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THE OMBUDSMAN

Republic of
Trinidad and Tobago



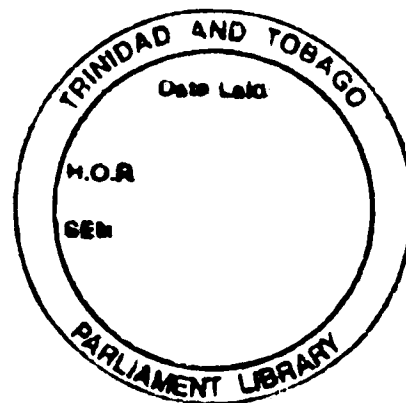
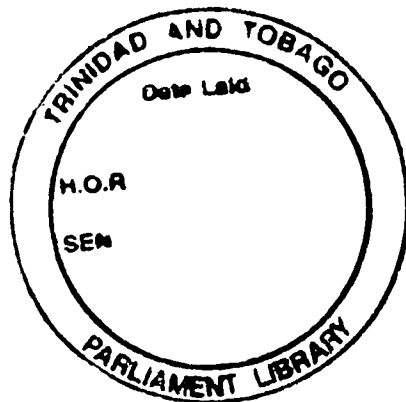
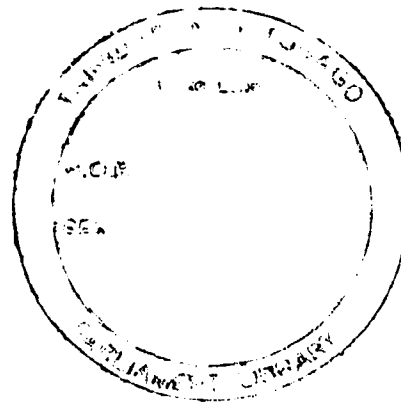
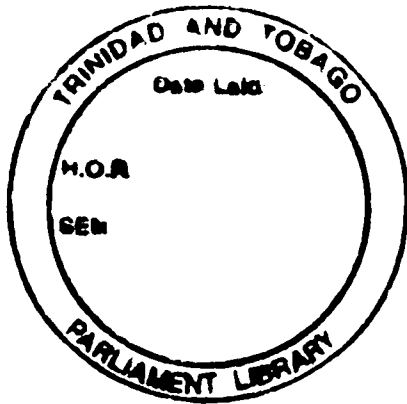
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THE OMBUDSMAN
Republic of
Trinidad and Tobago



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

19th April, 1984.

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

Dear Mr. Speaker,

I have the honour to present the Fifth Annual Report of the Ombudsman for the period December 6, 1981 to December 5, 1982.

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

Yours faithfully,

EVAN REES
Ombudsman
Trinidad and Tobago

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PART I

GENERAL OVERVIEW



FIFTH ANNUAL REPORT OF THE OMBUDSMAN

GENERAL

Period Covered by the Report

This Report covers the period 6th December, 1981 to 5th December, 1982 and is made pursuant to section 96(5) of the Constitution of the Republic of Trinidad and Tobago Act No. 4 of 1976 which states:

“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.”

Staff

Budgetary provision for the office was made in the 1982 Estimates and provided the following positions:

- (a) Ombudsman
- (b) Secretary to the Ombudsman
- (c) Head, Legal Division
- (d) Senior Investigator
- (e) 4 Investigators
- (f) 1 Administrative Officer II
- (g) 3 Clerical Officers
- (h) 1 Executive Secretary
- (i) 1 Clerk Stenographer IV
- (j) 3 Clerk Stenographers II
- (k) 1 Clerk Typist I
- (l) 1 Bailiff
- (m) 1 Orderly
- (n) 1 Messenger
- (o) Telephone Operator
- (p) 1 Cleaner
- (q) 2 Estate Constables

Mr. Gordon Gillette, Q.C., Legal Adviser, relinquished his appointment in May 1982 to enter private practice. We wish him success and continued good health.

Pending the appointment of a new Legal Adviser, I had to assume this additional responsibility, a task which proved to be both exacting and challenging. However, every effort is being made to obtain the services of a Legal Adviser and an appointment is expected in 1983.

On my own behalf, and on behalf of the staff of my Office, I extend best wishes to Mrs. Ruby Perreira, Secretary to the Ombudsman, on her acting appointment as Permanent Secretary, Office of the Prime Minister. She was succeeded by Mr. Oswald Soverall, formerly Executive Director, Statutory Service Commission who has been a career Public Servant for more than forty years.

Taking into account the relative lack of specialized training on the part of my Investigators, I had for some period been considering ways and means by which this training in the investigative field could be made available to them. The minimum number of Investigators and the heavy work-load of my office made it impossible to arrange for overseas training in suitable institutions.

In these circumstances, I decided to obtain the services of a suitably trained person who would be able to make use of his expertise to assist other Investigators in planning a possible re-organization of the office and who, at the same time, would supplement the existing investigative staff.

With Government's support and approval I was able to obtain the services of Mr. Philip Martin as an Investigator on a three year contract with effect from 7th March, 1982. Mr. Martin is a Jamaican who completed his formal education at McMaster University, Ontario, Canada, and who prior to his appointment to my office, had served as a member of the Ontario Ombudsman's investigative staff for approximately three years. Mr. Martin's appointment was obtained with the co-operation of the Honourable Mr. Justice R. Morand, Ombudsman of Ontario, to whom I am most grateful.

Miss Joy Henry, a graduate of the University of the West Indies, and a former member of the staff of the Ministry of National Security, was also appointed an Investigator.

I welcome the new members of staff and again express my appreciation for the dedication and reliability of all staff members in dealing with the heavy work-load and the onerous responsibilities of the office.

The Ombudsman Office in Trinidad and Tobago

The Office of the Ombudsman, located at St. Ann's Avenue, St. Ann's, Port-of-Spain, is open from 8.00 a.m. to 4.00 p.m. from Monday to Friday inclusive. Every citizen of Trinidad and Tobago is welcome and is treated as a special and important individual by myself and my staff.

Effectiveness and Independence of the Office

For my office to be effective and efficient in the performance of its responsibilities, the citizen must be satisfied that it is more than a complaints department and that his grievances will be dealt with equitably by an institution free of political patronage and control. It is therefore essential that the office should be provided with financial resources and adequate staffing under my control and free from interference of any kind by Government agencies. As Mr. Arthur Maloney, Q.C., former Ombudsman of Ontario Canada, has so aptly stated, "I do not think that it is an overstatement to say that an Ombudsman's Office not properly budgeted, not properly staffed, not sufficiently independent and not properly backed by those who brought it into being amounts to nothing more than a front and a facade. The public may well be led to believe that they have a crutch on which to lean when in fact they have nothing at all."

