

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

February 28, 1983.

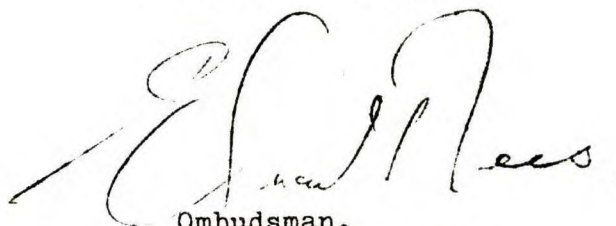
The Honourable Speaker,  
Parliament,  
Red House,  
Port-of-Spain.

Dear Mr. Speaker,

I have the honour to present the Fourth Annual Report of the Ombudsman for the period December 6, 1980 to December 5, 1981.

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,

A handwritten signature in black ink, appearing to read 'E. M. ...', is written over the typed name of the Ombudsman.

Ombudsman,  
Trinidad and Tobago.

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## PART I

INTRODUCTION

THE OMBUDSMAN CONCEPT

FUNCTIONING OF THE OFFICE

FUNCTIONAL RESTRICTIONS AND RECOMMENDATIONS

GRAPHIC REPRESENTATIONS

## 1. INTRODUCTION

This is my Fourth Annual Report to Parliament on the performance of my functions as Ombudsman of Trinidad and Tobago. It covers the period December 6, 1980 to December 5, 1981 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 sections 91 and 98 and 121(8) of the Constitution of the Republic of Trinidad and Tobago dealing with the Ombudsman, and the Ombudsman Act 1977, which makes provision for giving effect to those sections.

## 2. THE OMBUDSMAN CONCEPT

### Principles

1. It has been said that, essential to the proper carrying out of his duties is the Ombudsman's dedication to the principles of equity, that is, the spirit and the habit of fairness, justness and right dealing which would regulate interaction between the citizens and the Government. In my opinion, the objectives of every Ombudsman's Office should be those so well expressed by Professor Larry Hill, an Associate Professor of Political Science at the University of Oklahoma and the author of "The Model Ombudsman". He defined five major objectives for any Ombudsman. I put them in question form as follows:-

Is the Office of the Ombudsman making a serious effort

- (i) to right individual wrongs?
- (ii) to make the bureaucracy more humane?
- (iii) to prevent abuses by acting as a bureaucratic watch dog?
- (iv) to vindicate public servants when they are unjustly accused?
- (v) to introduce administrative reform?

If these questions can be answered in the affirmative, and I venture to suggest that as far as my office is concerned they can be, then the existence of the office is justified.

### Application to Trinidad and Tobago

2. The system and jurisdiction of the Ombudsman's Office vary from one country to another depending on the particular environment and national circumstances of the country. Although in my previous reports mention was made of the history of the establishment of the institution in Trinidad and Tobago I think it is worthy of repetition. It was in 1970, eight years after the country had attained independence, that Government introduced a Bill into Parliament to set up the Office of the Ombudsman and to invest the incumbent with certain powers. However, at the request of a Constitution Commission appointed in 1971 to revise the Independence Constitution, it was agreed to defer proceeding with the Bill until the Commission submitted its report.

3. The Commission recommended the creation of the Office of Ombudsman, the method of his appointment, the terms of his tenure of office, the provisions of his removal and the general scope of his powers. These recommendations were accepted by Government and the office of a National Ombudsman was established by the Republic Constitution of 1976, based on the New Zealand Model, appointed by the President, entirely independent of the Executive and responsible only to Parliament. As a Swedish Ombudsman so aptly put it, it is certainly an expression of real democracy when a society establishes a special institution with the task of ensuring that the other Government agencies serving the society respect the rights of the citizen.

### Jurisdiction

4. In 1977 I was appointed as Ombudsman of Trinidad and Tobago by the President of the Republic after consultation with the Prime Minister and the Leader of the Opposition. The method of appointment emphasises the fact that the Ombudsman in this country is constitutionally an officer of Parliament. It is provided that I can only be removed from office for inability to discharge the functions of my office, arising from physical or mental illness or for misbehaviour. But there must first be a resolution to remove me by the House of Representatives.



5. My authority extends to the public service of Trinidad and Tobago, which includes the staffs of ministries, Government departments and local authorities. Also included are bodies, the majority of whose members are appointed by the President or by a Minister or whose revenues consist wholly or mainly of moneys provided out of public funds and any authority empowered to determine the person with whom any contract shall be entered into by or on behalf of Government, or any other authority as may be prescribed.

#### Judicial Restrictions

6. However, there are restrictions on what I may investigate and they are listed in the Third Schedule to the Constitution. Sub-section 5 of section 94 of the Constitution appears to give me a wide discretion in some matters appearing in that Schedule, but it is a discretion that I exercise with caution. For instance, I hesitate to deal with matters involving the investigation of crime by the Police Service or complaints pertaining to the protection and security of the State even though, in my opinion, I could embark on an investigation of such complaints. On the other hand, there are certain matters on which I have no discretion and am specifically precluded from investigating, such as any exercise of the power of pardon.

7. If in the course of an investigation it appears that the action complained of may have resulted from a policy decision at ministerial level, I am prevented from going further into the matter although I am entitled to call for the advice given or recommendation made to the Minister by public servants which led to the decision. If the Minister acted without advice or contrary to the advice given by public servants, I cannot question it. The reason for this is that a basic principle of ministerial responsibility to Parliament, which is so important for the preservation of democracy is that it ought not to be subject to any interference.

#### Role of the Ombudsman

8. As mentioned in previous reports I can act only upon a complaint made in writing, or if a member of the House of Representatives requests me to investigate a matter on the ground that some person or body of persons have sustained an injustice. I

can also initiate an investigation where facts come to my notice which merit that course.

9. Most of the investigations conducted by my office arise out of complaints from individuals at no personal cost to them. If they are trivial, frivolous, vexatious or not made in good faith I may refuse to initiate or may discontinue my investigation. This affords protection to public servants from unreasonable allegations of misconduct made against them by members of the public without justification. If there is jurisdiction I examine the salient facts of the complaint on the one side and those of the Government department or authority on the other and try to reach some mutually acceptable resolution to the problem by way of mediation. I have been able to settle several matters by bringing the parties together for informal discussions.

10. Although my role is mainly investigatory the requirements of my office also fall within those of the Judge which are to listen courteously, to answer wisely, to consider soberly and to decide impartially. It would, however, be quite wrong to liken my activities to that of a prosecutor, as is sometime thought - or citizen's advocate. I say this because while I represent citizen's complaints I am not a vindicator of unjust causes. I have no authority to reverse, alter or amend an administrative decision, or to take disciplinary action against an offending department. I can only make recommendations in accordance with section 96(2) of the Constitution and if my recommendations are not accepted by the Government department in question then I am under an obligation to lay a Special Report on the case before Parliament. If follow-up action is not taken on my recommendations there is nothing I can do about it. The real power lies in Parliament and if my recommendations are ignored or brushed aside the citizens will have no redress. Because of this I am often asked where does my power lie and how successful can the office be if I am only empowered by the Constitution to make recommendations.

11. In reply I adopt the views of Professor Gerald Caiden of the University of Southern California, who said that the Ombudsman Institution where it succeeds, is successful because the political system and the administrative system are sensitive to the citizen's

complaints. It is not so successful where the political system is sensitive but the administrative system is not. I, on my part, would add that it is a total failure where both systems are insensitive to the citizens' complaints and ignore outright the recommendations made by the Ombudsman.

### 3. FUNCTIONING OF THE OFFICE

#### (a) Historical Review

12. Since the inception of the Office in December 1977 until December 5 1981 I have received a total of 4143 written complaints, an average of 1035 annually. However, the total number of complaints received each year have tended to fluctuate - in 1978 it was one thousand and ninety-eight (1098); in 1979, nine hundred and ninety-six (996); in 1980, one thousand, one hundred and two (1102) and in 1981 nine hundred and seventy-seven (977), a graph to this effect has been supplied as figure 1. (See page 12)

13. The number of complaints received each month has also tended to fluctuate considerably. (Graph at figure 2, Page 13 refers). It should be noted however, that the difference in the number of complaints received in the four years have not been significant.

14. I have been unable to keep a record of the numerous oral complaints because of the unavailability of additional staff for that purpose. All reference to complaints should therefore be understood to mean written complaints. A total of 3665 complaints were disposed of by December 5, 1981. Of these, 2416 or 65.8% involved complaints within my jurisdiction. (See Table No. 1). In addition to 977 complaints received during the year under review 469 under investigation were brought forward from the previous years. Of this total number of 1446 complaints 359 were found to be outside my jurisdiction. (See Table No. 2)

#### (b) The Year Under Review Complaints

15. I completed the investigation of 609 complaints and of these 426 were sustained. In addition, 64 more complaints would have been so found if remedial action had not been taken by the Ministry or Agency concerned during the early stages of my investigations.



Seven complaints were withdrawn and 112 complaints were classified as "Not Sustained".

16. I continue to use the terms "sustained" and "not sustained" in keeping with a decision of the 1979 Australian Conference of Ombudsmen in Adelaide, where it was decided that the classification "sustained" does not necessarily infer that the administrative action of the department or authority was wrong. The example I quoted in a previous Annual Report is that there may be good reason for an administrative decision, but that reason is not passed on to the complainant by the department or authority concerned. Consequently, the complainant is left to speculate why the decision has gone against him and thereby feels aggrieved. My office, in such cases, has been giving detailed explanations to complainants for the reasons for the decisions made by the various departments and agencies. Although these aggrieved citizens may not have obtained the remedy they were seeking they usually adopt a reasonable attitude, and in some cases have actually thanked my office, for clarifying the matter.

17. I have included statistical data and the results of investigations because I am under a statutory duty to do so, but it is necessary to emphasise that the efficiency and effectiveness of the office should not be measured purely by a study of the number of complaints received or the number sustained. As I see it, the important consideration is whether the office is developing a proper system for the protection of the citizen against possible injustices on the one hand and improving the efficiency of public administration on the other.

#### Delays

18. It is recognised that one of the essential elements of the Ombudsman concept is expedition. Complaints to the office are expected to be resolved speedily and some of the main allegations made in a complaint are delays by Government departments. In fact of the total number of complaints received in the year under review, which fell within my jurisdiction, 41% were complaints about various types of delay in having matters attended to by the different Government departments and agencies. Thus, any delay in resolving a matter by the Ombudsman does not help in gaining the confidence



of the citizen. Heads of Ministries and Government agencies have informed me that more often than not the delay in replying to my correspondence is due to the many constraints under which they are operating. For example, I have been informed by Town and Country Planning Division that there is an insufficiency of staff in general and professional staff in particular. There is need for Town Planners and Legal Experts. The National Housing Authority has also revealed a similar story. The result is that officers are unable to carry out their duties effectively. The Police Service is also in need of more officers. My investigations disclose that it takes 12 to 18 months to obtain Certificates of Character from the Police, a matter that causes great inconvenience to the general public.

19. While I appreciate the difficulty that some departments experience in supplying information because of a shortage of staff, there can be no excuse for failing to acknowledge receipt of letters from my office in spite of several reminders. In my view this amounts to discourtesy.

20. I have included, a detailed example of the problem of delay experienced by my office, in this report in chapter 2, under SPECIAL AREAS OF CONCERN.

### Visits

21. During the year under review I continued my policy of visiting public institutions and making on-the-spot inspections in various parts of Trinidad and Tobago.

22. As an impartial observer it was impossible on those visits to avoid observing the all-round prodigality and low labour productivity by public employees, many of whom are highly paid, and the failure on the part of departmental managers, supervisors and foremen to exercise managerial discipline for fear of reprisals or of reluctance to offend.

23. On the other hand serious efforts are being made on the part of some officers of Government and other public authorities to remedy the inefficiencies and shortcomings. Indeed, there are also

many dedicated public servants who are co-operative, courteous, highly efficient and knowledgeable in their particular fields, giving more of their time, energy and talent than ought reasonably to be expected of them, but it is sad to relate that officers of this class are in the minority. If there is to be an increase in productivity in the Public Service the first expedient should be to curb discourtesy, procrastination, idleness, carelessness, hostility, incompetence and disinterestedness which seem to be permeating the society.

#### Ombudsman Liaison

24. During the year under review, with the approval of Cabinet, I visited the offices of Mr. Justice Donald R. Morand, Q.C., Ombudsman of Ontario, and Dr. Randall Ivany, Ombudsman of Alberta, and the Offices of the International Ombudsman Institute at the University of Alberta. I did this because of all the Commonwealth countries Canada has displayed the greatest interest in the Ombudsman idea for the last decade. The opportunity to examine other offices in actual operation, to make personal contact with my more experienced counterparts with a similar system of Ombudsmanship, to hold discussions at an international level on matters of mutual interest and generally to exchange views has been most beneficial to me.

25. In the course of my discussions on matters relating to the development of educational programmes for members of my staff, I raised the question of the attachment of individual investigators to the Offices of Ombudsmen in Canada with the view to improving on the quality of service to the community and the general organisation of my office. It emerged that it would be more economical and of greater advantage if I could secure the services of a person of experience in improved investigative techniques to work alongside my locally recruited officers who have not so far had any exposure to an Ombudsman's Office. Mr. Justice Morand indicated his willingness to release one of his experienced and highly competent investigators, a West Indian to achieve the purpose.

26. I place on record my thanks to the Ombudsmen of Canada whom I visited, for their genuine interest in the Office of the Ombudsman of Trinidad and Tobago which is still in its formative stage. The warm hospitality that was extended to me cannot but strengthen the spirit of goodwill, cooperation and friendship between our countries in our particular sphere of activity.

4. FUNCTIONAL RESTRICTIONS AND RECOMMENDATIONS

27. In my view the Office of the Ombudsman of Trinidad and Tobago can improve its effectiveness and image if it were not totally dependent for its goods and services on Government departments, which from time to time may possibly be under investigation.

28. It becomes more difficult for an Ombudsman to make an objective examination of decisions by public officers or feel free to censure government departments when his office is solely dependent on these public officers and Government departments for its operation and services. Let me give two examples. I am totally dependent on the Government Printery for stationery and printing and it is entirely at the discretion of the Government Printer to determine when I should be supplied with my requirements or whether I should be supplied at all. Secondly, I do not think that the Organisation and Management Department is in a better position to determine that one Investigator is sufficient for my office when it is peculiarly within my knowledge, from my experience, that there is need for two additional investigators to more adequately serve the country.

29. I am also experiencing delay in having my office properly furnished. On the 30th March, 1978 Cabinet approved of the provision of funds for the purpose, and it was not until the 19th April, 1979 that the Chairman of the Office Machines, Appliances and Furniture Committee sent out an invitation to tender, a delay of more than one year. Sometime later Messrs. Grell & Co. Ltd. asked me to select the furniture, and as of the date of this report, I am yet to be supplied with the furniture - a clear case of public officers failing to carry out Cabinet's directive within a reasonable time, if at all.



30. The impression that is created is that the Office of the Ombudsman is directly controlled by public officers and is just another government complaint-handling department organised within and forming part of the Executive. This is a fundamental defect because it restricts investigations, erodes the confidence of citizens in the Ombudsman institution and indeed was clearly never intended by the Legislature. This is how one authority dealt with this question.

"In terms of the Ombudsman Office one principle is paramount: the Ombudsman's Office must be free of any possibility of pressure, political, executive or administrative, or seem to be so. The Legislature should be at pains to ensure that there is no suggestion that the Government is in a position to control the Ombudsman's budget, and therefore hobble the office in its efforts to carry out the mandate assigned to it."

