part 2

OMBUDSMAN

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.

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).

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 revenue 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.

Restriction  
on matters  
for  
investigation

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

Third  
Schedule

- (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—

- (a) may investigate a matter notwithstanding that the complainant has or had a remedy by way of proceedings in a court if satisfied that in the particular circumstances it is not reasonable to expect him to take or to have taken such proceedings;
- (b) is not in any case precluded from investigating any matter by reason only that it is open to the complainant to apply to the High Court for redress under section 14 (which relates to redress for contravention of the provisions for the protection of fundamental rights).

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

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

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

(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.

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.

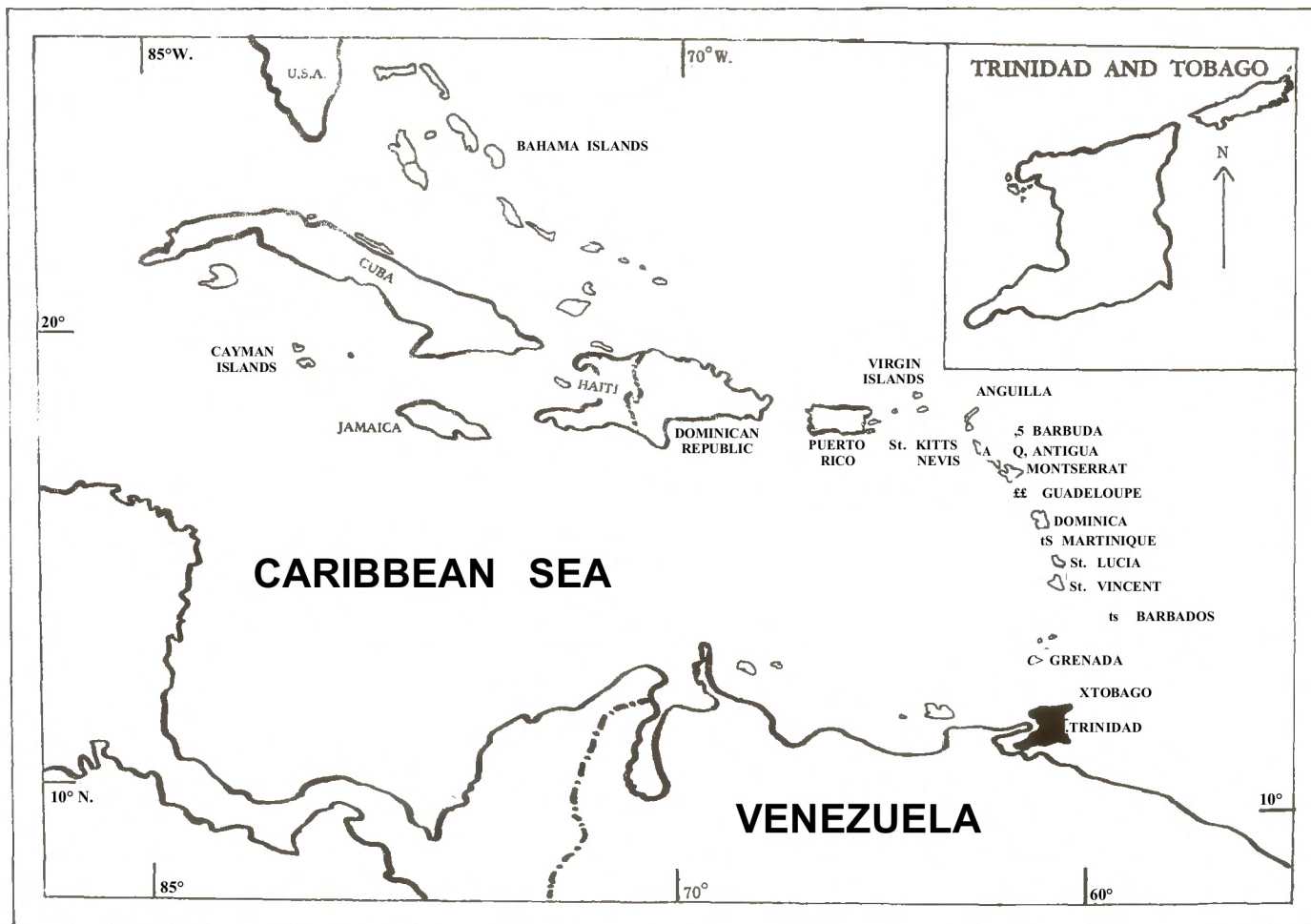
10. Any action which by virtue of any provision of this Constitution may not be enquired into by any court.