Section 92(1) of the Constitution of the Republic of Trinidad and Tobago states that the "Ombudsman shall be provided with a staff adequate for the efficient discharge of his functions." As Ombudsman, I am fully aware of the staff requirements of my office. An increase of investigative and clerical staff is required. I propose to take the necessary steps to implement this.

Investigative Department

My Investigators must be professionals able to deal tactfully with all citizens and to establish effective working relationships with senior Government employees. They must have a good knowledge of the Public Sector and be persistent and vigilant in dealing with the citizens' grievances. Above all, in view of the nature of their duties they must be of high moral standard. They are substantially the backbone of my office. At the time of this report, there are one Senior Investigator and four Investigators, each of whom is expected to handle more than 250 cases. Indeed for much of the period of this report (up to 1st December, 1982), there were only four Investigators who had to handle approximately 290 cases each. To indicate the position in other Ombudsman Offices, I have included a table showing the total staff, the number of investigators and the percentage of Investigators to total staff.

TABLE I

<i>Country</i>	<i>Total Staff</i>	<i>Investigators</i>	<i>Per cent</i>
ONTARIO, CANADA	137	43	31.8
QUEBEC, CANADA	27	13	48.1
NEW SOUTH WALES, AUSTRALIA ...	32	17	53.1
DENMARK	23	11	47.8
FIJI	9	4	44.4
REPUBLIC OF CHINA	107	16	14.9
NEW ZEALAND	29	13	44.8
TANZANIA	50	9	18.0
ENGLAND—Commissioner for Local Administration	51	12	23.5
ENGLAND—Parliamentary Commission for Administration ...	88	54	61.3
WALES—Commission for Local Administration ...	9	4	44.4
GERMANY—Parliamentary Commissioner for Military Affairs ...	56	20	35.7
TRINIDAD AND TOBAGO	23	5	21.7

This table shows an average percentage of investigators to total staff of 36.6 per cent. To achieve such a percentage in Trinidad, this office would have to be provided with the service of four (4) additional investigators. This would reduce the individual investigator's case load to approximately 127 cases. I intend to pursue this issue vigorously. Other urgent matters affecting adversely the effective operation of my office are the lack of separate office accommodation for each investigator, the need for four additional direct telephone lines and storage space for registry files. I am also giving urgent attention to these issues.

Systems Technology

My office is required to deal with a heavy volume of daily correspondence and much paper work. I have examined this matter carefully and am of the view that the use of electronic methods (memory typewriters, dictating machines and transcribers) will enable the office to perform more efficiently and almost certainly more economically. I propose to give high

priority to the provision of Word Processing Systems and Dictating Equipment for the office so as to enable the high standard of service the citizens deserve.

Financial Resources

The Ombudsman must not only be totally free of political and bureaucratic control in the performance of his responsibilities to the citizens of Trinidad and Tobago but must be perceived by those citizens as being totally independent and impartial. The Ombudsman should be responsible only to Parliament for the performance of his office and indeed this is the position.

Above all, in financial matters, in order not to have to rely on any Government Agency or Department, I should be provided with a Vote sufficient for the complete operation of my office in an independent manner. Clearly, I would have to be answerable to the Auditor General in respect of expenditure from this Vote. I will be making representations to the competent authorities with a view to improving the human and physical resources of my office and obtaining control of its financing.

While my proposals are being considered, my staff and I will continue to do our best to provide maximum service to the people of our country.

Liaison with Ombudsmen and Ombudsman Institutions

I have maintained close relationships with Ombudsmen throughout the world so as to keep up to date with the most recent improvements and advancement in the Ombudsman Institution. Close contact is maintained with the International Ombudsman Institute with headquarters in Edmonton, Alberta, Canada which among other benefits provides several publications relating to the work of Ombudsmen which are of great value.

I was elected to the Board of Directors of the International Ombudsman Institute with effect from 1st December, 1982. Cabinet agreed that I should attend the Annual Board Meeting held in Zurich, Switzerland from 11th October, 1982 to 15th October, 1982. Prior to this, at the invitation of the French Ombudsman, the Directors met in Paris for discussions and visited the fully computerized office of the French Ombudsman. The Zurich Conference was attended by the following members of the Board of Directors:

Mr. ULF LUNDVIK
President
Parsta
Sweden.

Dean FRANK JONES, Q.C.
Faculty of Law
University of Alberta
Edmonton, Alberta
Canada.

Dr. BERNARD FRANK
Vice-President
Allentown, PA
U.S.A.

Judge JOSEPH BERUBE
Ombudsman
Province of New Brunswick
Fredericton, N.B.
Canada.

Mr. OLIVER F. DIXON
Former Parl., Comm., for
Admin., Investigations
Perth
Western Australia.

BARONESS SEROTA
Former Chairman
Comm., for Local Admin.,
London
England.

Sir MOTI TIKARAM, K.B.S.
Ombudsman
Fiji.

Dr. RANDALL IVANY
Executive Director
International Ombudsman
Institute
Edmonton, Alberta
Canada and Ombudsman
Alberta.

Dr. J. VONTOBEL
Delegate for Complaints
(Ombudsman)
Zurich
Switzerland.

Mr. PER-ERIK NILSSON
Administrative Chief
Ombudsman
Sweden
Chairman, I.O.C.C.

Dr. MYER HOROWITZ
President
University of Alberta
Edmonton, Alberta, Canada
Ex-officio.

Justice EVAN REES
Ombudsman
Trinidad and Tobago.

The Hon. DONALD MORAND, Q.C.
Ombudsman
Province of Ontario
Toronto, Ontario
Canada.

General Comments on Ministries, Departments and Authorities

I am including comments on individual Government organizations to high-light the several difficulties and problems facing these organizations and not with the intention of singling out any organization for critical comment. In this way, I am also attempting to contribute to increased productivity in that my comments will lead hopefully to improvement in such key elements in the nation as the supply of electricity and water and the improvement of the bureaucratic system.

Ministry of Agriculture, Lands and Food Production

Land Acquisition

Total number of Complaints ...	62
Within jurisdiction ...	54
Without jurisdiction ...	8
Land Acquisition Complaints...	10

In my First Annual Report, I highlighted a case in which the State had compulsorily acquired a complainant's property and the matter was resolved in favour of the complainant. In that matter, I came face to face with the cumbersome machinery of Government established for the purpose of affecting payment of compensation to claimants whose properties were compulsorily acquired and the inordinate delays experienced by those citizens in obtaining the financial compensation due to them.

My concern for the plight of citizens who have had their lands compulsorily acquired by the State and have not been paid compensation caused me to initiate an indepth investigation into the matter. In my Second Annual Report I included an Interim Report in which I documented the processes of the acquisition procedure illustrating the delays in the procedure and the attendant problems of each Division and Agency involved.