31. So concerned were the citizens of our country that the office should be one of independence that the Constitution Commission, after inviting the views of the public, made this recommendation:

"Subject to the National Assembly approving the number and grades of his staff and the emoluments payable to each, we recommend that the Ombudsman be given full control over their appointment and discipline. Regulations should prescribe disciplinary procedures. This is important as the Ombudsman's staff must assist him in his investigations. If they remain within the jurisdiction of the public service, they may not develop that sense of independence of it which will be required for objective examination of decisions by public officers. The Ombudsman should be free however to recruit any of his staff from the public service if he should so decide, but any officer so recruited should be taken on secondment subject to the approval of the Public Service Commission."

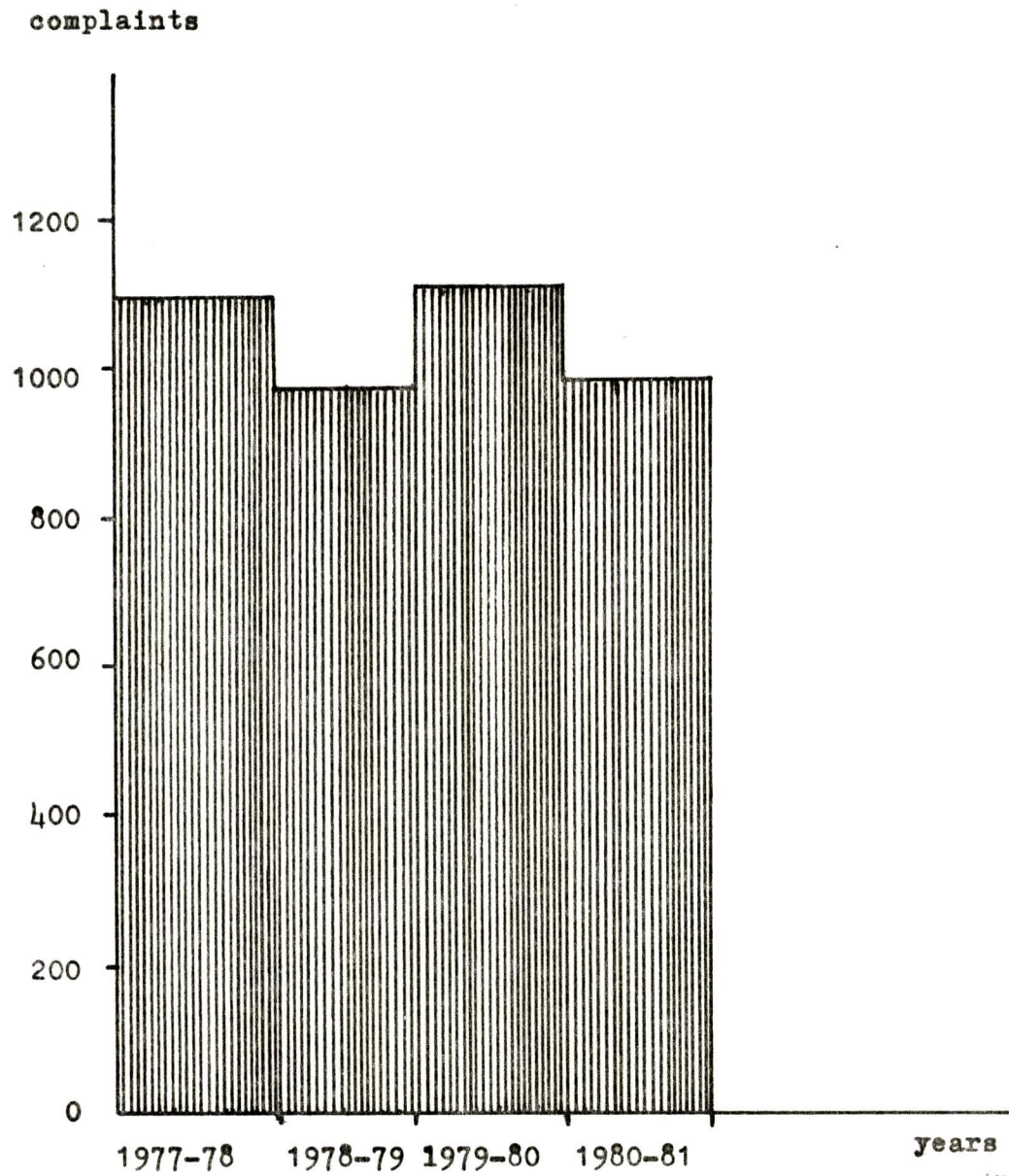
32. The Ombudsman idea is comparatively new in Trinidad and Tobago and therefore teething problems must be expected in its managerial and operational systems, but the main characteristic of total independence which typifies the office must at all times be preserved.



33. In my opinion consideration ought to be given as to whether there should be a Joint Select Committee of Parliament to whom the Ombudsman will submit the estimates of the total expenditure for the goods, services and operating requirements of the office for each year, except expenses associated with accommodation. That Committee will act as the agent of Parliament in reviewing the annual estimate of expenditure and report thereon to its principal with such recommendations as it deems appropriate. When funds are allocated the Ombudsman will act on his own behalf in carrying out the administrative, managerial and controlling functions of his office and not be subject to public service regulations. All accounting of the office will be subject to audit by the Auditor General. To state the principle in the words of a colleague, the Legislature would then vote on figures in the Ombudsman budget which were truly scrutinised by their own representatives (the Joint Select Committee) without overtones of government control.

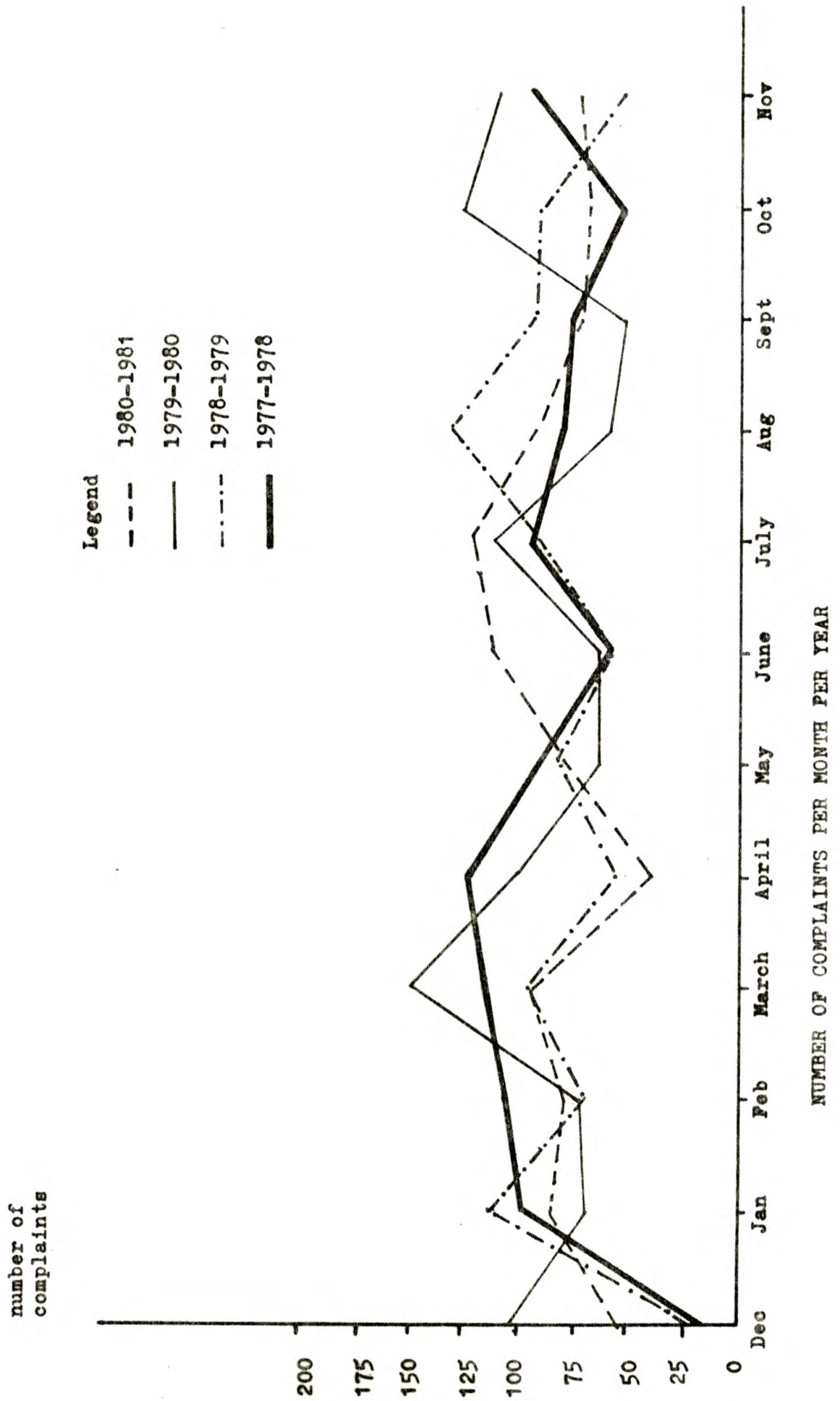
34. Such a Committee should also, as part of its functions, hold discussions with the Ombudsman on his Annual and Special Reports and serve as the instrument in influencing the Government to take action in matters arising out of the recommendations contained in such reports, but in no way interfere with the day-to-day running of the office.

Figure 1



NUMBER OF COMPLAINTS RECEIVED PER YEAR

Figure 2



PART II

SPECIAL AREAS OF CONCERN

- (a) Delays
- (b) Police Certificates of Character



6. SPECIAL AREAS OF CONCERN

(1) Delays

35. This is an illustration of the problem of delay. On the 13th July, 1979, a complainant was struck on the left side of his face with a piece of wood by an assailant, who was known personally to him. He reported the matter to the Police, was taken to Hospital and detained for eight days. An X-Ray examination disclosed that the complainant's jaw was fractured in three places.

36. Upon his release from hospital he went to the San Fernando Police Station to enquire what action the police had taken. He was informed by the Police Constable to whom he had made the report in the first place that enquiries were continuing. Several weeks later he returned to the station and was advised that the police had been unable to obtain a copy of the medical report as the doctor who had examined him was no longer in the public service. The complainant went to the doctor who advised him to tell the police to obtain a copy of the medical report directly from the hospital and bring it to him (the doctor) so that he could sign it.

37. On January 22, 1980 the complainant immediately advised the same police officer who had taken the report of the information provided by the doctor but was told that since the statutory limitation period of six months had expired nothing could be done.

JANUARY 24, 1980:- The complainant alleged that he had suffered an injustice and requested that I investigate his complaint that the Police had acted unreasonably in investigating his allegation of assault.

FEBRUARY 15, 1980:- I wrote to the Permanent Secretary, Ministry of National Security.

MAY 8, 1980:- Letter from Ombudsman to Permanent Secretary, Ministry of National Security requesting a report on the complaint.

MAY 29, 1980:- Letter from Permanent Secretary advising that the Commissioner of Police had been requested to forward a report on the matter.

SEPTEMBER 17, 1980:- Letter from Secretary to Ombudsman to Permanent Secretary, Ministry of National Security, requesting a report on the present status of the matter.

OCTOBER 7, 1980:- Reminder letter from Secretary to Ombudsman to Permanent Secretary, Ministry of National Security.

OCTOBER 23, 1980:- Reminder letter from Secretary to Ombudsman to Permanent Secretary, Ministry of National Security.

MARCH 17, 1981:- Letter from Permanent Secretary, Ministry of National Security requesting that the Ombudsman "forward copies of previous correspondence on matter".

APRIL 7, 1981:- Letter from Ombudsman's Office to Permanent Secretary, Ministry of National Security, enclosing all correspondence on the matter as requested.

MAY 1, 1981:- Letter from Secretary to Ombudsman to Permanent Secretary, Ministry of National Security enquiring as to the present status of the matter.

MAY 26, 1981:- Letter from Permanent Secretary to me advising that the "matter is still receiving attention".

SEPTEMBER 9, 1981:- Reminder letter from Permanent Secretary, Ministry of National Security to me asking for a reply to letter of March 17, 1981.

OCTOBER 14, 1981:- Reminder letter from Permanent Secretary, Ministry of National Security to me asking for reply to letter of March 17, 1981, to which we had replied on April 7, 1981.

38. As of the end of this reporting period I have received no report from the Ministry of National Security or the Commissioner of Police on this complaint. I have included this case in my Report because it illustrates the delaying tactics that some Ministries have used in responding to my letters of intent to investigate complaints that are brought to my attention. I would like to emphasize that this problem is by no means peculiar to the Ministry of National Security. I consider this a matter of grave importance because it goes to the root of the Ombudsman concept and such lack of co-operation on the part of Government Ministries and departments tends to undermine the authority and effectiveness of my office.

39. My practice is to notify the government organization complained about of my intention to investigate a complaint before commencing my investigation. I also provide the government organization with the subject matter of the complaint, invite it to make whatever representations it deems appropriate, and notify it that I will delay my investigation for a period of three weeks in order to allow it to make such representations. However, if no representations are forthcoming, I will proceed with my investigation.

40. Further, it is advantageous to the government organization to submit to me for my consideration its response to a complaint because such a response may adequately explain all the circumstances in the matter and give me the material to decide whether or not to investigate a complaint.

(ii) Police Certificates of Character

41. I have received numerous complaints from persons concerning the difficulty in obtaining police Certificates of Character (discussed on page 7) and the hardship suffered by them for criminal convictions registered against them for offences committed many years previously. In many of these cases, although the offences have been of a minor nature they are still reflected on the person's police Certificate of Character several years after the conviction was first recorded.



42. There appears to be no discretionary power on the part of the police to exclude minor convictions registered against an applicant for offences committed many years prior to the application.

43. My investigations disclose that there are no set guidelines for the police to follow regarding the issuance of certificates to persons who may have been convicted for a minor offence while they were teenagers. The Police have no alternative but to enter the conviction on the certificate irrespective of the consideration that the conviction was registered some twenty or thirty years previously, even though the applicant has never had a second conviction for any offence. It appears to me to be a grave injustice when for one lapse of a teenager that teenager should be punished for his lifetime.

44. However, my investigations into this matter have shown that some persons who have been convicted of offences have been granted the privilege of same being removed from their records for the purpose of obtaining a Certificate of Character to travel overseas. This being the case, the procedure is certainly inconsistent and discriminatory.

45. The most important concern, in my opinion, is the penalty imposed on citizens of this country for their lifetime, because the retention of a conviction on their police record (which is ultimately reflected on their Police Certificate of Character) affects their employment opportunities. It is well known that in order to obtain employment in certain fields persons must be precepted. However, they will not be precepted by the police if they have had any convictions registered against them, even those of a minor nature. If they are unable to obtain a precept they are being deprived of an opportunity to be gainfully employed. In my opinion such a situation acts contrary to the concept of rehabilitation and serves more to punish individuals rather than to reinstate them in society. As an example I have provided a typical case:



46. The Complainant was convicted in 1969, at the age of 17 years, for larceny of a flask of rum and a quantity of money from a telephone booth. In the same year he was also convicted for breaking into a school. He was placed on a bond of good behaviour for two years.

47. The Complainant has never since been charged with or convicted for any other offence. He is now a member in good standing of the Trinidad and Tobago Defence Force Volunteers. In February of 1982 he applied for the position of Estate Constable with the Airports Authority. He indicated on his application form that he had a previous conviction and also brought this to the attention of his prospective employers. Nevertheless, he was recruited and commenced training on 1st March, 1982, at the Police Barracks and later at the Airports Authority, Piarco Head Office. On the 5th June, 1982, he was posted at Piarco Airport where he continued his duties as an Estate Constable.

48. On 28th November, 1982, the complainant was dismissed by the Airports Authority because it had been unable to obtain a precept for him from the Police. He is now without employment.

49. There is good authority for saying that police records are confidential and to be used for police purposes alone, and to use it for any other purpose is a breach of confidentiality.