**SENIOR STAFF**

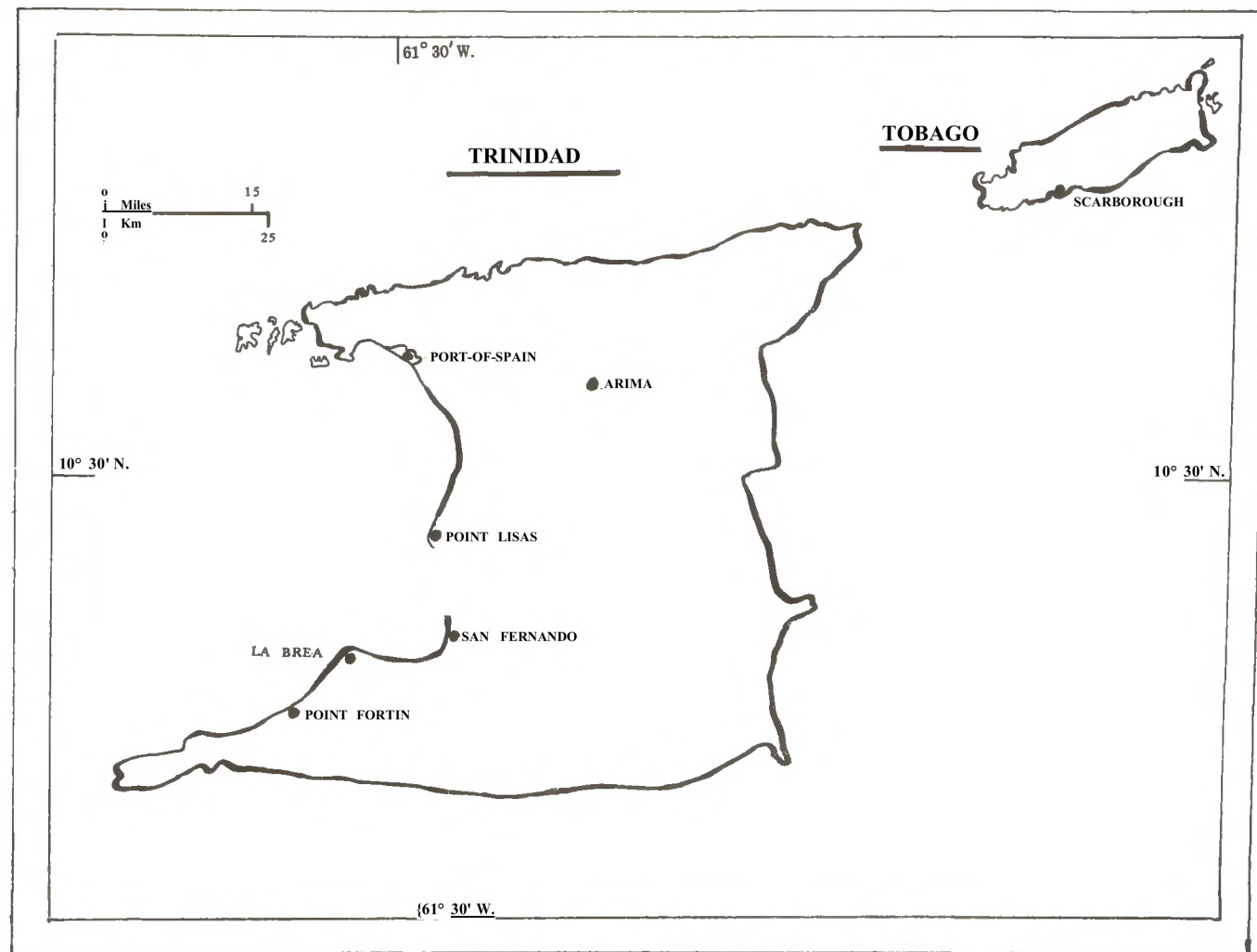
Mrs. Ruby Perreira	...	...	<i>Administrative Secretary to the Ombudsman</i>
Mr. Gordon Gillette, s.c.	...	...	<i>Head of the Legal Division</i>
Mr. Hugh Clarke	...	...	<i>Senior Investigator</i>
Mr. Alston Romeo	...	...	<i>Investigator</i>
Dr. Winston Benn	...	...	<i>Investigator</i>
Mrs. Joy Brathwaite	...	...	<i>Investigator (Acting)</i>















GOVERNMENT PRINTERY, TRINIDAD  
TRINIDAD AND TOBAGO  
1982