During the course of my investigation I reported two tragic events which hampered my enquiries. I revealed then that the building which provided accommodation for the Acquisition Section of the Lands and Surveys Department was destroyed by fire. My Office, however, was in a position to assist the officers of this Section with the reconstituting of their records because of the many copies of documents that were in my possession at the time of the fire.

I was informed that the Acquisition Section was eventually housed in a building at 2-4, Abercromby Street, Port-of-Spain but was in need of furniture. I am gravely concerned that after three years the Acquisition Section is still sparsely furnished and more importantly that such an important office has never been provided with a telephone, and from my discussions with officers of the Lands and Surveys Department, it appears that no serious effort has been made to acquire one. The only senior member of staff in the Acquisition Section obviously finds it very difficult to communicate with the many other Agencies/Departments that are involved in the acquisition process, with claimants and with my office.

I also reported that one of the two surveyors who was working on the proposed route of the Scarborough Parkway in Tobago died in a motor vehicular accident. I stated then that the notes of his surveys on the acquisitions of land along the proposed highway were not found and as a result these surveys and the preparation of the notes had to be done again.

It was not known then, but I was subsequently advised that the other surveyor assigned to Tobago left the employ of the Government without submitting his work. Consequently, there were no surveyors assigned to Tobago. This situation prevailed for approximately two and a half years and has not been rectified at the time of this Report. However, I understand that the authorities plan to assign two surveyors to Tobago in 1983. This means that although most of the Claude Noel Highway (now named) has been completed and is being used, the survey of the properties compulsorily acquired is only now being undertaken. The situation is heart-rending

having regard to the fact that the many claimants whose properties were utilized at the commencement of construction of this Highway in the period 1974 to 1975 had not been compensated at the time of writing.

In my Second Annual Report, I reported on the role of the State Solicitor's Office in the land acquisition process. I stated that the Chief State Solicitor's task is to verify the titles of those persons to whom compensation should be paid. I advised that because of the Chief State Solicitor's heavy schedule (e.g. the Administrator General, the Courts, the Public Trustee and others) I held the view that in all the circumstances it would be unreasonable for him to give priority to land acquisition matters, and what was urgently needed was adequate staff for his Office.

There appeared then to be recognition on the part of the Authorities of the enormous work load of that Office and a legal practitioner in private practice was engaged to examine the titles of those persons to whom compensation should be paid. The practitioner was to be paid on a per claimant basis. It is sad to report that it has come to my attention that this situation no longer prevails. The practitioner has given up the job in disgust because he has not been paid for the many matters he has handled. As a consequence, the payment of compensation will be further delayed at this important juncture and affected citizens will continue to suffer and experience great financial hardship.

This grim picture obtains not only in Tobago but is also prevalent in Trinidad. The shortage of surveyors is found primarily in the Public Service and is one of the many causes of the delay in processing the claims of those whose lands have been compulsorily acquired.

Government has established a course in Surveying at the University of the West Indies, St. Augustine Campus and it is expected that the shortage will soon be reduced. This belated effort will surely not comfort those many claimants who are experiencing inordinate delay in receiving compensation because of the present shortage of surveyors.

Undermentioned is a list of some of those matters that were being delayed because of the shortage of surveyors.

<i>Area of Proposed Acquisition</i>	<i>Year in which State's Agency Entered Land</i>	<i>Status of Acquisition</i>
Gilpin, Roxborough Roxborough/Bloody Bay Road	1959	Survey has not been carried out
Bloody Bay Road	1965	Survey has not been carried out
Scarborough Parkway	?	Survey has not been carried out
Scarborough Parkway and Signal Hill	1979	Survey has not been carried out
Roxborough, Parlatuvier	1964-65	Survey has not been carried out
Lambeau	1972	Survey has not been carried out

St. George's	1966	Survey has not been carried out
Wilson Road 5,643 square feet	1966	Survey has not been carried out
Parish of St. Andrew 10,000 square feet	?	Survey has not been carried out
Grafton Road, Pleasant Prospect, Black Rock	1967	Survey has not been carried out
Riseland in the Parish of St. Patrick	1973	Survey has not been carried out
Britton Hill Trace, Roxborough Village	1975	Title is being verified

I shall continue my investigations and report my findings.

In 1979 I reported that "... For any owner to wait for several years for payment for his land which has been acquired for public purposes because of inefficient machinery is manifestly unjust particularly when a provision for compensation is an indispensable attendant upon the due and constitutional exercise of the power of depriving an individual of his property." I continue to hold this view.

Therefore, unless the Authorities act expeditiously in providing adequate staffing for the Departments/Agencies involved in the acquisition process the problems will be compounded.

National Housing Authority (NHA)

Total number of Complaints ...	30
Within jurisdiction ...	25
Without jurisdiction ...	5

I am concerned with a number of matters regarding the administration of the National Housing Authority (NHA). Its officers are charged with the responsibility of providing inexpensive housing to the needy and deciding upon the allocation of available units. They also process loans for the purchase of houses. As such, they must exercise their responsibility with an abundance of caution and ensure that bias does not interfere with their judgement. Above all, they must remember that they are public servants and must display a high degree of professionalism and courtesy when dealing with members of the public.

I have initiated an investigation as a result of reports reaching my Office that a substantial misappropriation of National Housing Authority (NHA) Funds has been going on for some time. In this regard, I have exercised my discretion in accordance with Section 93(2)(c) of the Constitution and am empowered to investigate such a matter as prescribed by Sections 94(1) and (3) of the Constitution. As my investigation is still under-way, I will not comment further but note with dismay that this situation was referred to the Attorney General's Office nearly two years ago and, to the best of my knowledge, no action has yet been taken to identify the person(s) involved.

Another matter that needs rectifying urgently is the problem of squatters illegally occupying National Housing Authority (NHA) housing units. Senior Management of the Authority have acknowledged that this is a serious and common place problem and no initiative has been taken to evict the illegal tenants. Apparently when a unit becomes vacant, the Authority tries to have it re-allocated immediately but often squatters move in before the new tenants have had an opportunity to take possession.

In one instance (case OMB: 82/472) squatters broke into a legal tenant's apartment while he and his family were away and refused to move out in spite of demands made by the legal tenant and a National Housing Authority bailiff. More than a year and a half later, these squatters are still occupying the apartment and the National Housing Authority has taken no legal action to have them removed and to regain possession of their property.

It seems to me that the National Housing Authority must institute legal proceedings in these circumstances to have the illegal tenants evicted. If they are allowed to continue occupying the apartments, then the authorities will appear to be condoning this illegal act and this problem could well escalate to unmanageable proportions. The Government cannot allow this situation to continue and a concerted effort must be undertaken to alleviate it and minimize the probability of its continuance.