50. I think that it is of sufficient importance to this matter to quote in part from the DARBY COMMISSION OF INQUIRY, 1964, into the operation and effectiveness of the Trinidad and Tobago Police Service. The Commission had this to say regarding police certificates of good character:-

#### Fingerprint Section

"There are 24 officers including two in the country Divisions, one in San Fernando, and one in Scarborough, Tobago, employed in connection with the fingerprint duties. At Headquarters they deal with 100-120 sets of fingerprints in each working day. More than half of these are in connection with applications for Certificates of Good Character for employment, travel permits,

taxi drivers, pedlars' licences. The total number in the year of these applications is 12,229 out of a total number of 22,404 sets of prints. This means that there are 10,175 sets of prints in connection with prisoners who are charged by the Police.

We recognise that travel permits are necessary and some countries demand that a person wishing to gain entry should produce from the Police of his own country a Certificate of Good Character. Before this can be granted it is necessary for the Police to obtain fingerprints of the person concerned so as to be able to check the Records. This obviously is unavoidable so long as other countries make these demands. It seems to us also advisable to continue to take the fingerprints of taxi drivers and pedlars with the object of ascertaining whether or not they are men of good character. But beyond these we think it wrong that the Police should be called upon to issue Certificates of Good Character to persons attempting to obtain other means of employment. Needless to say this causes a great deal of work because we understand that a good 50% of the applications are of this category. Apart from the unnecessary work load, this must be bad for public relations, for those who are refused a Certificate by the Police will quite naturally complain that the Police have prevented them from getting work. We make one further point in this connection; Police Records are confidential and they should be used for Police purposes alone. The refusal of a Certificate will immediately indicate to a prospective employer that the person applying for the post is a convicted criminal. This is a breach of confidence, and we repeat, a wrong use of Police Records, and we recommend that this practice should be stopped.

This branch is undoubtedly understaffed, and this is accentuated by the fact that the officers concerned are continually having to attend to callers at the counter in the C.I.D. Office where applicants for Certificates mentioned above attend at all hours of the day. This is most disturbing to their work and must by itself militate against successful searching, and we recommend that they be relieved of this duty."

51. I would like to point out that this recommendation was never adopted and I have been advised that there is at present a sixteen month backlog of applications for Police Certificates of Good Character yet to be processed.

52. While I am in agreement with the opinions expressed by the Commission on this subject, I would go further to recommend that the Attorney General undertake an examination of the present system relating to the issuance of Police Certificates of Character with a view to implementing changes that will afford the citizens of our country similar opportunities available to those of other Commonwealth countries.

53. For instance, in Canada and the United Kingdom there is statutory provision for persons with criminal convictions registered against them, to apply to the competent authority to have such convictions removed from the record, if they are able to show that they have not been convicted of another criminal offence for a certain period of time after the first conviction was registered. In Canada this time period varies from two to five years depending on the type of offence involved. For instance, under the system in operation in Canada, a person convicted of an offence punishable on summary conviction would be eligible to receive a pardon two years after the appropriate sentence had been served. That is to say, if a person had been convicted on May 1, 1976, and sentenced to three months imprisonment, they would be eligible to obtain a pardon two years from the date the sentence was completed, or August 1, 1978, provided that he had not been convicted of another offence during that two year period. Once his pardon was granted such conviction could not be shown on a police Certificate of Character.

54. It may also seem strange to relate that if a Trinidadian residing in Canada was convicted of a criminal offence in Canada in 1976, and received a pardon in 1981, not only would the conviction be removed from the criminal records in Canada, but notification would be forwarded to the Police Service in Trinidad and Tobago of this action and it would be accordingly removed from the records in this country. In actuality, in Canada, once the pardon has been granted any record of the conviction that is in the custody of the police is sealed and kept separate and apart



from other criminal records.

55. I think that it is of sufficient importance to mention this problem in this report because I am of the opinion that some remedial action should be undertaken by the Attorney General's Department to rectify this appalling situation, in order to assist people who have been found guilty of a criminal offence, and having satisfied the sentence imposed, have subsequently shown that they are responsible citizens. Such a step would represent a formal recognised attempt to remove the stigma that so often restricts or adversely affects an individual's peace of mind, social endeavours, or career. A pardon indicates that the applicant has successfully reintegrated into society and therefore should once more enjoy his or her full rights as a citizen.

56. Accordingly, I propose to submit a special Report to Parliament after further research on this issue along with my recommendations. I am confident that the matter will be reasonably considered and action taken with a view to resolving this unsatisfactory situation.

PART III

DETAILED CASE HISTORIES

LETTERS OF THANKS

ACKNOWLEDGEMENTS

7. DETAILED CASE HISTORIES

Case No. 1

On the 5th July, 1978, the complainant wrote me, appealing for my assistance in a claim against the State.

The facts relating to the matter were sworn to before a Justice of the Peace. In his Affidavit the complainant deposed as follows:-

- "1. I am the registered owner of motor car No. P.G. 9557.
2. On the 10th April, 1968 a Post Office Van No. T.K. 7974 driven by Noel Lovelace, collided with my car at Claxton Bay and did considerable damages to same.
3. The driver Noel Lovelace was charged and convicted at the Couva Magistrate's Court about 18 months or more after the alleged date.
4. My car was repaired by the Agents H.E. Robinson & Co. Ltd. at a cost of \$741.88, and I was out of use of the said car for about six weeks.
5. After the conviction of the driver of the van, my Solicitors sent in a claim to the Post Master General (Government of Trinidad and Tobago) and the Accountant General's Department, only to be told that I am out of time.
6. Having got out of the time limit was no fault of mine.
7. I am therefore appealing to you Sir, to be good enough and use your office as to assist me with my claim, late as it may seem to be."

Added to the complainant's problem was the unfortunate situation that the two Solicitors whose services he had engaged were both deceased. It was against this background of frustration, fully ten years after the accident occurred, that the complainant came to me.

With the information supplied to me that his claim to the Postmaster General and the Comptroller of Accounts was not considered because of late submission, on the 10th August, 1978, I wrote the Honourable Attorney General and Minister for Legal Affairs, requesting that recommendation be made to Cabinet for an ex-gratia payment to the complainant.

We vigorously pursued the matter and on the 8th July, 1982 the Permanent Secretary, Ministry of Public Utilities and National Transportation advised me that an ex-gratia award had been approved for the complainant in the sum of one thousand, one hundred and sixty-one dollars and eighty-eight cents and that the Comptroller of Accounts has been requested to make payment.

I was gratified with the result of my investigation but appalled that it should take a citizen approximately fourteen years to achieve his just due.



Case No. 2

I received a complaint from a member of the Teaching Service alleging that she had sustained an injustice as a result of a fault in administration, in that she was wrongly retired from that Service on medical grounds.

By letter dated 11th January, 1980 she alleged that more than thirty (30) years ago she had undergone surgery for a hip fusion. She stated that in November 1977 she suffered severe pains in her hip and was granted twenty eight (28) days sick leave. She resumed duty on 6th December, 1977 and worked up to April, 1978. The pain persisted, and after several x-rays her physician, Dr. X, recommended that she seek medical attention abroad. This was endorsed by a Surgeon, Mr. Y, F.R.C.S.

She applied to the Ministry of Education for permission to proceed to Canada and on April 3, 1978 she was granted two (2) weeks leave prior to her departure. On April 15 she was granted a further period of extended sick leave.

On her return to the Country in September 1978, she continued on sick leave and resumed duty on the first working day in January 1979. Sometime in February 1979 she received a communication from the Ministry of Education instructing her to attend the Orthopaedic Clinic in Port of Spain for an examination by a Medical Board on 10th May, 1979. She attended the clinic and was interviewed (not examined) by the Board which comprised one (1) doctor.

On 4th February, 1980, she received a letter from the Teaching Service Commission retiring her from the Teaching Service on medical grounds. On the 15th February she addressed a reply to the Commission but, to the date of the complaint to me, she had not received so much as an acknowledgment of her letter.

On 15th February, 1980 she made representations to the Teaching Service Commission but up to date of writing (March 20, 1980) she had not received any reply. Subsequently, she visited my office with a reply from the Teaching Service Commission dated 19th March, 1980 indicating that the Permanent Secretary, Ministry of Health had been requested to arrange for her re-examination by a Medical Board to determine her fitness for retention in the Teaching Service.

On 9th April, 1980 I wrote the Permanent Secretary, Ministry of Education and Culture as he then was outlining the complainant's complaint and requesting an early report on the matter leading up to his recommendation to the Teaching Service Commission for the complainant's examination by a Medical Board. On the same date I also directed a letter to the Director of Personnel Administration stating the substance of Miss X's complaint and requesting that arrangements for Miss X's re-examination by a Medical Board should be deferred.

In due course I received a reply from the Director of Personnel Administration and the Permanent Secretary, respectively. The former stated that the matter was out of the Commission's hands since by memorandum dated 29th February, 1980 it had already requested the Ministry of Health to arrange for complainant's re-examination by a Medical Board. The Permanent Secretary submitted a full report leading up to the Ministry's recommendation to the Director of Personnel Administration for Miss X's re-examination by a Medical Board. That report was substantially the amount of sick leave complainant had had.

It pointed out that the policy of the Ministry provided that Extended Sick Leave with full pay would be limited to the first six months and if the illness continued beyond that period, half pay leave would apply until the Teacher had retired on medical grounds or resumed duty. Further, in all cases a Medical Board is required to determine fitness for further duty.

The main question in this matter is that the bodily infirmity for which complainant had been medically boarded had existed since 1951 when she underwent surgery for a hip fusion and in 1978, as she was finding it difficult to walk without support (cane) due to pain, surgical intervention became necessary and in the absence of full facilities for this type of procedure in Trinidad, it was recommended by her Medical advisers, that she should be allowed to travel abroad for further Management. It appeared to me that unless it could be proved that Miss X, who had given several years of her life as a teacher, was found to be medically unfit to perform her duties, by a properly constituted Medical Board, it would be unjust to terminate her services before the retirement age.

By letter dated 31st July, 1980 I received a letter from the Permanent Secretary, Ministry of Education and Culture informing me that the Teaching Service Commission had revoked its decision to retire Miss X and that Miss X had been requested to report for duty on 8th September, ..... on the re-opening of school. Further that all emoluments due to Miss X had been paid and were deposited at her Bank.

The Complainant sent me a letter with a card enclosed thanking me for the thoughtfulness and the assistance of my office.



Case No. 3

A complainant reported to me that in 1969 he was charged by the Police for using obscene language and throwing missiles. His case was heard in 1970 and he was discharged under section 68 of the Summary Court Ordinance which reads as follows:-

"68(1) Where any person is charged before a Court with an offence punishable by the Court, and the Court thinks that the charge is proved, but is of opinion that having regard to the character, antecedents, age, health, or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances in which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, the Court may, without proceeding to conviction, make an order either -

- (a) dismissing the complaint or charge; or
- (b) discharging the offender conditionally on his entering into a recognisance, with or without sureties, to be of good behaviour and to appear for conviction and sentence when called on at any time during such period, not exceeding three years, as may be specified in the order."

In July 1979 the complainant joined the Police Service as a Driver in the Special Reserve Police Department and received a precept.

On the 19th March, 1980 he tendered his resignation and surrendered his precept. He subsequently joined a State enterprise as an Estate Constable. One of the prerequisites for such an appointment was that he should be the holder of a precept. He attended the Police Station in his district and his fingerprints were taken as was required. He was subsequently advised that a precept would not be issued to him in view of the previous conviction above-mentioned. On September 17, 1981 the complainant alleged that he had suffered an injustice as a result of a fault in administration.

I immediately wrote the Commissioner of Police and he reported as follows:-

"I refer to previous correspondence on the above subject, ending with your letter dated 21st October, 1981 and to inform you that Mr. X was found guilty at the Magistrate's Court on 13th February, 1970 for the offences of Obscene Language and Throwing Missiles.

Although he was discharged under Section 68 of the then Summary Courts Ordinance, the fact that he was found guilty by the Presiding Magistrate indicated that he did, in fact, commit the offences for which he was charged.

In this setting, he was deemed unfit to be a member of the Supplemental Police, and cannot be precepted as an Estate Police Officer."

I advised the complainant on the letter from the Commissioner of Police and in particular the last paragraph. He said that he had resigned from the Special Reserve Police because of the higher salary in his new job, and provided me with copies of his letter of resignation and a letter from his Adjutant, which indicated inter alia that ".....during his period of employment his work and conduct were satisfactory."

After discussion with the Police Department the precept was issued to the complainant and the alleged injustice was remedied.

Complainant expressed thanks for obtaining his precept and thereby securing his new job.

#### Case No. 4

Mrs. X an Agriculturist of humble circumstances and a mother of two infants made a complaint to me that she was travelling to a country within the Caricom region and had in her possession ten thousand, seven hundred dollars (\$10,700) T.T. This sum was forfeited by the Customs and Excise Department at Piarco since she had failed to obtain permission to take the money out of the country. She stated that it was the first time she had been travelling out the country and was ignorant of the law governing Exchange Control.

I wrote to the Permanent Secretary, Ministry of Finance and suggested that the Minister of Finance may well be prepared to exercise his discretion in all the circumstances of this particular case. I received an early reply from the Permanent Secretary acknowledging my letter and stating that the matter was receiving immediate attention. Further, that the comments from the Director of Exchange Control must be obtained before Cabinet is asked to agree to the refund of currency.

The Director of Exchange Control after careful consideration stated that he was not prepared to object to the release of funds on compassionate grounds. Sometime later, I received a letter from the Permanent Secretary indicating that approval had been conveyed for the restoration to Mrs. X of two-thirds of the amount seized.

This case is reported not only because in my view justice was done but because of the humane and expeditious manner in which the Ministry of Finance reacted to my letter.



Case No. 5

A senior citizen complained to me about difficulties he was experiencing in having his application for old age pension finalised. He pointed out that he was interviewed by the Social Welfare Department but because he was a retired daily-paid worker with Government and had received retirement benefits he was advised to provide documentary evidence as to the disbursement of those funds. Most of the severance pay benefits was used to liquidate debts contracted with relatives and friends and consequently he was unable to provide documentary evidence to support his explanations. He claimed that his inability to produce the documents was hindering the progress of his application.

I wrote the Director, Social Welfare Division outlining the complainant's case and following upon my investigations, the complainant was requested to attend a Local Board Meeting for further consideration to be given to his application.

The complainant's application was favourably considered and he is now in receipt of an old age pension.

This is an illustration of the ready co-operation that is given to my office by some Government Departments.

Case No. 6

Mr. X complained to me that a matter against a member of the Police Service came up for hearing in a Magistrate's Court and was dismissed because he (the complainant) was unable to produce medical testimony of the injuries he had suffered. He pointed out that since it was his intention to proceed civilly against the person involved, for assault in the Supreme Court, he needed the medical report of the doctor who attended to him at the Casualty Department, Port of Spain General Hospital. He claimed that the information sought was being denied him by the Hospital Authorities.

I immediately wrote to the Hospital Medical Director requesting the necessary information and was advised that Mr. X's Casualty Card could not be located.

In the course of my investigations, I enquired as follows:

- (a) what procedure is used in the filing of medical records;
- (b) where are medical records kept;
- (c) what action is taken when records are reported missing,

and was informed that -

- "(a) medical records at the Accident and Emergency Department are filed numerically;
- (b) medical records are kept in unlocked cabinets, open wooden boxes, and open standing shelves; and
- (c) when a record is discovered missing we continue to search diligently."

Thereupon I informed the Permanent Secretary that I was of the opinion that Mr. X has sustained an injustice in consequence of a fault in administration and that it was my view that it was of sufficient public importance to citizens that Medical Records are safely kept. As a result, I was affording him the opportunity to state in what way and how soon the fault can be remedied.

I later received a reply requesting copies of previous correspondence which I have supplied.

My investigations are continuing.

Case No. 7

The complainant, a daily rated worker, complained to me that after serving in the Ministry of Health and Environment for over twenty years, he received on retirement, the sum of Nine hundred and sixty-six dollars and sixty cents (\$966.60). He found this sum to be wholly inadequate for his service. My investigation commenced by directing a letter to the Chief Personnel Officer on the matter.

In his reply he informed me that employees were entitled to receive severance pay for the "effective years of service" over the retirement age of 65 years to be computed in accordance with the formula at Article XVI - Severance Pay - of the Joint Negotiating Committee Memorandum of Agreement, 1978-1980.

The relevant section reads as follows:-

"ARTICLE XVI - SEVERANCE PAY

- (a) An employee with one or more effective years of service shall, if he is retrenched or laid off be paid severance benefits on the following basis:-

- |                             |   |   |
|-----------------------------|---|---|
| 1-4 effective years         | - | 2 weeks full pay for each year of completed service;      |
| 5-9 effective years         | - | 3 weeks full pay for each such year of completed service; |
| 10 effective years and over | - | 4 weeks full pay for each such year of completed service; |

at his current rate of pay".

That in the instant case the complainant was entitled to receive additional benefits and the Ministry was requested to pay such additional benefits to the complainant.

I communicated this information to the complainant and requested him to inform me when payment was made so that his file could be closed. Regrettably, he has not responded to my request.

Some persons think that if they are successful in obtaining some financial redress, my office will demand a fee, but I have publicised in every form that No Fee is required from a complainant by the Office of the Ombudsman. Our services are free and complainants are under no obligation.



Case No. 8

The complainant, a mother of children, applied to the Town and Country Planning Division for outline approval to erect a dwelling house on land which she owned at Crown Point.

By letter dated May 12, 1977 she was informed that outline approval was refused because in the Development Plan being prepared under Section 5 of the Town and Country Planning Ordinance, the subject land is to be allocated for light industrial uses.

Subsequently, the complainant wrote the Prime Minister against the decision of the said Town and Country Planning Division and was informed by letter dated June 14, 1977 that the letter was sent to the Minister in the Ministry of Finance for his attention. She has heard nothing since. It was in these circumstances, that the complainant sought my assistance in getting a reply. Her complaint reached me in April 1979.

On April 14, 1979 I wrote the Director, Town and Country Planning Division asking to know the reasons for the delay in this matter. The acknowledgement of my letter came on June 18, 1979 after two reminders were issued on May 16 and June 13, 1979 respectively to the effect that "as soon as this matter is determined we will communicate with you."

Subsequent to this information, reminders were again sent out to the Director on July 9, August 16 and October 4, 1979 respectively.

By letter dated April 17, 1980 the Director of the Town and Country Planning Division said, inter alia,:

"I wish to advise that the Permanent Secretary, Ministry of Finance, acting on a directive from the then Honourable Minister, instructed the Director, Town and Country Planning Division, to have an audience with Mrs. X, to explain to her the Division's reason for not recommending the development of her land for residential uses.

This audience was given to Mrs. X at our Tobago Office and the reasons for the allocation of the area for light industrial uses were explained to her. She was advised, if she so desired, to refer our letter to the Industrial Development Corporation, which agency showed a great deal of interest in the land, as there is a dearth of land for this type of use in Tobago. The Division was not requested to submit a formal report to the Advisory Panel.

Notwithstanding the above however, recent developments have indicated that the subject parcel would be affected by future expansion of the Crown Point Airport. This would only be determined when the plans are submitted to Cabinet for approval by the Consultants around the middle of 1980. If the proposals are accepted, then the subject parcel would form the basis of an acquisition procedure by the State."

On October 27, 1980 I wrote the Minister of Finance outlining the facts as I saw then and indicated as follows:-

"Mrs X is a mother with children living apart from her husband. She has no home of her own. While she might ultimately stand to benefit by the use of her land for industrial purposes her immediate concern is to get somewhere to house herself and her children. On these facts, on the face of it, in common sense and justice, it is clear that the appropriate relief is housing for the complainant. I am therefore requesting that some arrangement be made for housing the complainant pending a decision by Government on the expansion of the Crown Point Airport."

By letter dated May 6, 1981, the Permanent Secretary, Ministry of Finance, responded in these terms:-

"On the question of alternative housing for Mrs. X, I wish to advise that this matter has been passed on to the appropriate agency for necessary action. You may wish however to advise Mrs. X. that she could make a formal application to the National Housing Authority."

By letter dated September 7, 1981, I requested the complainant to fill out an application for an alternative site and send it to the National Housing Authority.

By letter dated November 3, 1981, I also wrote the Executive Director of the National Housing Authority putting fully the complainant's matter before him and requesting that in the particular circumstances of this case the application for a building lot should be treated as a special case.

By letter dated August 23, 1982, the Permanent Secretary, Ministry of Housing and Resettlement agreed that the complainant should be awarded a building lot at Bon Accord Housing Development and that the Acting Executive Director, National Housing Authority had been informed accordingly.

I was indeed happy to inform the complainant of the decision taken to award her a building lot at Bon Accord, for this I am sure could bring some measure of relief to her and her family.

LETTERS OF THANKS

The Ombudsman of Trinidad and Tobago,  
Office of the Ombudsman,  
St. Ann's Avenue,  
St. Anns.

Sir,

This is to inform you that my phone was connected a few days ago. I am so very grateful for your kind and timely intervention for it was only after your enquiries on my behalf was my letter acknowledged.

I am truly thankful. Keep up the good work Sir,

Yours thankfully,

R.F.P.

The Ombudsman of Trinidad and Tobago,  
Office of the Ombudsman,  
St. Ann's Avenue,  
St. Anns.

Sir,

I would like to report that Telephone No. xxxxxxxx was finally re-installed at ~~xxxxxxx~~ Avenue on 9th June, 1982.

The Telephone Company did not completely follow through your instructions given months ago, and the Public Utilities Commission was informed.

I would like to thank you most sincerely for your concern and interest in this matter.

Yours sincerely,

Ms C.E.M.



The Honourable Ombudsman,  
Office of the Ombudsman,  
St. Ann's Avenue,  
St. Anns.

Dear Sir,

I received your letter dated 30th June, 1982 requesting my confirmation for payment from the Trinidad and Tobago Telephone Company.

In March Mr. X, my Solicitor showed me a letter stating that TELCO had settled with me payment for \$23,150.00 for which \$20,000.00 was damages and costs. He informed me that the only cost I shall receive was \$1,650.00, that was what I paid to Mr. Y and associates for their assessment.

In June 1982 Mr. X called to say he had received a cheque in settlement, and to come and collect same. The following day I went to collect the cheque made out in my favour by him for \$21,650.00. The balance of \$1,500.00 having been retained by him as his fee.  
.....

He asked me to sign the settlement documents which I did and which from his information were correct.

Again, with sincere thanks in this matter.

Yours respectfully,

Mrs. L.L.R.

The Ombudsman of Trinidad and Tobago,  
Office of the Ombudsman,  
St. Ann's Avenue,  
St. Anns.

Sir,

I would like to officially commend you and your staff for a job well done.

I was employed with the TRINIDAD AND TOBAGO ELECTRICITY COMMISSION as an Estate Constable Recruit on the 14th April, 1980. In order to become a Permanent Estate Constable I had to be precepted by the Commissioner of Police.

On making my application for a precept I was being told by the Corporal in charge of precepts that I would not be precepted.

Quick action by you and your staff caused my precept to be secured.

The initiative displayed expecially by your Chief Investigator is highly commendable.

I wish to thank you and your staff once more for the job they have done for me especially your Chief Investigator who tried his utmost best to see that my job is being secured.

Thank you once again for a job well done, and I do hope that the high standard of your department would continue for years to come.

Yours faithfully,

Sgd. Mr. X

The Ombudsman of Trinidad and Tobago,  
Office of the Ombudsman,  
St. Ann's Avenue,  
St. Anns.

Sir,

I write to thank you for your assistance in getting the Guy wire removed by Trinidad and Tobago Electricity Commission from my premises at Julie Moses Avenue, Arima.

I also like to say special thanks for the kind and encouraging assistance I received from your Clerk.

Yours truly,

A.M.

ACKNOWLEDGEMENTS

Finally, I should like to place on record my appreciation for the loyalty and support of the members of my staff. Also I would like to add a special word of thanks to the staff of the various Ministries and Government departments who have given me their fullest co-operation during this recording period.



#### PART IV

##### APPENDICES

Statistical Tables	..	..	..	..	..	..	..
Constitution of the Republic of Trinidad and Tobago Act No. 4 of 1976, Part 2	..	..	..	..	..	..	..
Third Schedule to the Constitution	..	..	..	..	..	..	..
Ombudsman Act, 1977	..	..	..	..	..	..	..
Map of Trinidad and Tobago	..	..	..	..	..	..	..

TABLE NO. 1

Summary of complaints filed since inception of the Office  
of the Ombudsman to 5th December, 1981

	<u>Total</u>	<u>Percentage of total</u>
Total number of complaints filed	4,143	-
Total number of complaints without jurisdiction	1,249	30.1
Total number of complaints proceeded with	2,894	69.9
Total number of complaints closed	3,665	
Within jurisdiction	2,416	65.9
Without jurisdiction	1,249	34.1

TABLE NO. 2

Summary - Statistics on complaints received  
during period December 6, 1980 to  
December 5, 1981

	<u>Total</u>	<u>Percentage of Total</u>
Total number of complaints received	977	-
Total number of complaints without jurisdiction	359	36.8
Total number of complaints proceeded with	618	63.2
Total number of complaints concluded		
Sustained	238)	
Not sustained	70)	57.4
Discontinued	43)	
Withdrawn	4)	
Total number of complaints under consideration	263	42.6

TABLE NO. 3

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

	<u>Total</u>	<u>Percentage of</u> <u>total</u>
Total number of complaints brought forward from last report (December 6, 1979 to December 5, 1980)	469	-
Total number of complaints received in 1981	<u>977</u>	
Total .. .. .	1446	-
Total number of complaints without jurisdiction	359	24.8
Total number of complaints proceeded with	1087	75.2
Total number of complaints concluded		
Sustained           426)		
Not sustained      112)		
Discontinued       64)	609	56.0
Withdrawn           7)		
Total number of complaints under consideration	478	44.0



TABLE NO. 4  
Number of Complaints per month

		<u>Percentage of</u> <u>total</u>	<u>Average</u>
6th to 31st December, 1980	60	6.1	
January	86	8.8	
February	79	8.0	
March	95	9.7	
April	41	4.2	
May	81	8.3	
June	108	11.0	81.4
July	120	12.2	
August	91	9.3	
September	74	7.6	
October	70	7.1	
November	55	5.6	
1st to 5th December, 1981	<u>17</u>	1.7	
	977		
	==		

TABLE NO. 5

MINISTRY OF AGRICULTURE, LANDS AND FOOD PRODUCTION  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Victimization	Not sustained
2.	Delay in granting final approval for loan to extend cottage industry	Rectified
3.	Delay in handling application for loan	Not sustained
4.	Dissatisfied at not being preferred for a parcel of land	Not sustained
5.	Assistance in obtaining possession of a parcel of land	Discontinued
6.	Delay in processing application for parcel of land	Discontinued
7.	Discrimination in dealing with occupants of a parcel of land	Withdrawn
8.	Refused application for loan	Under investigation
9.	Failure to receive promised alternative accommodation	Not sustained
10.	Delay in payment of Workmen's Compensation	Advised
11.	Delay in payment of compensation for land compulsorily acquired	Under investigation
12.	Discrimination in making further payments to some farmers	Under investigation
13.	Discrimination in demolishing house	Under investigation
14.	Delay in granting request for transfer of tenancy of parcel of land	Under investigation
15.	Assistance in obtaining adequate portion of land	Under investigation
16.	Delay in processing application for parcel of land	Under investigation
17.	Delay in consideration of request for lease of land	Under investigation
18.	Delay in processing application for parcel of land	Under investigation
19.	Failure to receive superannuation benefits	Under investigation
20.	Unreasonable and unlawful suspension of salary	Under investigation
21.	Delay in settling request for transfer of tenancy	Under investigation
22.	Delay in processing application for parcel of land	Under investigation
23.	Delay in obtaining transfer of tenancy	Under investigation
24.	Delay in settling claim for wages due	Under investigation
25.	Prevented from constructing house because of proposed acquisition of land	Under investigation
26.	Problems experienced in removing squatters from land allocated to him	Under investigation
27.	Delay in payment of compensation for land acquired by Government	Under investigation
28.	Delay in payment of compensation for land acquired by Government	Under investigation
29.	Delay in payment of compensation for damaged crops	Under investigation

TABLE NO. 5—Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
30.	Failure to receive payment for land acquired by Government	Under investigation
31.	Delay in obtaining lease for a parcel of land	Under investigation
32.	Discrimination in demolishing house	Under investigation
33.	Delay in obtaining lease for a parcel of land	Under investigation
34.	Delay in payment of compensation for damaged crops	Under investigation

MINISTRY OF AGRICULTURE, LANDS AND FOOD PRODUCTION  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Unjust and partial appointments made to permanent list of daily paid workers	Referred
2.	Dissatisfied with the repossession of her allotments	Premature
3.	Failure to obtain house lot	Premature
4.	Discrimination in appointing officers	No jurisdiction
5.	Denied promotion	No jurisdiction
6.	Denial of promotion and consequent loss of earnings	Advised
7.	Permission to install lights and water on State lands	No jurisdiction

CARONI LTD.  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Encroachment on land	Discontinued

CARONI LTD.  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Dissatisfied with status of employment	No jurisdiction

MINISTRY OF EDUCATION AND CULTURE  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Failure to get teaching appointment	Advised
2.	Frustrated in not receiving justified permanent appointment	Discontinued
3.	Delay in obtaining Identification Card - Election and Boundaries	Rectified
4.	Reduction of pay - Election	Rectified
5.	Delay in finalising charges following suspension of duty	Rectified
6.	Delay in payment of arrears of salary	Rectified
7.	Delay in payment of arrears of salary	Rectified
8.	Delay in payment of retirement benefits	Rectified
9.	Difficulties being experienced in obtaining transfer	Withdrawn
10.	Denied full graduate Teacher II status	Under investigation
11.	Assistance in securing re-employment	Advised
12.	Failure to accept child assigned to the school	Under investigation
13.	Failure to get use of Sports Complex although permission was granted	Under investigation
14.	Failure to receive retirement benefits	Under investigation
15.	Delay in payment of retirement benefits	Under investigation
16.	Failure to receive superannuation benefits	Under investigation
17.	Assistance in securing re-employment in the Public Service	Advised
18.	Delay in obtaining salary as Estate Constable and receiving uniforms	Under investigation
19.	Delay in handling representation with respect to superannuation benefits	Under investigation
20.	Delay in being absorbed in department	Under investigation
21.	Failure to receive salary and travelling claims for period May 23, 1979 to July 11, 1980	Under investigation
22.	Delay in having post reclassified	Under investigation
23.	Lack of school in the area	Under investigation
24.	Obstructed from communicating with children	Under investigation



TABLE NO. 5—Continued

MINISTRY OF EDUCATION AND CULTURE  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Discrimination in promoting officers junior to him	No jurisdiction
2.	Misconduct of Vice Principal	No jurisdiction
3.	Assistance in obtaining advance of one month's salary	Premature
4.	False statements made to deprive him of promotion	Premature
5.	Assistance in obtaining compensation for loss of sole means of livelihood	No jurisdiction
6.	Unfair dismissal	No jurisdiction