Police Service

Total number of Complaints ...	77
Within jurisdiction ...	61
Without jurisdiction ...	16

The number of complaints against the Police have increased from 49 in 1981 to 79 in this reporting period. Those complaints within my jurisdiction have doubled from 30 in 1981 to 61 this year and represent the second largest number of complaints against any department. However, I do not think that there is any cause for alarm as this is understandable, given the nature of police duties and responsibilities and the fact that they regularly come in contact with members of the public from all strata of society. This is emphasised by the fact that no cases were sustained while corrective action was taken in 13 matters by the Commissioner of Police who even instituted disciplinary action against police officers in several of the cases investigated.

However, there are some areas of concern worthy of mention.

I am still encountering difficulties with the Police Service expediting my requests for reports on complaints under investigation. In several cases the complaints have been outstanding for several years because I still have not been advised of the results of the police investigation into the matter

under consideration. Too often I am simply sent stereotyped memos advising that the matter is still under consideration. This is not satisfactory and is an impediment to the Ombudsman process.

The rules of administrative fairness provide that a respondent (the Government organization complained against) be given an opportunity to make representations on his behalf in response to allegations made by the plaintiff (the complainant). This is why I seek representations from the department complained against prior to commencing an investigation. Often complaints against the Police may be premature for one reason or the other and the Commissioner's response to me will make this clear. Further, the Commissioner may take corrective action on the complaint after I have notified him of my intent to investigate the matter. Serious complaints against the Police, however, often require indepth departmental investigation by the Commissioner to determine the accuracy of allegations, particularly in cases of fraud. Many complaints against the Police relate to inadequate police investigation. The Commissioner is more competent to deal with such matters. I am not a police investigator and, therefore, rely on the Commissioner's expertise in certain matters to provide me with accurate reports so that I may make a meaningful determination as to the merits of a case.

I have held discussions with the Minister and Permanent Secretary of the Ministry of National Security, and with the Assistant Commissioner of Police, regarding this difficulty. In spite of promises of co-operation, the problem still persists and it is not unusual for the police to take from six months to a year to provide me with reports. This situation reflects poorly, not only on the Police Service but on my Office's ability to live up to citizens' expectations. The situation needs to be remedied urgently.

On the other hand, when I do receive reports from the Police it is not unusual to be notified that the complaint was investigated internally and found to be unsubstantiated. However, in such cases, I have not been provided with supporting evidence and documentation. While I appreciate that such internal enquiries can be time consuming, I cannot rely on such reports to arrive at any meaningful decision.

I am obliged to investigate complaints fully and to satisfy myself that a thorough and impartial enquiry has been carried out by the Commissioner and appropriate action or a reasonable decision has been taken on the matter. In order to so satisfy myself, I must be able to review the evidence gathered by the Commissioner during the course of his own investigations and which he refers to in support of his position. If I am merely to accept as fact what is reported to me by the Commissioner, then I am only echoing the Commissioner's point of view on the matter under investigation. I will not have conducted my own investigation and, therefore, cannot be expected to arrive at a reasonable and fair decision.

I have been experiencing difficulty in obtaining access to police departmental files and documents relative to matters under investigation by my Office. Members of my investigative staff have sometimes been unable to complete an investigation because police officers are unwilling to hand over files to them for review.

Section 97(2) of the Constitution provides me with the power to enter and inspect the premises of any department of government or any authority to which section 93 applies (and this includes the Police Service), to call for, examine and where necessary retain any document kept on such premises and there to carry out any investigation in pursuance of my functions.

Because I appreciate that the Police Service deals with sensitive and confidential matters and the Commissioner may be reluctant to have junior officers release files to my Office, I met with the Minister of National Security and discussed this problem. Senior Members of my staff also discussed the matter with the Permanent Secretary. I am pleased to report that the Minister was most co-operative and understanding and in this regard made arrangements for effecting a procedure whereby requests for police files could be directed through his Ministry.

While I agree in principle to the wisdom of this procedure, unfortunately it has not been working effectively. It takes up to as long as four months to obtain the file requested from the time I write to the Permanent Secretary asking that it be turned over to my Office in accordance with the provisions of the Constitution. I have no disagreement with the procedure but am dissatisfied with the undue length of time it takes to obtain the file. This delay only contributes to the unnecessary length of time it takes for me to complete an investigation. I am hopeful that in future my requests will be dealt with expeditiously.

Many of the complaints against the Police relate to the non-return of recovered stolen property to the owners. In several cases, motor cars valued at thousands of dollars have been stolen and recovered by the Police, often on the same day, but not returned to the owners for several years. These cars are stored in the open, unprotected from the natural elements, in police station yards where they deteriorate, often to the point of being totally unusable. In one case, the Police have retained a citizen's car since 1977 and it is now of no value to the owner. This problem occurs whenever stolen property is recovered by the Police and includes such articles as television sets, video recorders, firearms, stereo equipment, jewellery and even money.

I find that this is a deplorable and intolerable practice that serves only to deprive honest citizens of their rights and privileges to enjoy the use of their property. In addition, this practice contributes towards eroding the public's confidence and trust in the Police Service and diminishes the image of the police officer in the public's eye. It also leaves the police open to

criticism that recovered stolen property is being used by police officers for personal gain.

In one case, still under investigation by me, the complainants' premises was broken into and robbed of a quantity of jewellery, money, guns and two motor vehicles, valued in the hundreds of thousands of dollars. The culprits were apprehended a few hours after the robbery in one of the stolen cars and some of the items, including eleven pieces of jewellery were recovered by the Police. Among the jewellery recovered was the victims' wedding band engraved with their initials and the date of their wedding. Although the two cars were returned to the complainants after they entered into a bond with the Commissioner of Police to produce them in court as and when required, they have been unable to secure the return of their jewellery. Because the jewellery is in police custody they cannot even claim insurance.

The Commissioner of Police's response to this complaint is that the jewellery cannot be returned to the victims because the accused have been committed to stand trial at the Assizes and the jewellery is now an exhibit and cannot be returned to the victims until the matter is determined by the court. The suspects were arrested and charged in May of 1980 and the complainants have been deprived of their property by the Police since that date.

In my discussions with the Solicitor General, the Director of Public Prosecutions and the Assistant Commissioner of Police, the Police advanced the position, supported by the Director of Public Prosecutions, that once the stolen property has been entered in court as an exhibit the Commissioner cannot return the items as they are now in the custody of the court and he has no discretion in the matter. However, it was conceded that the property could be returned to the rightful owner on condition that he enter into a bond prior to the items being entered as exhibits in court. It is difficult to understand why, in the case mentioned, the Commissioner decided to return the two cars but refused to return the jewellery. There is a grave danger that these valuable pieces of jewellery could be misplaced or lost and the complainant deprived of them permanently.

Interestingly, I wrote to the Chief Magistrate in February of 1980 on this matter and he was of the opinion that the return of recovered stolen property to its owners was a discretionary matter for the Director of Public Prosecutions and the Police to exercise; an opinion contrary to that advanced by the latter two officials in their representations to me.

In this regard in 1980, I wrote to the Chief Magistrate, the Attorney General, the Director of Public Prosecutions and the Commissioner of Police as follows:

"I am very disturbed over the indiscriminate seizing of articles such as cars, bicycles etc., by the Police on the ground that these articles are necessary to be produced as exhibits in proving cases of larceny. As you are aware, it is not in every case of larceny that it is essential to produce stolen articles. In some prosecutions this is not even possible, as the stolen article is not found. In any case the owner of the article alleged to have been stolen may be made to enter into a recognisance for its production on the date of the hearing.

I think that the Police should be advised by the Director of Public Prosecutions in cases where they may be of the view that certain articles such as vehicles owned by a virtual complainant should be used as an exhibit. I am attaching hereto, a copy of a letter to me and of the reply from the Commissioner of Police. The Letters speak for themselves. I have received many others of a similar nature.

"I shall be glad if some reasonable approach be taken to relieve unnecessary hardship to the citizen."

The Chief Magistrate replied to me in March of 1980 stating:

"I agree that in the majority of cases the owners of articles seized should be made to enter into recognisances to produce the exhibits whenever the matter is being heard.

However, this matter seems to be a discretionary one for the Director of Public Prosecutions and the Police to exercise."

It is sad to relate that some two years later this discretion is not being fully or adequately exercised and citizens are being deprived of goods by the very service that is meant to protect them. I sincerely hope that this practice will cease and that steps will be taken by the Commissioner, and the Director of Public Prosecutions in conjunction with the Chief Magistrate, to alleviate the plight and concern of the many citizens affected.

It has also come to my attention that in many cases the Police are not issuing receipts to the owners of recovered stolen property being kept in Police custody. This is a dangerous practice which can easily lead to allegations of Police misconduct.

I have received a number of complaints relating to the suspension of firearms licences and the non-issuance of licences to applicants.

In the latter case, where a person applies to the Commissioner for a firearms licence and the Commissioner refuses to issue a licence he is exercising an administrative discretion and is not bound to give any reasons for the decision.

However, where the Commissioner revokes a firearms licence he is acting in a quasi-judicial function and is required to give reasons for his revocation, and his reasons must be reasonable. In such cases, it is not sufficient that the Commissioner state that he has exercised his discretion to revoke the licence; he must also state his reason for so doing. Therefore, if a citizen complains to me that his firearms' licence has been unreasonably revoked by the Commissioner I have the jurisdiction to investigate such a matter and the Commissioner is obliged to inform me of the reasons for his decision which must be consistent with that given to the complainant. In any event, he must advise the licensee of his reason for revoking the licence.

However, I recognize that in revoking firearms licences the Commissioner is often doing so on the basis of certain confidential information relating to the security of the State, which if revealed, would jeopardize his effectiveness in combating crime. As Ombudsman, I have never pretended to have jurisdiction over matters relating to State security and do not intend to involve myself in cases that I am of the view directly relate to the security of the State. In this regard, I must first quite naturally satisfy myself that such is indeed the case. Having done so, I must rely on the integrity of the Commissioner of Police and the Attorney General in deciding that they cannot reveal certain information to me because its confidentiality is essential to protecting the security of the country. In fact, the Ombudsman Act envisaged such an eventuality and included such a provision for the benefit of the Attorney General and the country at large. In this regard, the relevant section of the Act merits quotation:

“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—

- (a) might prejudice the security, defence or international relations of Trinidad and Tobago (including Trinidad and Tobago's 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.”

It is only fair to comment on the positive aspects of policing in our country and to highlight the difficulties that our police officers are faced with in this modern age of sophisticated and increasingly senseless crime.

The Police appear to be doing an excellent job of fighting crime in spite of the many dangers and obstacles with which they are faced. It has come to my attention that, unfortunately, all police officers on active duty are not properly or adequately outfitted with the essential items of modern day policing. Not all police officers are armed and many go on duty without handcuffs. This situation must change, given the upsurge in violent, gun-related crimes in the country and the criminals' willingness to use physical force against the police. In my opinion, all on-duty police officers should be provided with side arms and handcuffs to be used in restraining dangerous criminals and violent mentally ill persons. I hope that the Ministry of National Security will address this problem with some urgency.

During 1982, two police officers were killed while on duty in the service of their country. Many more have been injured by handguns and a variety of weapons. I view this situation with concern and wish to express to all members of the Police Service my understanding of the very difficult task with which they are faced.

In conclusion, I would like to quote from a letter that I wrote to the Commissioner of Police in March, 1982:

"The role of the Trinidad and Tobago Police Service in maintaining law and order, preserving the peace and promoting a sense of stability and peace of mind among all our citizens is of paramount importance to the well-being and security of our community and the State.

The men and women who serve as members of our Police Service have an onerous and a far too hazardous burden to bear in the execution of their moral and legal duties. As Ombudsman and as a former Judge of the Appeal Court, I am painfully cognizant of the many difficult and dangerous situations with which the members of our Police Service must unselfishly and unhesitatingly cope every day.

It was, therefore, with a deep sense of regret and sadness that I learned of the wanton and senseless shootings of Police Constables Manichand Ramnarine and Ramkhelawan Bootan on Saturday night last which has led to the tragic death of Constable Bootan in the execution of his duties.

Accordingly, on behalf of myself and my staff I would like to extend to you, the members of your Service and the families of the two Police Constables our deepest sympathy and respects."

These sentiments equally express my sadness at the senseless killing of Sergeant Rowe later on in the year.

Prisons Service

Total number of complaints	...	...	43
Within jurisdiction	...	...	37
Without jurisdiction	...	...	6

The year under review has, surprisingly, seen a decrease in the number of complaints (43) against the Prison authorities (received from prisoners) in relation to 1981 when 69 complaints were recorded. It is difficult to say why this is so but it may be related to the increasing awareness on the part of prison inmates as to my jurisdiction. Bearing in mind that the prison population was about 871 in 1982, this number actually represents a fairly low percentage (19.1%) of prisoners who registered complaints against the actions of the prison authorities.

However, in addition to complaints made against the prison administration by inmates I have received numerous complaints from prisoners related to other agencies and authorities, most of which were directed against the Director of Public Prosecutions and the Registrar of the Supreme Court regarding delays in obtaining early trial dates, having appeals heard and obtaining notes of evidence.

The subjects of complaints from prisoners are many and varied but it is possible to observe some basic causes for complaint. These are often the lack of access prisoners have to information or to the appropriate authorities within the prison system, or both. This includes complaints relating to the non-posting of prison rules and regulations and the lack of reading material. Complaints about diet and general prison conditions are common. The difficulty in obtaining educational material to enhance the inmates' academic status is also cause for concern as the penal system ought to be geared towards rehabilitation.