MINISTRY OF FINANCE  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Non payment of Income Tax Return	Discontinued
2.	Delay in obtaining death benefits	Rectified
3.	Failure to obtain salary for period under medical attention	Advised
4.	Failure to have building plans approved	Discontinued
5.	Error in the computation of retirement benefits	Rectified
6.	Refusal to give outline approval for excision of three plots of land	Advised
7.	Refusal to have name inserted in the assessment roll	Advised
8.	Refusal to grant permission to sub-divide lands	Advised
9.	Delay in payment of compensation for land acquired by Government	Rectified
10.	Difficulty being experienced because of severe drop in income	Discontinued
11.	Delay in payment of superannuation benefits	Rectified
12.	Refusal to deliver mail addressed to complainant's Post Office	Discontinued
13.	Delay in payment of outstanding money due and owing	Rectified
14.	Error in the amount paid as gratuity	Rectified
15.	Refusal of application for refund of contributions to Widows' and Orphans' Fund	Not sustained

TABLE NO. 5—Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
16.	Dissatisfied with amount offered for acquisition of house and land (L. A.)	Discontinued
17.	Dissatisfied with having to pay house tax from 1980	Advised
18.	Delay in processing application for pension	Rectified
19.	Delay in payment of benefits due	Rectified
20.	Dissatisfied with reassessment of Income Tax for years 1975 to 1977	Advised
21.	Incorrect amount of arrears of pension paid	Not sustained
22.	Dissatisfied with the refusal of his application	Advised
23.	Delay in payment of salary	Rectified
24.	Delay in the assessment of property	Not sustained
25.	Unlawful dismissal (B.W.I.A.)	Referred
26.	Loss of one cartoon (B.W.I.A.)	Advised
27.	Non payment of retirement benefits	Not sustained
28.	Failure to keep proper record of payment	Not sustained
29.	Delay in payment of compensation for land acquired by Government	Discontinued
30.	Inexorbitant purchase tax	Rectified
31.	Overpayment of Land and House Tax	Rectified
32.	Delay in payment of outstanding severance benefits	Rectified
33.	Dissatisfied with the present taxing system	Advised
34.	Failure to secure pension on retirement	Not sustained
35.	Delay in clearing goods - Customs	Discontinued
36.	Delay in payment of superannuation benefits	Rectified
37.	Failure to obtain compensation for crops damaged	Advised
38.	Asked to vacate Government quarters occupied prior to husband's death	Rectified
39.	Delay in payment of gratuity	Rectified
40.	Failure to reply to correspondence	Rectified
41.	Excessive taxation	Advised
42.	Delay in obtaining compensation for land acquired by Government	Advised
43.	Dissatisfied with assessment of Income Tax	Not sustained
44.	Refusal of import licence (Industry and Commerce)	Rectified
45.	Assistance in securing deceased brother's pension	Advised
46.	Failure to supply detailed statement of account of expenditure	Rectified
47.	Lack of postal services in the area	Rectified
48.	Delay in processing estate duty	Rectified



<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
49.	Failure to reply to correspondence	Not sustained
50.	Money illegally taken from salary	Advised
51.	Delay in settling bill (I.D.C.)	Rectified
52.	Insufficiency of gratuity paid on retirement	Not sustained
53.	Alleged discrimination in not granting refund of fees	Not sustained
54.	Non receipt of communication regarding enquiries about a Widows Pension	Advised
55.	Assistance in having retirement benefits revised	Advised
56.	Delay in payment of outstanding sums due to death	Rectified
57.	Delay in payment of Widows' and Orphans' Pension	Rectified
58.	Non payment of compensation for duties performed	Under investigation
59.	Refusal to refund balance of provident fund payments	Under investigation
60.	Wrongful assessment in Income Tax Return	Advised
61.	Delay in approving application for purchase of U.S. currency	Under investigation
62.	Error in the computation of gratuity	Under investigation
63.	Delay in payment of superannuation benefits	Under investigation
64.	Delay in getting outstanding pension due to deceased husband	Rectified
65.	Failure to obtain widow's allowance	Under investigation
66.	Denied assistance in obtaining Students' Revolving Loan	Under investigation
67.	Failure to refund sum of money confiscated from him (Central Bank)	Under investigation
68.	Delay in payment of retiring benefits	Under investigation
69.	Failure to receive severance benefits	Under investigation
70.	Refusal to accept application unless signed by owner of land	Under investigation
71.	Delay in payment of superannuation benefits	Under investigation
72.	Delay in payment of superannuation benefits	Under investigation
73.	Dissatisfied with the location of the headquarters of the garbage collection firm	Under investigation
74.	Unbearable noise and pollution caused by Engineering Works	Under investigation
75.	Delay in payment of retiring benefits	Under investigation
76.	Error made in computing severance pay	Under investigation
77.	Error in computation of gratuity and other benefits	Under investigation
78.	Delay in settling dispute with Association	Under investigation
79.	Delay in paying refund of money	Under investigation
80.	Dissatisfied with amount received as severance pay	Under investigation

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
81.	Refused to grant permission to sub-divide lands	Under investigation
82.	Illegal opening of restaurant	Under investigation
83.	Delay in payment of gratuity	Under investigation
84.	Refusal to have name inserted on the assessment roll	Under investigation
85.	Failure to get redress for defective refrigerator (Industry)	Under investigation
86.	Excavation of lands endangering nearby houses (T.&C.)	Under investigation
87.	Delay in acknowledging reply to objections filed	Under investigation
88.	Dissatisfied with the increase of ward rate	Under investigation
89.	Ill-effect of action taken in reclaiming 8 acres of sea bed	Under investigation
90.	Delay in payment of acting allowances (Public Utilities)	Under investigation
91.	Difficulty experienced in getting back husband's birth certificate	Under investigation
92.	Delay in processing Income Tax Return for 1979	Under investigation

MINISTRY OF FINANCE  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Refusing to accept building and land taxes	Premature
2.	Victimization	Premature
3.	Dissatisfied with assessment of estate	No jurisdiction
4.	Delay in payment of compensation for land acquired by Government	Premature
5.	Refusal to pay compensation for goods lost	Premature
6.	Failure to receive increment	Premature
7.	Failure to acknowledge receipt of application	Premature



MINISTRY OF HEALTH AND ENVIRONMENT  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in securing medical report	Rectified
2.	Discrimination in filling vacancies	Rectified
3.	Request for psychiatric help	Referred
4.	Assistance in obtaining medical treatment	Referred
5.	Failure to obtain medical records	Referred
6.	Discrimination in filling vacancies	Not sustained
7.	Dissatisfied with reasons given for cause of death of husband	Not sustained
8.	Refusal to refund money paid for an operation	Advised
9.	Beaten and man-handled by security officers	Discontinued
10.	Non selection into the Nursing Assistant Programme	Referred
11.	Failure to receive compensation for medical expenses incurred	Discontinued
12.	Assistance in receiving whatever benefits possible	Advised
13.	Delay in payment of outstanding increments	Rectified
14.	Victimization - Deprived of promotion	Discontinued
15.	Delay in payment of arrears of salary	Rectified
16.	Delay in refund of fees paid for medical report	Rectified
17.	Delay in processing request for identification of signature	Rectified
18.	Inability to secure medical report	Under investigation
19.	Refusal to provide particulars concerning enquiry	Under investigation
20.	Refusal of claim for compensation for injury sustained	Under investigation
21.	Delay in meeting request for a medical report	Under investigation
22.	Refusal to allow reconstruction of cattle pen	Under investigation
23.	Suspended from duty without any reasons given	Under investigation
24.	Delay in having septic tank emptied	Rectified
25.	Assistance in obtaining compensation for work done	Referred
26.	Discrimination in appointment of officers	Under investigation
27.	Inability to obtain copies of medical and autopsy reports	Under investigation
28.	Failure to receive statement of deductions from wages	Under investigation
29.	Incorrect procedures in taking IVP X-Rays causing damage to leg	Under investigation
30.	Failure to receive medical treatment at Casualty Department	Under investigation

TABLE NO. 5—Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
31.	Difficulty experienced in securing medical report	Under investigation
32.	Unable to get reason for deferring transfer pending outcome of Appeal	Under investigation
33.	Incorrect procedures in taking X-Ray causing damage to left leg	Under investigation
34.	Delay in receipt of payment for damage done to apiary	Under investigation
35.	Delay in hearing inquest	Under investigation
36.	Delay in receiving retirement benefits	Under investigation

MINISTRY OF HEALTH AND ENVIRONMENT  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Failure to be appointed to post of Transport Foreman	No jurisdiction
2.	Discrimination in appointing officers junior to him	No jurisdiction
3.	Unjustly suspended from duty	No jurisdiction
4.	Assistance in having charge of obstruction withdrawn	No jurisdiction
5.	Discrimination in appointing officers junior to him	No jurisdiction

JUDICIARY - SUPREME COURT  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in hearing High Court Action	Rectified
2.	Delay in hearing criminal matter	Rectified
3.	Delay in hearing criminal court matter	Not sustained
4.	Delay in hearing High Court Action	Advised
5.	Delay in obtaining Notes of Evidence	Rectified
6.	Delay in payment of wages for work done	Rectified
7.	Delay in hearing Preliminary Inquiry	Rectified
8.	Delay in hearing criminal appeal	Rectified
9.	Removal of case from the court list	Rectified
10.	Delay in hearing criminal matter	Rectified

<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
11.	Delay in hearing High Court Action	Not sustained
12.	Delay in hearing High Court Action	Rectified
13.	Request for Judge's Summing Up and Notes of Evidence	Rectified
14.	Failure to acknowledge correspondence	Not sustained
15.	Delay in delivering Judgment in the Court of Appeal	Rectified
16.	Unfair dismissal of a Magistrate's Court case	Not sustained
17.	Assistance in obtaining information on a High Court matter	Advised
18.	Delay in hearing High Court Action	Not sustained
19.	Judgment improperly obtained because of non-service	Not sustained
20.	Assistance in finding out decision of a High Court Action	Rectified
21.	Delay in the hearing of a criminal matter	Rectified
22.	Request for copy of Judgment	Rectified
23.	Alleged injustice and violation of human rights	Discontinued
24.	Fearful that he would not be granted bail	Not sustained
25.	Delay in hearing High Court Action	Not sustained
26.	Assistance in ascertaining the position of High Court Action	Rectified
27.	Case dismissed without hearing	Not sustained
28.	Delay in hearing Appeal Court matter	Rectified
29.	Delay in hearing Criminal Court matter	Rectified
30.	Delay in giving reasons for decision in a matter	Rectified
31.	Delay in obtaining legal aid	Rectified
32.	Delay in hearing High Court Action	Advised
33.	Delay in hearing High Court Action	Not sustained
34.	Delay in obtaining Notes of Evidence and Judge's Summing Up	Rectified
35.	Delay in obtaining judgment	Rectified
36.	Delay in supplying reasons for decision	Rectified
37.	Delay in hearing Court matter	Not sustained
38.	Failure to locate proceedings	Rectified
39.	Unable to ascertain true position of Court action	Advised
40.	Delay in hearing High Court Action	Not sustained
41.	Delay in supplying Notes of Evidence	Rectified
42.	Delay in delivery of Judgment in Court matter	Referred
43.	Unable to obtain Notes of Evidence	Rectified



TABLE NO. 5 Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
44.	Delay in obtaining date for hearing of Appeal Court matter	Advised
45.	Failure to receive payment as witness	Discontinued
46.	Delay in obtaining Judge's Reason and Notes of Evidence	Under investigation
47.	Delay in the hearing of an inquest	Under investigation
48.	Delay in recovering fruits of judgment obtained in Court	Rectified
49.	Unfair dismissal of a Magistrate's Court matter	Not sustained
50.	Delay in the hearing of criminal matter	Under investigation
51.	Delay in the hearing of an inquest	Under investigation
52.	Assistance in obtaining opportunity to contest maintenance case	Advised
53.	Unable to find out cause of death	Under investigation
54.	Delay in obtaining copy of Notes of Evidence	Under investigation
55.	Delay in obtaining compensation deposited into Court	Under investigation
56.	Unable to obtain copy of Notes of Evidence	Rectified
57.	Infringement of constitutional rights	Under investigation
58.	Delay in obtaining Notes of Evidence and Judge's Summing Up	Under investigation
59.	Delay in obtaining Notes taken at the Preliminary Inquiry	Under investigation
60.	Delay in obtaining Notes of Evidence	Under investigation
61.	Delay in obtaining warrant	Under investigation
62.	Unable to locate exhibits tendered in evidence	Under investigation
63.	Delay in holding inquest	Under investigation
64.	Unable to locate missing file	Under investigation
65.	Delay in obtaining legal aid	Under investigation
66.	Delay in determining ejectment matters	Referred
67.	Allegation that inquiry was prejudicial	Under investigation
68.	Delay in hearing Appeal Court matter	Under investigation
69.	Delay in issuing warrant ordered by the Court	Under investigation
70.	Unable to determine what is the position with matrimonial Court matter	Under investigation
71.	Gross violation of democratic rights by trying case indictably	Under investigation



JUDICIARY - SUPREME COURT  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Dissatisfied with the outcome of Court matter	No jurisdiction
2.	Failure to offset period spent in Remand Yard	No jurisdiction
3.	Delay in hearing Court matter	No jurisdiction
4.	Assistance in obtaining own bail	Advised
5.	Unwilling to appear as a witness	No jurisdiction
6.	Denied a fair trial	No jurisdiction
7.	Refusal of bail	No jurisdiction
8.	Assistance in having case transferred	Advised
9.	Assistance in obtaining early trial date	Rectified
10.	Assistance in securing copies of Notes of Evidence	Advised
11.	Dissatisfied with Magistrate's decision	No jurisdiction
12.	Dissatisfied with judicial operation of the Court	No jurisdiction
13.	Dissatisfied with judgment given	No jurisdiction
14.	Dissatisfied with decision given	No jurisdiction
15.	Dissatisfied with result of an inquiry	Premature
16.	Requesting retrial of Magistrate's Court matter	No jurisdiction
17.	Wrongful dismissal of appeal	No jurisdiction

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

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in obtaining old age pension	Advised
2.	Delay in implementing distribution of Food Stamps	Not sustained
3.	Non payment of society bonus	Rectified
4.	Failure to obtain compensation for damages done to house	Referred
5.	Refusal of application for old age pension	Not sustained
6.	Delay in attending to an industrial dispute	Referred
7.	Failure to receive old age pension	Rectified
8.	Stoppage of public assistance	Rectified
9.	Delay in obtaining public assistance	Rectified
10.	Non receipt of additional two books of food stamp	Referred
11.	Delay in handling claim for funeral grant	Rectified

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
12.	Refusal of old age pension	Rectified
13.	Delay in obtaining old age pension	Rectified
14.	Delay in obtaining old age pension	Rectified
15.	Delay in giving judgment in Court matter (Industrial Court)	Under investigation
16.	Failure to receive two years additional retirement benefits	Under investigation
17.	Delay in giving judgment in Court matter (Industrial Court)	Under investigation
18.	Delay in giving judgment in Court matter (Industrial Court)	Under investigation
19.	Delay in giving judgment in Court matter (Industrial Court)	Under investigation
20.	Assistance in obtaining husband's pension	Discontinued
21.	Denied public assistance	Discontinued
22.	Delay in handling complaint about termination of appointment	Under investigation
23.	Delay in giving judgment in Court matter (Industrial Court)	Under investigation
24.	Failure to obtain old age pension	Under investigation
25.	Delay in delivering judgment in Court matter (Industrial Court)	Under investigation
26.	Dissatisfied with terms and conditions of employ- ment (Industrial Court)	Under investigation
27.	Denied public assistance	Discontinued

MINISTRY OF LABOUR, SOCIAL SECURITY AND CO-OPERATIVES  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in obtaining employment	Referred
2.	Assistance in obtaining employment	Advised
3.	Failure to obtain permanent employment (N.P.)	Referred