Although these problems can often be resolved by my office, I am concerned that I am in such circumstances obliged to take on a function which more properly ought to fall to the Commissioner of Prisons. Naturally, as Ombudsman, it is my responsibility to monitor the administration of the

prisons and attend to prisoners' complaints but many of the root causes of inmates' problems, such as overcrowding, inadequate staff, poor facilities, lack of rehabilitation programs and delay in obtaining trial dates, can be addressed and resolved by the Ministry of National Security and the Director of Public Prosecutions.

I am concerned about the situation in the condemned cells where there are some eighteen prisoners housed apart from the prison population. These men are only allowed one hour of exercise per day and have no access to any real form of recreation. This is an undesirable situation which can become explosive and tends to lead to a demoralization, not only of the condemned men themselves, but also of the Prison Officers who have to be in daily contact with these men in the same undesirable environment and still remain vigilant. A review of our Penal Policy is required.

In order to complete investigations, I am dependant upon reports from the Commissioner of Prisons *vis-a-vis* prisoners' complaints and he, in turn relies upon obtaining reports from Superintendents and other Prison Officers. There is need for improvement in the expedition with which such reports are provided to my office. I will be meeting with the Commissioner to discuss this problem further.

Otherwise, I have received excellent co-operation from the Commissioner and his officers, particularly when I visit and inspect the various prisons. Very urgent matters are often dealt with by telephone in the initial stages of an investigation and the Commissioner has been most obliging.

I am particularly concerned about the lack of psychiatric facilities available to prisoners. There is evidence that supports the need for establishing psychiatric and counselling programmes managed by competent individuals in the profession. I have discussed this need with the Prison authorities and will be monitoring the situation carefully.

Illegal immigrants are being housed in the Golden Grove Remand Prison pending deportation proceedings against them. Such a situation is contributing to the serious over-crowding situations at that prison and putting a further strain on human resources of the Prison authorities.

I am opposed to the detention of illegal immigrants in the prison environment where they are needlessly and unreasonably brought into contact with hardened criminals. I will be recommending to the Ministry of National Security that illegal immigrants be detained apart from the prison population and provided with proper facilities.

A number of prison inmates have been writing to me and requesting that I forward enclosed letters to various Government organizations, their solicitors and even to the President.

I wish to emphasize that this is not the function of my Office and I will not permit my Office to be used as a conduit for the forwarding of personal mail by prisoners or anyone else for that matter. Such mail can and must be forwarded through the appropriate channels to the person(s) to whom it is addressed.

Prison inmates are free to communicate with their solicitors and if their solicitors refuse to or delay in replying to such correspondence then they must take the necessary action to ensure that their solicitors attend to their cases expeditiously.

Further, prison inmates are permitted to write to the Director of Public Prosecutions, the Chief Magistrate and the Registrar of the Supreme Court regarding their cases. However, it would seem more appropriate that such correspondence should be directed to the respective authorities, on behalf of the prison inmates, by their solicitors. This is a function of the solicitor in representing the best interests of his client as the above-mentioned Government departments are over-burdened with a backlog of cases presently before the courts and do not have adequate staff available to answer the voluminous correspondence from the prison population.

On the other hand, it is my responsibility and function to investigate complaints from prisoners that they are denied the opportunity to write to such Government departments and I continue to investigate the validity of such allegations. I have even received complaints from prisoners that they have been denied permission from the Prison authorities to write directly to the Ombudsman. I will not tolerate such action, if it is true, and would like to emphasize that section 2(2) of the Ombudsman Act, 1977, specifically provides that prisoners are permitted to write to the Ombudsman confidentially and such correspondence is to be delivered to the Ombudsman unopened by the Prison authorities.

I quote the relevant section hereunder for ease of reference:

"2. (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."

It is absolutely necessary that such protection be afforded to prisoners in forwarding their complaints to me as it provides them with a certain measure of security from possible victimization by over-zealous officials

I am pleased to report, however, that in this regard I have received the fullest co-operation of the Commissioner of Prisons and I am satisfied that prisoners are being allowed to write to me freely and that their correspondence is delivered unopened to my Office.

I have received several complaints from prisoners regarding neglect on the part of the police, and in particular the Arima and Sangre Grande Police Stations, in picking them up and taking them to court. Accordingly, many of them are remaining in prison custody longer than required and this is contributing to overcrowding with all its accompanying problems. This is an undesirable situation and I will be taking the matter up with both the Commissioner of Prisons and the Commissioner of Police to see if the system can be improved or perhaps changed.

I am no longer using the services of the Prison boat on my visits to Carrera Convict Prison as it has come to my attention that this practice has led prisoners to believe that the authorities are forewarned of my visits. Furthermore, it gives more credence to my impartiality and independence if I do not have to rely on the Prison authorities to get me to Carrera Island. I have, therefore, begun using the Coast Guard boats which the Commander has so willingly made available to members of my staff and myself. I extend a special word of thanks to the Commander and his men for their excellent service. I would be remiss, however, if I did not place on record my thanks to the Commissioner of Prisons and his officers for their past assistance in transporting me to Carrera.

The Water and Sewerage Authority (W.A.S.A.)

Total number of complaints	...	...	22
Within jurisdiction	...	...	20
Without jurisdiction	...	...	2

Complaints against the Water and Sewerage Authority (W.A.S.A.) generally relate to the lack of adequate water supply and the annual billing to customers for water service that the customer never received.

W.A.S.A. either supplies water by pipe to areas where water mains are installed and usable or by truck to some areas that do not have access to pipe-borne water. In many areas that do have pipe-borne water, such as Alyce Glenn, Petit Valley and Cocorite, St. James, W.A.S.A. is unable to provide a continuous supply to the customer due to the inadequate pumping facilities presently available. Generally, this problem is prevalent in all hilly areas.

In such situations, customers can be supplied with truck-borne water, but it appears that this system is inefficient. The agents contracted by

W.A.S.A. to supply truck-borne water to some areas where no pipe-borne water is available appear to be a law unto themselves and decide who will receive water. It has come to my attention, and this appears to be a common practice throughout Trinidad and Tobago, that customers are only likely to receive a steady supply of truck-borne water if they are willing to pay extra to the truck drivers for this service. If this is the case, it is nothing less than corruption and amounts to outright blackmail. The agents are already paid by W.A.S.A. to deliver the water and the customer is billed for this service by W.A.S.A. and is not required to pay the agent anything.

This situation requires constant monitoring by W.A.S.A. officials and steps must be taken to ensure that customers receive the water for which they are billed and unscrupulous agents must be penalized and their contracts cancelled. The citizens of our country cannot be held to ransom for an essential service by a few greedy employees.

W.A.S.A. continues to bill customers for water that they have never received. To add insult to injury, when these customers complain to the W.A.S.A. administration about these unfair billing practices, they are informed that interest will accrue on the outstanding balance if the bill remains unpaid.

It appears to me that this is a very unreasonable and unfair practice and it is very easy for W.A.S.A. to determine if a customer has received water or not. In the case of Alyce Glenn, a W.A.S.A. customer who has water mains installed and connected to his house but has received no pipe-borne water for two years, has been receiving annual water bills from W.A.S.A. His representations to the W.A.S.A. authorities have fallen on deaf ears and so he has been compelled to pay the water bills.

It is my opinion that W.A.S.A. must re-evaluate its procedures in this regard and steps should be implemented to allow for such customers to be refunded the money paid for the non-supply of water or else their accounts should be credited.

I will be watching this situation closely and if, need be, am prepared to make appropriate recommendations to W.A.S.A. on these matters.

Town and Country Planning Division

Total number of complaints	...	...	11
Within jurisdiction	...	...	11
Without jurisdiction	...	...	0

Most complaints against the Town and Country Planning Division relate to the delay in processing applications for building permits and approval for land use change.

I am also concerned with the length of time the Division is taking in responding to my requests for reports on matters under investigation. In some cases, the delays were as long as six months to a year. Accordingly, I plan to meet with officials of the Division with a view to improving communications and expediting complaints under investigation by me.

However, in fairness to the Division I must point out that it is experiencing staffing problems which are largely responsible for its delay in processing applications. I have been informed that the Division receives between twelve and fifteen thousand applications per year which, according to statute, should be processed within two months: that is a definite decision should be taken on each application within two months from the date it was received by the Division. There are now only thirteen (13) Town Planners in the Division of whom only five (5) are assigned to processing the vast number of applications. In addition, the Town Planners are all required to perform other additional duties involving administrative work. Needless to say, five persons can hardly be expected to expedite 15,000 applications. Serious consideration must be given to increasing the staff of this Division with a view to improving efficiency and productivity. In addition to these problems, the Town Planners are operating with an outdated statute that has no relationship to the socio-economic situation in Trinidad and Tobago and cannot effectively address the problems of planning and development in the country at present or in the future.

The Town and Country Planning Division Act is based on the English Act of 1947. It was passed in 1960 proclaimed on the 1st August, 1969 and has not been revised since. It has no teeth and there are no provisions empowering officials of the Division to enforce the Act. They can refuse an application, issue stop orders and take court action against offenders but they cannot force an offender to stop the construction of an illegal building. We are all painfully aware of the length of time it would take to have such a matter determined by the courts.

Apparently, several recommendations have been made to the Ministry of Finance to update the Act but no action has been taken to do so. I urge the Ministry to take positive steps in updating this Act with a view to enhancing its provisions so that it will more adequately reflect the reality of the social and economic situation of the country and address the long-term development plans and environmental concerns of Government, and above all give the Division more power to enforce its provisions.

The Trinidad and Tobago Telephone Company (TELCO)

Total Number of Complaints ...	9
Within jurisdiction ...	9
Without jurisdiction ...	0

I have been receiving complaints against TELCO similar to those against W.A.S.A. regarding billing practices.

As we are all aware, TELCO has a monopoly on the telephone system in Trinidad and Tobago and, as such, there is a greater need for it to administer its operations fairly. It is a wholly-owned Government Company and must, therefore, exercise responsibility in the area of customer service.

Many residents of Diego Martin have been without telephone service for nearly two years, but continue to pay monthly telephone rates for fear that failure to do so will result in their service being permanently disconnected. I have held discussions with the General Manager of TELCO and he has confirmed that this practice is common-place throughout the country. It also applies to customers who have had their service interrupted for weeks or months at a time, but are never credited for those periods of non-service nor are they refunded the proportionate amount of that bill for the period of interrupted service.

This is an undesirable practice, as no customer can be expected to pay for a service that has not been supplied. I have been advised by the General Manager if such affected customers apply for a refund their accounts will be credited. It seems strange, however, that their accounts should not, under the circumstances, be automatically credited as management and administration are aware of this unsatisfactory situation and ought to initiate action to remedy it or else provide relief for the Company's customers.

Another problem that appears to be adversely affecting TELCO's customers is the newly computerized billing service. While I appreciate the necessity for improving the Company's operations in the area of collecting outstanding bills, I am of the opinion that reasonableness ought to prevail over a strict adherence to computerized techniques and policy.

The practice of billing now utilized by TELCO involves forwarding by mail a monthly statement to customers advising them of the amount to be paid for that month's service. On this bill is shown a date by which the bill is to be paid. It has now come to my attention that if the bill is not paid by this date the customer's telephone service is disconnected until such time as the outstanding bill is paid. On reconnection the customer has to pay a fee. This is all done by computer. While this may sound like a straightforward sound business practice, in reality it cannot operate fairly.

First of all, the bills are forwarded to customers by mail and there is no assurance that they will arrive before the due date on the bill, thus allowing the customer adequate time in which to pay the bill before his telephone service is disconnected. Secondly, while some customers pay for their service in cash, others pay by way of cheque or at their bank. Cheques are mailed and again the customer must rely on the postal service getting the bill to TELCO before the due date. When bills are paid at commercial banks, they in turn have to remit the transaction to TELCO. This often takes a week and sometimes longer, again jeopardizing the customer's service.

Further, one has to consider that a bill may arrive while the customer is out of the country on annual vacation leave. The bill, therefore, cannot be paid until the customer returns. But, alas, in the meantime the telephone service has been disconnected! It would appear to me that a more reasonable approach to billing should be adopted so that customers will be afforded a more reasonable opportunity to pay outstanding bills. For instance, if after the due date has expired and the bill has not been paid, a reminder note can be sent to the customer advising that the bill is in arrears and informing that the telephone service will be disconnected if it is not paid by a specific date. Then, if the arrears are not paid by the date specified, TELCO would be acting reasonably in disconnecting the service and so advising the customer.

Another procedure adhered to by TELCO which, in my opinion is unfair and should be changed, is the practice of making new subscribers, taking over an existing telephone line from a previous subscriber, responsible for the payment of all outstanding calls at the time of transfer. This means that if the previous subscriber owed TELCO \$2,000 in outstanding telephone bills at the time of transfer, the new subscriber, in order to get the telephone transferred to his name, must pay the \$2,000. Often, at the time the line is transferred, the new subscriber is not told how much money is owed, and finds himself in the unenviable position of being billed months later for calls made by the previous subscriber. If he does not pay this bill, TELCO disconnects his service until such time as the bill is paid in full.

Naturally, because TELCO has a monopoly and the demand for telephones is greater than the supply, it can follow this procedure as people are even willing to pay other persons' bills in order to get a telephone.