TABLE NO 5—Continued

MINISTRY OF LEGAL AFFAIRS  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Registering of land under Real Property Ordinance despite caveat filed	Not sustained
2.	Delay in payment of costs in High Court Action	Referred
3.	Failure to reply to application	Advised
4.	Illegal transferring of a parcel of land	Advised
5.	Non payment of increment accrued	Not sustained
6.	Failure to obtain proper records to prove title to land	Advised
7.	Delay in payment of costs	Rectified
8.	Delay in settling estate	Referred
9.	Dissatisfied with representations of the Public Trustee	Advised
10.	Failure to receive acknowledgement to his letter	Advised
11.	Unable to get copy of Birth Certificate	Rectified
12.	Delay in processing application for legal aid	Rectified
13.	Error in conveying piece of land with subsisting mortgage	Rectified
14.	Assistance in having Birth Certificate regularised	Under investigation
15.	Unable to obtain Death Certificate	Advised
16.	Delay in obtaining copy of Grant of Probate	Under investigation
17.	Delay in obtaining Letters of Administration	Under investigation
18.	Unable to see Counsel assigned to do Court matter	Under investigation
19.	Difficulty experienced because of error on Birth Certificate	Under investigation

MINISTRY OF LEGAL AFFAIRS  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in obtaining husband's estate	Referred



MINISTRY OF LOCAL GOVERNMENT  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in taking action on several complaints made about an existing health hazard	Not sustained
2.	Citizens denied equal opportunities and amenities for better living	Rectified
3.	Delay in payment of superannuation benefits	Rectified
4.	Victimization - not given the amount of working days to which entitled	Not sustained
5.	Inadequate drainage	Rectified
6.	Difficulty being experienced in obtaining death benefits	Advised
7.	Failure to receive payment for construction work done	Rectified
8.	Delay in payment of money due with respect to wage agreement	Rectified
9.	Delay in having road repaired	Rectified
10.	Unable to get deed for family allotment	Advised
11.	Failure to receive superannuation benefits	Discontinued
12.	Delay in payment of compensation for crops damaged	Discontinued
13.	Delay in obtaining compensation for cutting down trees	Rectified
14.	Delay in payment of superannuation benefits	Rectified
15.	Clogging of cylinders causing disastrous floodings	Rectified
16.	Delay in payment of retirement benefits	Rectified
17.	Failure to pay three months extension leave money	Discontinued
18.	Delay in payment of severance benefits	Rectified
19.	Non payment of gratuity	Not sustained
20.	Delay in processing application for gratuity	Under investigation
21.	Erection of sheds without approval	Under investigation
22.	Flooding of garden by waste from nearby premises	Under investigation
23.	Delay in obtaining compensation for loss of use of donkey	Under investigation
24.	Refusal to pay sum of money payable to estate	Not sustained
25.	Delay in payment of compensation for damages to crop	Under investigation
26.	Refusal to accept taxes for parcel of land	Advised
27.	Delay in obtaining superannuation benefits	Under investigation
28.	Failure to properly maintain road	Under investigation
29.	Delay in receiving death benefits	Under investigation
30.	Delay in payment of severance benefits	Rectified



<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
31.	Delay in attending to repairs of drain	Under investigation
32.	Demolition of house	Under investigation
33.	Delay in obtaining approval for building plan	Under investigation
34.	Refusal to pay sum of money payable to relative's estate	Not sustained
35.	Delay in receiving full payment of severance pay	Under investigation
36.	Improper drainage	Under investigation
37.	Delay in getting recreation ground	Under investigation
38.	Delay in responding to claim for damages to property	Under investigation
39.	Delay in resurfacing streets in the area	Under investigation
40.	Delay in erecting rubble wall	Under investigation

MINISTRY OF LOCAL GOVERNMENT  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Dissatisfied with transfer of general yard foreman	No jurisdiction
2.	Non payment of overtime work done	Premature
3.	Denied salary adjustments	Premature
4.	Assistance in obtaining death benefits	Premature
5.	Error made in amount of time fixed for acting appointment	No jurisdiction
6.	Failure to release additional funds promptly	Premature
7.	Objection to assessment of the annual value of house	Premature

MINISTRY OF NATIONAL SECURITY - PRISONS  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Undue harassment	Discontinued
2.	Delay in receiving compensation for damaged property - Regiment	Discontinued
3.	Delay in obtaining appointment for medical purposes	Advised
4.	Not receiving proper medical attention	Advised
5.	Delay in being released from Prison	Rectified
6.	Dissatisfied with medical attention	Referred

TABLE NO. 5—Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
7.	Beaten, ill-treated and harassed by prison officer	Discontinued
8.	Interference by Inspector of Prisons with prisoner's sentence	Advised
9.	Failure to act on report made concerning molestation	Not sustained
10.	Continuous provocation from other prisoner	Rectified
11.	Dissatisfied with the food served	Rectified
12.	Detained in prison instead of being deported	Rectified
13.	Health hazard created because of insanitary conditions of the cots	Not sustained
14.	Delay in payment of superannuation benefits - Fire	Rectified
15.	Difficulty in securing employment because of Identification Card - Immigration	Advised
16.	Delay in replying to petition for early release	Rectified
17.	Delay in payment of salary	Rectified
18.	Delay in submitting particulars of service	Rectified
19.	Delay in finalising deportation papers	Not sustained
20.	Weevils found in food	Advised
21.	Victimization by prison officers	Not sustained
22.	Denied reading material	Advised
23.	Delay in payment of salary in lieu of vacation leave	Rectified.
24.	Not allowed to resume duty (in the prison department)	Not sustained
25.	Assistance in securing passport (External Affairs)	Rectified.
26.	Ill-treatment from the prison officers	Discontinued
27.	Unaware of the rules and regulations of the prison	Advised
28.	Finding insects in the food	Advised
29.	Requesting early deportation	Not sustained
30.	Prison Officer's brutality	Advised
31.	Unfair treatment	Not sustained
32.	Undergoing mental and physical torment	Withdrawn
33.	Refused to provide adequate water supply	Not sustained
34.	Unruly behaviour of inmate suspected in need of psychiatric help	Not sustained
35.	Assaulted and beaten by prison officers	Under investigation
36.	Unable to secure payment for car hired	Rectified
37.	Alleged breach of regulations	Under investigation



<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
38.	Failure to notify lawyer as to the date of hearing of appeal	Under investigation
39.	Ill-treatment from prison officers	Discontinued
40.	Victimization by being assaulted by prison officer	Not sustained
41.	Delay in having Counsel assigned	Rectified
42.	Undue harassment from prison officer	Discontinued
43.	Denied fruits and personal writing materials	Rectified
44.	Brutality from prison officers	Referred
45.	Problem to obtain Counsel of choice	Rectified
46.	Not receiving sufficient sunlight	Rectified
47.	Deprivation of fresh air	Discontinued
48.	Delay in payment of injury allowance	Under investigation
49.	Failure to take action on report of brutality	Under investigation
50.	Error in computation of prison sentences	Under investigation
51.	Delay in serving Nolle Prosequi on accused	Under investigation
52.	Failure of prison doctor to visit at frequent intervals	Under investigation
53.	Insanitary method of food distribution	Under investigation
54.	Delay in obtaining pension	Under investigation
55.	Assistance in getting Government to recognise full-time military service	Under investigation
56.	Victimization by prison authorities	Under investigation
57.	Inadequate medical attention	Under investigation
58.	Dissatisfied with diet	Under investigation
59.	Dissatisfied with physical amenities in prison	Under investigation
60.	Failure to get transfer to another prison to continue occupation as gardener	Under investigation
61.	Unreasonable attitude of prison authorities in dealing with prisoners	Under investigation
62.	Delay in obtaining compensation for killing live-stock (Regiment)	Under investigation
63.	Denied medical attention	Under investigation
64.	Undue harassment from prison supervisor	Under investigation

MINISTRY OF NATIONAL SECURITY - PRISONS  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in referring matter to Judicial Committee	No jurisdiction
2.	Inmate denied visit to see female prisoner	No jurisdiction
3.	Request to initiate criminal proceedings against superior officer	Premature
4.	Denied promotion	No jurisdiction
5.	Termination of employment	No jurisdiction

MINISTRY OF NATIONAL SECURITY - POLICE  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Harassment	Withdrawn
2.	Failure to take into consideration period of service for pension purposes	Not sustained
3.	Delay in taking action on report of vehicular accident	Rectified
4.	Failure to exhibit copy of search warrant	Not sustained
5.	Detained for five days before being charged	Advised
6.	Refusal to remove from building unlawfully occupied	Discontinued
7.	Refusal to return licensed gun wrongfully removed	Discontinued
8.	Nuisance created by the operation of a hotel	Referred
9.	Delay in taking action for malicious damage	Rectified
10.	Failure to take action on complaints of harassment	Discontinued
11.	Delay in taking action on a report of arson	Discontinued
12.	Assistance in obtaining possession of household articles	Discontinued
13.	Denied a precept as an Estate Constable	Under investigation
14.	Delay in attending to report of severe <del>persecution</del>	Under investigation
15.	Failure to return entire sum of money taken from him	Under investigation
16.	Error made in the certificate of good character	Under investigation
17.	Issued cheque by Solicitor dishonoured	Referred
18.	Dissatisfied with evidence produced	Advised
19.	Failure to take action on report of throwing corrosive liquid	Under investigation
20.	Delay in processing application for leave to appeal to Privy Council	Under investigation
21.	Delay in taking action on report of vehicular accident	Under investigation
22.	Failure to take action on reports of assault and provocation	Under investigation
23.	Seizure of licensed gun and cancellation of licence	Under investigation
24.	Delay in taking action on report of assault	Under investigation
25.	Delay in serving summonses	Under investigation
26.	Delay in granting precept	Under investigation
27.	Delay in handling application for waiver of the rights of the State to relative's estate	Under investigation
28.	Delay in serving summonses	Under investigation
29.	Police brutality	Under investigation
30.	Delay in being deported	Under investigation



MINISTRY OF NATIONAL SECURITY - POLICE  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Discrimination in refusing to arrest and charge a man for robbery	No jurisdiction
2.	Assistance in obtaining extension of visa	No jurisdiction
3.	Misconduct of police officer while investigating accident case	Premature
4.	Humiliated and harassed by police officers in a search party	Premature
5.	Mismanagement of Traffic Police	Premature
6.	Unprovoked attack by a member of the Police Service	Premature
7.	Delay in attending to reports	Premature
8.	Police brutality	Premature
9.	Delay in taking action on report of assault	Premature
10.	Reluctance on the part of the Police to investigate report of assault	Premature
11.	Unnecessary provocation and assaults from the Police	Premature
12.	Disregard and disrespect to the administration of justice	Premature
13.	Missing file impeding due process of law	Premature
14.	Unfair dismissal	No jurisdiction
15.	Undue provocation and harassment	No jurisdiction
16.	Delay in making appointments in the Police Service	Advised
17.	Failure to take action on complaints of assaults and threats	Referred
18.	Denied police protection	No jurisdiction
19.	Dissatisfied with evidence produced at trial	No jurisdiction

NATIONAL HOUSING AUTHORITY  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in handling request for tax exemption	Rectified
2.	Delay in allocating houses	Advised
3.	Delay in obtaining housing accommodation	Not sustained
4.	Delay in finalising allocation of houses	Rectified
5.	Delay in obtaining deed of release	Discontinued
6.	Delay in allocation of house	Advised
7.	Delay in processing application for certificate of tax exemption	Advised
8.	Difficulty in getting tenancy transferred	Advised

TABLE NO. 5—Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
9.	Inability to secure housing accommodation	Not sustained
10.	Delay in payment of severance benefits	Not sustained
11.	Delay in the allocation of a house under the lottery system	Advised
12.	Unable to get alternative accommodation	Under investigation
13.	Demolition of premises	Referred
14.	Delay in processing application for isolated parcel of land	Under investigation
15.	Unable to get property assigned over to him	Under investigation
16.	Delay in attending to claim for deceased aunt's apartment	Referred
17.	Unable to get alternative accommodation	Referred
18.	Error in the amount of money outstanding	Under investigation
19.	Delay in processing application for housing accommodation	Under investigation
20.	Failure to obtain deed of lease for property	Under investigation
21.	Delay in constructing retaining wall and drain to accommodate flow of water	Under investigation
22.	Discrimination in allocating houses	Under investigation
23.	Delay in finalizing application loan	Under investigation
24.	Discrimination in allocation of houses	Under investigation
25.	Unable to secure deed for property	Under investigation
26.	Delay in repairing leak under dwelling house	Under investigation
27.	Delay in having sale of house completed	Under investigation
28.	Difficulty experienced in acquiring housing accommodation	Under investigation
29.	Error in the amount requested to be paid	Under investigation

NATIONAL HOUSING AUTHORITY  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in obtaining alternative accommodation	No jurisdiction
2.	Failure to prepare house plan	Advised
3.	Failure to obtain housing accommodation	No jurisdiction
4.	Assistance in securing housing accommodation	No jurisdiction
5.	Assistance in obtaining housing accommodation	Referred

NATIONAL INSURANCE BOARD  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Discontinuance of benefits	Not sustained
2.	Delay in handling claim for injury allowance	Rectified
3.	Error in the computation of his benefits	Not sustained
4.	Delay in payment of retirement benefit	Rectified
5.	Delay in payment of retirement benefits	Rectified
6.	Non-receipt of national insurance benefits	Rectified
7.	Receiving national insurance benefits in wrong class	Rectified
8.	Delay in payment of retirement benefits	Not sustained
9.	Stoppage of widow's allowance without notice	Not sustained
10.	Refusal of claim for invalidity benefit	Advised
11.	Delay in payment of benefits due	Rectified
12.	Delay in payment of national insurance benefits	Not sustained
13.	Delay in processing application for national insurance benefits	Rectified
14.	Delay in payment of retirement benefits	Rectified
15.	Failure by employer to pay national insurance contributions	Under investigation
16.	Refusal of request for severance benefits	Not sustained
17.	Assistance in obtaining survivor's benefit and funeral grant	Under investigation
18.	Delay in payment of maternity benefits	Under investigation

NATIONAL INSURANCE BOARD  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in obtaining maternity benefits	Premature

MINISTRY OF NATIONAL TRANSPORTATION  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Termination of temporary appointment and appointment of junior officer	Not sustained
2.	Delay in obtaining duplicate driver's permit	Rectified
3.	Deplorable condition of the road surface	Rectified



TABLE NO. 5—Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
4.	Failure to make necessary change in ownership of vehicle	Rectified
5.	Failure to supply statement of money due	Rectified
6.	Delay in handling representations on behalf of retired Port workers	Under investigation
7.	Delay in payment of retirement benefits	Under investigation
8.	Blocking of driveway as a result of bulldozing work done	Under investigation
9.	Failure to receive compensation for damage done to property	Under investigation
10.	Permanent closure of road without prior notice to residents	Under investigation
11.	Damages to property due to storm water coming on land from the road	Under investigation
12.	Delay in payment of travelling claim	Under investigation
13.	Assistance in obtaining refund of air fare (External)	Under investigation

MINISTRY OF NATIONAL TRANSPORTATION  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Disgusted with the system regulating maxi taxi operations	Premature

PORT AUTHORITY  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Inadequate amount of retirement benefit received	Advised
2.	Non receipt of retirement benefits	Not sustained
3.	Failure and refusal to include four years service for gratuity purposes	Under investigation
4.	Refusal to pay monies due to estate of deceased	Not sustained



PORT AUTHORITY  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Unfair dismissal	Premature

PRIME MINISTER  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Non payment of wages - Chaguaramas Development Authority	Rectified

PRIME MINISTER  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in clearing name	Premature

PUBLIC SERVICE COMMISSION DEPARTMENT  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in filling vacant post	Rectified
2.	Refusal to consider him for further employment	Advised
3.	Unfair dismissal	Not sustained
4.	Discrimination by being overlooked for overtime work	Not sustained
5.	Delay in processing application for Cleaner/Caretaker	Advised
6.	Assistance in getting reverted to substantive post	Rectified
7.	Getting previous service merged with present service	Referred
8.	Delay in informing complainant of outcome of application	Under investigation
9.	Assistance with application for resumption of duty	Under investigation
10.	Deprived of increment accrued	Under investigation
11.	Delay in implementing Court's order	Under investigation

PUBLIC SERVICE COMMISSION DEPARTMENT  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Failure to obtain permanent employment	Premature
2.	Delay in securing employment	Referred
3.	Assistance in being reinstated in job	No jurisdiction
4.	Assistance in securing employment	Referred
5.	Assistance in obtaining employment	Referred
6.	Assistance in regaining employment	No jurisdiction
7.	Assistance in obtaining employment	No jurisdiction
8.	Failure to secure appointment	No jurisdiction
9.	Dismissed on medical grounds	No jurisdiction

PUBLIC TRANSPORT SERVICE CORPORATION  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Failure to grant pension on termination of services on medical ground	Under investigation

STATUTORY SERVICE COMMISSION  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in investigating matter of wrongful dismissal and loss of earnings	Discontinued

TRINIDAD AND TOBAGO ELECTRICITY COMMISSION  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Difficulties faced in reconciling claim of outstanding balance on Account	Discontinued
2.	Failure to supply electricity despite repeated requests	Rectified
3.	Failure to settle claims for compensation for damaged appliances	Under investigation
4.	Delay in removing three electricity poles	Advised
5.	Delay in supplying electricity	Rectified

TABLE NO. 5—Continued

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
6.	Danger to property by sagging high-tension wires	Rectified
7.	Delay in supplying electricity	Rectified
8.	Unnecessary costs to pay for additional installations	Discontinued
9.	Refusal to accept liability for damaged refrigerator	Rectified
10.	Delay in obtaining compensation for deceased brother	Under investigation
11.	Delay in settling claim for compensation for food-stuff lost	Under investigation
12.	Delay in hearing appeal against decision in respect of claim for compensation	Under investigation
13.	Failure to obtain refund of contribution	Under investigation
14.	Water pump damaged due to low voltage	Under investigation
15.	Lack of electricity	Under investigation
16.	Failure to respond to representation made	Under investigation

TRINIDAD AND TOBAGO ELECTRICITY COMMISSION  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in payment of compensation for damages done to appliances	Premature
2.	Delay in re-locating telex machine	Premature
3.	Delay in obtaining electricity in the area	Premature
4.	Delay in payment of claim for damages caused by negligence	Premature
5.	Unable to get relevant information about electricity bill	Premature

TRINIDAD AND TOBAGO TELEPHONE SERVICE  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Difficulty in having telephone re-installed	Rectified
2.	Delay in payment of compensation for property damaged	Discontinued
3.	Without use of telephone service for three months	Rectified
4.	Delay in repairing telephone	Under investigation



<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
5.	Delay in getting telephones repaired	Rectified
6.	Wrongfully billed to pay for telephone call	Not sustained
7.	Delay in repairing telephones	Under investigation
8.	Delay in repairing telephone	Under investigation

WATER AND SEWERAGE AUTHORITY  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Non payment of compensation for work done	Discontinued
2.	Failure to adjust salary correctly on appointment	Rectified
3.	Non receipt of payment for annual leave	Not sustained
4.	Delay in payment of death benefits	Advised
5.	Difficulty experienced for lack of water	Rectified
6.	Refusal to accept water rates	Advised
7.	Failure to repair broken tap	Not sustained
8.	Unsatisfactory water supply	Rectified
9.	Delay in payment of superannuation benefits	Rectified
10.	Assistance in obtaining proper water supply connection	Advised
11.	Inadequate amount of pension received	Rectified
12.	Indifference to requests for compensation for damages done to house	Advised
13.	Subjected to offensive odours from defective sewerage drainage	Rectified
14.	Non operation of P.V.C. water main	Rectified
15.	Delay in payment of retirement benefits	Rectified
16.	Failure to receive compensation for damaged crops	Under investigation
17.	Failure to respond to correspondence	Rectified
18.	Delay in payment of compensation for cutting road through his land	Under investigation
19.	Lack of pipe-borne water	Under investigation
20.	Delay in obtaining compensation for damaged vehicle	Under investigation
21.	Delay in payment of superannuation benefits	Under investigation
22.	Delay in supplying pipe-borne water	Under investigation
23.	Road left in deplorable state	Under investigation
24.	Insufficient amount received as retirement benefit	Under investigation
25.	Discrimination in appointing junior officers	Under investigation



WATER AND SEWERAGE AUTHORITY  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Delay in making assessment of water rates	Premature
2.	Delay in obtaining death benefits	Premature
3.	Refusal of application for retroactive appointment	Premature
4.	Passed over for acting appointment in higher post	Rectified
5.	Name incorrectly placed on the seniority list	Advised
6.	Wrongful termination of acting appointment	No jurisdiction

MINISTRY OF WORKS, MAINTENANCE AND DRAINAGE  
Within Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Non payment of death benefits	Advised
2.	Difficulty experienced in obtaining deceased son's wages	Discontinued
3.	Failure to sign necessary forms for submission to the National Insurance Board	Rectified
4.	Delay in settling claim for compensation for furniture damaged	Rectified
5.	Fear of losing properties because of erosion of shoreline	Rectified
6.	Non payment of compensation for acting appointment	Discontinued
7.	Refusal to pay for certain registration plates ordered	Rectified
8.	Failure to receive securing benefits	Rectified
9.	Wrongful suspension from duty	Referred
10.	Delay in payment of death benefits	Not sustained
11.	Delay in payment of retiring benefits	Rectified
12.	Failure to obtain compensation for damages to motor vehicle	Advised
13.	Deprived of a piece of land taken by Government	Discontinued
14.	Discrimination in selecting junior employees for appointment	Referred
15.	Non payment of cost of living allowances from 1977 to 1980	Advised
16.	Delay in receiving gratuity	Rectified
17.	Delay in payment of severance benefits	Rectified
18.	Delay in replying to claim for compensation for destruction of crops	Under investigation
19.	Unable to obtain compensation for injuries sustained	Under investigation

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
20.	Death benefits not commensurate with service	Not sustained
21.	Suspension from duty without fair trial	Not sustained
22.	Deplorable condition of roads	Under investigation
23.	Delay in payment of compensation for crops destroyed	Under investigation
24.	Delay in repairing damages caused by water from roadway	Under investigation
25.	Failure to receive statement of gratuity and other benefits	Under investigation
26.	Delay in attending to complaint of lodging of water under house	Under investigation
27.	Deplorable condition of road	Under investigation
28.	Damage done to buildings due to excavation work done	Under investigation
29.	Delay in receiving acting allowances	Under investigation
30.	Unable to get gratuity benefits	Under investigation
31.	Delay in payment of superannuation benefits	Under investigation
32.	Loss of earnings	Under investigation
33.	Delay in obtaining refund of storage rent	Under investigation
34.	Damage to property due to construction work done	Under investigation
35.	Unable to recover payment for registration plates ordered	Rectified
36.	Delay in settling claim for compensation for damages done to property by floods	Under investigation
37.	Failure to receive back-pay	Under investigation
38.	Damage done to property as a result of erosion	Under investigation
39.	Delay in payment of severance pay	Under investigation
40.	Dirt thrown on fence causing great inconvenience and damage	Under investigation
41.	Lack of proper drainage causing flood	Under investigation
42.	Failure to receive back-pay	Under investigation
43.	Failure to pay claim for arrears of travelling allowance	Under investigation
44.	Delay in payment of compensation for damages to property	Under investigation
45.	Delay in completing road repairs	Under investigation
46.	Trespassing on land without permission	Under investigation
47.	Lack of maintenance of several roads in the area	Under investigation
48.	Construction work done on land without permission	Under investigation



<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
49.	Delay in payment of outstanding wages	Under investigation
50.	Damage done to property by storm water rushing from roadway	Under investigation
51.	Erosion of land	Under investigation
52.	Unfair dismissal from employment	Under investigation

MINISTRY OF WORKS, MAINTENANCE AND DRAINAGE  
Outside Jurisdiction

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Failure to secure promotion	No jurisdiction
2.	Delay in payment of salary	Premature

OTHER COMPLAINTS

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
1.	Assistance in taking over mortgage on his house	Informed
2.	Misconduct of landlord	Informed
3.	Assistance with respect to the estate of deceased mother	Informed
4.	Disposal of deceased's estate	Informed
5.	Request for legal aid	Discontinued
6.	Request for legal aid	Referred
7.	Anxiety over likelihood of losing land	Informed
8.	Requesting permission to buy Government quarters	Referred
9.	Request for legal aid	Referred
10.	Damage done to property by construction works	Informed
11.	Dissatisfied with Solicitors	Advised
12.	Disorderly behaviour of wife	Informed
13.	Unable to get redress for damaged store	Withdrawn
14.	Unable to get any legal representation	Referred
15.	Request for psychiatric help	Referred
16.	Discrimination	Advised
17.	Dissatisfied with sister's behaviour	Advised

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
18.	Non payment of money due and owing	Informed
19.	Assistance in securing employment	Informed
20.	Assistance in obtaining early trial date	Informed
21.	Damage done to property because of excavation work	Advised
22.	Request for legal aid	Referred
23.	Failure to receive refund of money deducted from salary	Referred
24.	Assistance in securing employment	Referred
25.	Assistance in securing employment	Not sustained
26.	Request for legal aid	Referred
27.	Request for legal aid	Referred
28.	Receiving tools	Informed
29.	Cessation of the activities of Insurance Company	Premature
30.	Non-payment of sick leave	Premature
31.	Termination of services	Informed
32.	Forced out of matrimonial home	Informed
33.	Assistance in securing separation order	Referred
34.	Unfairly dismissed	Informed
35.	Termination of tenancy of a parcel of land	Informed
36.	Settling deceased estate	Informed
37.	Assistance in securing employment	Informed
38.	Assistance in obtaining better salary	Informed
39.	Assistance in obtaining possession of parcel of land	Advised
40.	Delay in payment of compensation ordered by Court	Referred
41.	Request for legal aid	Referred
42.	Destruction of house by neighbours	Informed
43.	Offsetting period spent in Remand Yard against prison sentence	Informed
44.	Assistance in securing possession of parcel of land	Informed
45.	Unreasonable attitude of Insurance Company	Referred
46.	Delay in providing deed	Informed
47.	Unable to get compensation for personal injuries sustained in an accident	Informed
48.	Unable to get someone to stand his bail	Informed
49.	Assistance in obtaining re-employment	Referred
50.	Discrimination in appointing officers junior to him	Informed
51.	Assistance in obtaining possession of parcel of land	Informed
52.	Assistance in obtaining possession of parcel of land	Informed



<u>No.</u>	<u>Subject of Complaint</u>	<u>Result</u>
53.	Unreasonable attitude of his Solicitors	Informed
54.	Request for legal aid	Premature
55.	Assistance in obtaining estate of deceased	Informed
56.	Request for legal advice	Informed
57.	Assistance in recovering money stolen	Informed
58.	Failure to receive compensation for damage done to vehicle	Informed
59.	Delay in completing transaction	Informed
60.	Dissatisfied with the banking system	Informed
61.	Failure to complete construction of house	Informed
62.	Assistance in obtaining possession of parcel of land	Informed
63.	Delay in refunding money	Informed
64.	Failure to pay national insurance for workers	Premature
65.	Failure by Solicitor to institute proceedings	Informed
66.	Assistance in getting bail reduced	Informed
67.	Assistance in obtaining own bail	Informed
68.	Delay in finalising legal matter	Informed
69.	Difficulty with legal practitioner in settling matter	Informed
70.	Dissatisfied with Solicitor's representation	Informed
71.	Request for legal aid	Referred
72.	Request for legal advice	Informed
73.	Assistance in obtaining possession of property	Informed
74.	Request for legal advice	Informed
75.	Dissatisfied with Solicitor's representations	Informed
76.	Assistance in obtaining possession of property	Informed
77.	Dissatisfied with lawyer's representation	Referred
78.	Request for legal aid	Referred
79.	Request for legal advice	Informed
80.	Assistance in obtaining maintenance from husband	Informed
81.	Delay in obtaining money from Solicitor	Rectified
82.	Dissatisfied with monthly pension awarded	Informed
83.	Assistance in recovering money due and owing	Informed
84.	Assistance in obtaining employment	Advised
85.	Assistance in getting years spent in Remand Yard included in sentence	Informed
86.	Request for legal aid	Referred
87.	Dissatisfied with lawyer's representation	Advised
88.	Assistance in obtaining a retrial of a High Court matter	Informed

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
89.	Unable to have High Court matter transferred	Informed
90.	Lack of effort on the part of the bank to help trace her account number (C.I.B.C.)	Discontinued
91.	Delay in payment of compensation by insurance company	Not sustained
92.	Difficulty in obtaining recommendation from medical specialist to proceed abroad	Rectified
93.	Assistance in obtaining employment	Discontinued
94.	Dissatisfied with termination of employment	Informed
95.	Failure of Solicitor to pursue High Court Action	Advised
96.	Assistance in obtaining employment	Rectified
97.	Property adversely affected by the neighbours' premises	Informed
98.	Request for advice on judgment handed down	Not sustained
99.	Delay by Solicitor to have bill of costs taxed	Advised
100.	Assistance in obtaining employment	Referred
101.	Refusal by landlord to accept rent	Advised
102.	Delay in the distribution of father's estate	Informed
103.	Assistance in securing early trial date	Informed
104.	Assistance in securing employment	Informed
105.	Difficulties experienced in purchasing land	Informed
106.	Difficulty in getting Deed of Conveyance signed	Informed
107.	Unable to get Deed of Conveyance	Advised
108.	Unreasonable attitude of society with regards to cleaning premises	Informed
109.	Unable to secure permanent employment	Informed
110.	Failure to obtain compensation for damaged land	Informed
111.	Failure to honour certain assurances given	Informed
112.	Assistance in obtaining possession of a parcel of land	Informed
113.	Selling of a parcel of land without owner's consent	Informed
114.	Failure to collect deed of release	Withdrawn
115.	Written assurance that erosion to the land by the sea will be contained	Advised
116.	Request for legal aid	Referred
117.	Assistance in obtaining employment	Referred
118.	Assistance in securing employment	Referred
119.	Defects in new truck bought from a firm	Advised
120.	Requesting interview with the Ombudsman	Discontinued
121.	Assistance in obtaining documents left in a suit case	Informed



<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
122.	Dissatisfied with Solicitor's representation	Informed
123.	Requesting appointment with Ombudsman	Rectified
124.	Failure of Solicitor to take action in Court	Informed
125.	Unreasonable attitude of jewel dealer	Informed
126.	Request for legal aid	Referred
127.	Assistance in obtaining possession of certain parcel of land	Informed
128.	Assistance in obtaining clemency	Advised
129.	Annoyed because of wicked allegations made by co-workers	Informed
130.	Served with eviction notice	Informed
131.	Unfairly dismissed	Informed
132.	Unable to obtain deeds	Advised
133.	Waste water flowing into premises	Informed
134.	Unable to obtain original Deed of Conveyance	Advised
135.	Difficulty in securing housing accommodation	Informed
136.	Closure of bonds affecting employment of extra Custom Guard	Informed
137.	Sum of money withdrawn from Account without consent	Referred
138.	Request for legal aid	Advised
139.	Encroachment on land	Informed
140.	Assistance in obtaining Will of deceased sister	Informed
141.	Increase in rental of four lots of land	Informed
142.	Dissatisfied with Counsel's representation	Informed
143.	Problems surrounding purchase of a small old wooden house	Informed
144.	Difficulty in getting Deed of Conveyance prepared	Advised
145.	Difficulty in obtaining motor car	Informed
146.	Assistance in getting son re-employed	Advised
147.	Delay in obtaining compensation for injury sustained	Advised
148.	Unruly conduct of son	Informed
149.	Assistance in obtaining bail	Advised
150.	Requesting information about a Court matter	Informed
151.	Assistance in proving his innocence of murder	Informed
152.	Failure to reply to correspondence	Informed
153.	Deprived of land	Advised
154.	Request for legal aid	Referred
155.	Assistance in establishing ownership of land	Informed
156.	Failure to repay money spent	Informed
157.	Assistance in obtaining possession of estate	Informed



<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
158.	Delay in payment of money due	Referred
159.	Failure of Solicitor to file High Court Action	Informed
160.	House left uncompleted	Informed
161.	Request for legal aid	Discontinued
162.	Request for legal aid	Referred
163.	Request for legal aid	Referred
164.	Unsatisfactory conditions of service	Informed
165.	Assistance in securing employment for son	Informed
166.	Deprived of property	Informed
167.	Dissatisfied with the disposal of deceased husband's estate	Informed
168.	Assistance in securing early date of hearing	Advised
169.	Irregularities operating within the organisations	Informed
170.	Request for legal aid	Referred
171.	Assistance in securing accommodation	Referred
172.	Request for legal aid	Referred
173.	Request for legal aid	Referred
174.	Failure to secure appointment as Nursing Assistant	Informed
175.	Request for legal aid	Referred
176.	Assistance in having date fixed for hearing	Informed
177.	Assistance in getting early trial date	Informed
178.	Wrongly charged for murder and abandoned by family	Informed
179.	Assistance in securing rights to property	Informed
180.	Inability to provide for family	Advised
181.	Failure to comply with terms of agreement	Not sustained
182.	Request for legal aid	Referred
183.	Assistance in obtaining early trial date	Advised
184.	Assistance in obtaining early trial date	Informed
185.	Request for legal aid	Referred
186.	Request for legal aid	Referred
187.	Not properly represented by Counsel	Informed
188.	Assistance in obtaining own bail	Informed
189.	Delay in payment of money due	Informed
190.	Refusal of landlord to accept rent	Informed
191.	Victimised because of allegations made by brother-in-law	Informed
192.	Request for legal aid	Referred
193.	Unable to get legal assistance	Informed

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
194.	Request to secure grant of a commission as Commissioner of Affidavits	Informed
195.	Dissatisfied with representations of his Union	Informed
196.	Unable to locate owner of car	Advised
197.	Request for legal aid	Advised
198.	Failure to get legal aid	Referred
199.	Delay in paying compensation for injuries received in an accident	Informed
200.	Assistance in alleviating losses suffered as a result of flooding	Advised
201.	Dissatisfied with owner's decision to divide land into building plots	Informed
202.	Dissatisfied with Solicitor's representation	Advised
203.	Request for legal aid	Discontinued
204.	Unable to recover money	Informed
205.	Dissatisfied with Solicitors for withholding payments of maintenance	Advised
206.	Forced to perform extra duties	Informed
207.	Request for legal aid	Referred
208.	Assistance in properly expediting transaction	Informed
209.	Failure to receive salary	Informed
210.	Delay by Solicitor in preparing Deed of Transfer	Informed
211.	Assistance in obtaining employment	Informed
212.	Request for legal aid	Referred
213.	Dissatisfied with lawyer's representation	Informed
214.	Non payment of judgment debt and costs	Advised
215.	Assistance in obtaining compensation for injuries sustained	Advised
216.	Assistance in obtaining employment	Informed
217.	Request for immediate disbursement of funds due to estate	Premature
218.	Delay in giving decision in a disciplinary matter against a Solicitor	Informed
219.	Failure of surveyor to provide survey plan	Advised
220.	Non payment of accumulated salary	Advised
221.	Unable to have property transferred	Informed
222.	Assistance in recovering money	Referred
223.	Request for legal aid	Referred
224.	Request for legal aid	Referred

<u>No.</u>	<u>Subject of Complaints</u>	<u>Result</u>
225.	Request for legal aid	Referred
226.	Request for legal aid	Referred
227.	Failure to pay costs in Court of Appeal matter	Informed
228.	Not properly represented by Counsel	Advised
229.	Unable to obtain copy of decree absolute from Solicitor	Informed
230.	Assistance in obtaining early trial date	Informed
231.	Assistance in obtaining Workmen's Compensation from Company	Informed
232.	Assistance in obtaining ownership of a parcel of land	Informed
233.	Assistance in acquiring a parcel of land	Informed
234.	Difficulty experienced in purchasing a parcel of land	Informed
235.	Assistance in obtaining a divorce	Informed
236.	Difficulty in obtaining employment	Informed
237.	Assistance in obtaining legal advice	Advised
238.	Assistance in obtaining an early trial date	Informed
239.	Dissatisfied with Counsel's representation	Informed
240.	Assistance in securing employment	Informed
241.	Assistance with respect to his place of employment.	Discontinued
242.	Delay in payment for property sold	Informed
243.	Large increases in the rent for premises occupied	Informed
244.	Refusal by landlord to receive rent for property	Informed
245.	Assistance in obtaining share of property	Informed
246.	Delay in payment of compensation for injuries sustained	Advised
247.	Difficulties being experienced with new car	Informed
248.	Failure to receive documents from representing Solicitor	Advised
249.	Failure of Bank to reply to correspondence	Informed
250.	Assistance in obtaining estate of deceased brother	Advised



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

PART 2

OMBUDSMAN

Appointment  
and conditions  
of office

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

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

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

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

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

Appointment of  
staff of  
Ombudsman

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

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

Functions of  
Ombudsman

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

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

- (a) where a complaint is duly made to the Ombudsman by any person alleging that the complainant has sustained an injustice as a result of a fault in administration;

- (b) where a member of the House of Representatives requests the Ombudsman to investigate the matter on the ground that a person or body of persons specified in the request has or may have sustained such injustice;
  - (c) in any other circumstances in which the Ombudsman considers that he ought to investigate the matter on the ground that some person or body of persons has or may have sustained such injustice.
- (3) The authorities other than departments of Government to which this section applies are—
- (a) local authorities or other bodies established for purposes of the public service or of local Government.
  - (b) authorities or bodies the majority of whose members are appointed by the President or by a Minister or whose 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.

Restrictions 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).

Discretion of  
Ombudsman

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

(a) a complaint relates to action of which the complainant has knowledge for more than twelve months before the complaint was received by the Ombudsman;

(b) the subject matter of the complaint is trivial;

(c) the complaint is frivolous or vexatious or is not made in good faith; or

(d) the complainant has not a sufficient interest in the subject matter of the complaint.



Report on  
investi-  
gation

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

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

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

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

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

Power to  
obtain  
evidence

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

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

Prescribed  
matters  
concerning  
Ombudsman

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

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

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

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

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

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

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

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

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

THIRD SCHEDULE

MATTERS NOT SUBJECT TO INVESTIGATION

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



REPUBLIC OF TRINIDAD AND TOBAGO

ACT NO. 23 OF 1977

AN ACT to make provision for giving effect to Part 2 of Ch.6 of the Constitution

(Assented to 24th May, 1977)

ENACTED by the Parliament of Trinidad and Tobago as follows:

Enactment

1. This Act may be cited as the Ombudsman Act, 1977,

Short title

2. (1) All complaints to the Ombudsman and requests for investigation by him shall be made in writing.

Mode of  
complaint

(2) Notwithstanding anything provided by or under any enactment, where any letter written by any person detained on a charge or after conviction of any offence is addressed to the Ombudsman, it shall be immediately forwarded, unopened to the Ombudsman by the person for the time being in charge of the place where the writer is detained.

3. (1) Where the Ombudsman proposes to conduct an investigation under section 93(1) of the Constitution set out in the Schedule to the Constitution of Trinidad and Tobago Act, 1976 (in this Act referred to as "the Constitution") he shall afford to the principal officer of the department or authority concerned an opportunity to make, orally or in writing as the Ombudsman thinks fit, representations which are relevant to the matter in question and the Ombudsman shall not, as a result of such an investigation, make any report or recommendation which may adversely affect any person without his having had an opportunity to make such representations.

Procedure in  
respect of  
investigation  
No.4 of 1976

(2) Every such investigation shall be conducted in private.

(3) It shall not be necessary for the Ombudsman to hold any hearing and, subject as hereinbefore provided, no person shall be entitled as of right to be heard by the Ombudsman. The Ombudsman may obtain information from such persons and in such manner, and make such inquiries as he thinks fit.

(4) Where, during or after any investigation, the Ombudsman is of opinion that there is evidence of any breach of duty, misconduct or criminal offence on the part of any officer or employee or any department or authority to which section 93 of the Constitution applies, the Ombudsman may refer the matter to the Authority competent to take such disciplinary or other proceedings against him as may be appropriate.

/(5) .....

(5) Subject to this Act, the Ombudsman may regulate his procedure in such manner as he considers appropriate in the circumstances of the case.

(6) Where any person is required under this Act by the Ombudsman to attend before him for the purposes of an investigation, the Ombudsman shall cause to be paid to such person, out of moneys provided by Parliament for the purpose, the fees, allowances and expenses, subject to qualifications and exceptions corresponding to those that are for the time being prescribed for attendance in the High Court, so, however, that the like functions as are so prescribed and assigned to the Registrar of the Supreme Court of Judicature shall, for the purposes of this subsection, be exercisable by the Ombudsman and he may, if he thinks fit, disallow, in whole or in part, the payment of any amount under this subsection.

(7) For the purposes of section 93(2)(a) of the Constitution a complaint may be made by a person aggrieved himself or, if he is dead or for any reason unable to act for himself, by any person duly authorised to represent him.

(8) Any question whether a complaint or a request for an investigation is duly made under this Act or under Part 2 of Ch.6 of the Constitution shall be determined by the Ombudsman.

4. (1) The power of the Ombudsman under section 97 of the Constitution to summon witnesses and to compel them to give evidence on oath and to produce documents shall apply whether or not the person is an officer, employee or member of any department or authority and whether or not such documents are in the custody or under the control of any department or authority.

Evidence

(2) The Ombudsman may summon before him and examine on oath -

- (a) any person who is an officer or employee or member of any department or authority to which section 93 of the Constitution applies or any authority referred to in the Schedule and who in the Ombudsman's opinion is able to give any relevant information; or
- (b) any complainant; or
- (c) any other person who in the Ombudsman's opinion is able to give any relevant information,

and for that purpose may administer an oath. Every such examination by the Ombudsman shall be deemed to be a judicial proceeding for the purposes of the Perjury Ordinance.

Ch.4 No.15

/(3).....

(3) Subject to subsection (4) no person who is bound by the provisions of any enactment, other than the Official Secrets Act, 1911 to 1939 of the United Kingdom in so far as it forms part of the law of Trinidad and Tobago, to maintain secrecy in relation to, or not to disclose, any matter shall be required to supply any information to or answer any questions put by the Ombudsman in relation to that matter, or to produce to the Ombudsman any document or paper or thing relating to it, where compliance with that requirement would be in breach of the obligation of secrecy or non-disclosure.

(4) With the previous consent in writing of any complainant, any person to whom subsection (3) applies may be required by the Ombudsman to supply any information or answer any question or produce any document or paper or thing relating only to the complainant, and it shall be the duty of the person to comply with that requirement.

(5) Except on the trial of any person for an offence under the Perjury Ordinance in respect of his sworn testimony, or for an offence under section 10, no statement made or answer given by that or any other person in the course of any inquiry by, or any proceedings before, the Ombudsman under the Constitution or this Act shall be admissible in evidence against any person in any court or at any inquiry or in any other proceedings and no evidence in respect of proceedings before the Ombudsman shall be given against any person.

Ch.4 No.15

(6) No person shall be liable to prosecution for an offence against the Official Secrets Act, 1911 to 1939, or any enactment, other than this Act by reason of his compliance with any requirement of the Ombudsman under this section.

5. (1) Where the Attorney General certifies that the giving of any information or the answering of any question or the production of any document or paper or thing -

Disclosure  
of certain  
matters not  
to be  
required

- (a) might prejudice the security, defence or international relations of Trinidad and Tobago (including Trinidad and Tobago relations with the Government of any other country or with any international organisations);
- (b) will involve the disclosure of the deliberations of Cabinet; or
- (c) will involve the disclosure of proceedings of Cabinet, or any Committee of Cabinet, relating to matters of a secret or confidential nature, and would be injurious to the public interest,

the Ombudsman shall not require the information or answer to be given or, as the case may be, the document or paper or thing to be produced.

/(2) .....



(2) Subject to subsection (1), no rule of law which authorises or requires the withholding of any document or paper, or the refusal to answer any question, on the ground that the disclosure of the document or paper or the answering of the question would be injurious to the public interest shall apply in respect of any investigation by or proceedings before the Ombudsman.

6. A person who performs the functions appertaining to the office of the Ombudsman or any office or employment thereunder -

Secrecy of  
information

- (a) shall regard as secret and confidential all documents, information and things which have been disclosed to any such person in the execution of any of the provisions of sections 93 and 96 of the Constitution, so, however, that no disclosure made by any such person in proceedings for an offence under section 10, or under the Perjury Ordinance and by virtue of section 4(2) or which the Ombudsman considers it requisite to make in the discharge of any of his functions and for the purpose of executing any of the said provisions or the provisions of section 3(4) or section 9, shall be deemed inconsistent with any duty imposed by this paragraph; and
- (b) shall not be called upon to give evidence in respect of, or produce, any such documents, information or things in any proceedings, other than proceedings mentioned in the proviso to paragraph (a).

7. Before entering upon any premises pursuant to section 97(2) of the Constitution the Ombudsman shall notify the principal officer of the department or the authority by which the premises are occupied.

Notice of  
entry on  
premises

8. (1) With the prior approval in each case of the Prime Minister, functions hereinbefore assigned to the Ombudsman may from time to time, by direction under his hand, be delegated to any person who is appointed to any office or to perform any function referred to in section 6.

Delegation  
of powers

(2) No such delegation shall prevent the exercise of any power by the Ombudsman.

(3) Any such delegation may be made subject to such restrictions and conditions as the Ombudsman may direct, and may be made either generally or in relation to any particular case or class of cases.

(4) Any person purporting to perform any function of the Ombudsman by virtue of a delegation under this section shall, when required to do so, produce evidence of his authority to exercise the power.

- (1) The Ombudsman may from time to time in the public interest publish reports relating generally to the exercise of his functions or to a particular case or cases investigated by him, whether or not the matters to be dealt with in such reports may have been the subject of a report to Parliament. Reports
- (2) The form of statistics of complaints received by the Ombudsman and the results of his investigation required by section 96(5) of the Constitution to be included in the annual report to Parliament by the Ombudsman on the performance of his functions shall be prescribed by regulations made under section 12.
10. A person is liable on summary conviction to a fine of one thousand dollars or to imprisonment for six months who - Offences
- (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Ombudsman or any other person in the exercise of his powers under this Act;
  - (b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act;
  - (c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise of his powers under this Act; or
  - (d) in a manner inconsistent with his duty under section 6(a), deals with any documents, information or things mentioned in that paragraph.
11. (1) The authorities mentioned in the Schedule are authorities to which section 93(3)(d) of the Constitution shall apply. Prescription of authorities subject to the Ombudsman's jurisdiction
- (2) The President may, by Order, amend the Schedule by the addition thereto or deletion therefrom of any authorities or the substitution therein, for any authorities, of other authorities.
12. The President may make regulations for the proper carrying into effect of this Act, including, in particular, for prescribing anything required or authorised to be prescribed. Regulations

/S C H E D U L E .....

S C H E D U L E

(Section 11(1))

Additional Authorities subject to  
the Ombudsman's jurisdiction

Trinidad and Tobago Telephone Company Limited

Passed in the House of Representatives this 13th day of  
May, 1977.

J.E. CARTER  
Clerk of the House

Passed in the Senate this 10th day of May, 1977.

R.L. Griffith  
Clerk of the Senate