However, in my opinion, this is an unfair procedure and it should be stopped. A subscriber should only have to pay for telephone calls charged to his number while he is the virtual subscriber. There are other adequate legal means available to TELCO to collect outstanding bills from previous subscribers without having to penalize citizens who obtain a telephone transfer.

PART II

STATISTICAL OVERVIEW



Statistical Overview

Historical Review

From the inception of the office in December 1977 until December 5, 1982, I have received a total of 5,231 written complaints (section 93(2)(a)), an average of 1,046 annually. (See Table 8). Although the total number of complaints received annually has tended to fluctuate this has not been significant and the difference between the highest (1,102 in 1980) and lowest (977 in 1981) years is only 125 complaints.

A total of 4,564 complaints, or 87.24 per cent, has been disposed of as of December 5, 1982. Of these 1,655 or 36.3 per cent were non-jurisdictional while 2,908 or 63.7 per cent were within my jurisdiction. In depth investigations have been conducted on 68.4 per cent of all complaints received representing 3,576 of the total. As of year end some 667 or 12.8 per cent of all complaints received are still under investigation and will have to be carried over to next year. In addition I have received several requests for investigation from Members of the House of Representatives (section 93(2)(b)) and have initiated one investigation in accordance with section 93(2)(c) of the Constitution.

Year Under Review

During the year under review I received a total of 1,088 written complaints including 2 from Members of the House of Representatives on which files were actually opened and some form of investigation conducted. This represents an average of 90.6 complaints per month and a 11.36 per cent increase over the 1981 reporting period when I received 977 written complaints or 81.4 per cent per month. In addition my office responded to some 155 requests for assistance for which no file was opened but on which some action was taken. These complaints are not included in the above total of 1,088.

The investigation of 478 complaints was brought forward from previous years representing an increase of 9 complaints over the previous reporting period. Of the total of 1,566 complaints under investigation in 1982, 406, or 25.3 per cent were completely outside my jurisdiction. This included complaints that were premature, several that were referred to public agencies or private organizations and those that were excluded from investigation by virtue of the list of excluded matters set out in the Third Schedule to the Constitution.

Below are the figures that show the overall workload of my office in terms of active and closed complaints.

TABLE 1

Overall Workload of Office for 1982

1980/81 complaints carried forward to 1982	...	...	...	478
New complaints received in 1982	...	...	...	1,088
Total active complaints in 1982	...	...	...	1,566
Complaints closed in 1982	...	...	...	899
Within jurisdiction	...	...	...	493
Without jurisdiction	...	...	...	406
Complaints still under investigation at year end	...	...	...	667

I proceeded with the investigation of 1,160 jurisdictional complaints, or 74.7 per cent of the total amount of complaints under consideration (an increase of 73 over the previous year), of which 78 were discontinued and 10 were withdrawn by the complainants. (See Table 6).

I concluded an investigation of 493 complaints or 42.5 per cent of the total number of complaints. Of these I found 324 to be wholly or partly sustained (65.7 per cent) while 81 or 16.4 per cent were not sustained. I closed a total of 899 complaints (this includes the 406 non-jurisdictional matters on which no indepth investigation was warranted) representing 57.4 per cent of all files that were under investigation; an average of 74.9 files closed per month. The total number of complaints under investigation at the end of the reporting period, and which will have to be carried over to 1983, was 667 or 57.5 per cent.

The total number of 1,566 written complaints dealt with during the year reflects the second busiest period of activity since the commencement of the office in 1977. (See Table 2).

TABLE 2

Number of Written Complaints handled by year

Year	Number of Complaints	Brought Forward
1977-1978	1,098	—
1978-1979	1,374	408
1979-1980	1,667	565
1980-1981	1,446	469
1981-1982	1,566	478

The busiest period was in 1980 when 1,667 complaints were dealt with. The actual number of complaints received in 1980 was only 14 more than in this reporting period but we have managed to reduce the total number of complaints brought forward from previous years from a height of 565 in 1980 to 478 in 1982, a decrease of some 87 outstanding matters over the past 2 years. While this appears to be promising the number of outstanding complaints has risen to a record of 667 at the end of this period. This situation bears some comment.

The number and percentage of complaints still under consideration at the close of the year is significantly higher than in previous years and, although it is cause for concern it comes as no surprise to me. The major factor contributing to this situation is the heavy workload of my investigative staff which averaged 290 cases per investigator over this reporting period. A total of 1,160 complaints required investigation of one kind or the other. The investigative staff are understandably finding it increasingly difficult to cope with the volume of new complaints and less time is available to address the outstanding matters from previous years. I will later expand on this.

However, I am hopeful that, with the introduction of the Complaints Officer, the adoption of new procedures and the addition of another investigator to the staff as of December 1982, I will be able to reduce these outstanding complaints during the next reporting period.

The total number of new written complaints received (1,088) is the third highest annual total during the five-year operation of the office. However, the actual difference between the highest year (1980 when 1,102 written complaints was recorded) and the number received this year is almost insignificant; a difference of only 14 complaints. It is difficult to draw any meaningful conclusions from these statistics although it is noteworthy that the annual fluctuations are small. Perhaps the introduction of new procedures into the office operations has served to reduce the number of written complaints received as many persons are now interviewed personally by the Complaints Officer. There is also the possibility that these figures may reflect the impact that my office is beginning to have on Government organisations, some of which have changed their procedures to serve more adequately and meet the needs of the public.

The manner in which these 1,566 complaints were finalized is shown in the following table. To provide a meaningful comparison with past years the corresponding figures for the previous five years are included.

TABLE 3
Statistical Summary of Complaints Received—Classification by Disposition 1977-1982

Classification	Year 1 1977-1978		Year 2 1978-1979		Year 3 1979-1980		Year 4 1980-1981		Year 5 1981-1982	
	No.	%	No.	%	No.	%	No.	%	No.	%
No jurisdiction ...	184	16.76	112	8.15	449	40.74	359	36.75	406	25.93
Discontinued ...	22	2.0	73	5.31	34	3.09	43	4.40	78	4.98
Withdrawn ...	3	0.27	4	0.29	7	0.64	4	0.40	10	0.64
Under consideration	408	37.15	565	41.12	316	28.66	236	26.91	667	42.59
Sustained ...	438	39.90	*620	45.13	222	20.14	238	24.36	324	20.69
Not sustained ...	43	3.91	—	—	74	6.74	70	7.18	81	5.17
Total ...	1,098	100	1,374	100	1,102	100	977	100	1,566	100

*Concluded investigations. No breakdowns as to those sustained or not sustained available.

It is interesting to note that the non-jurisdictional complaints have decreased significantly over the past three years from a height of 40.74 per cent in 1980 to 25.93 per cent over this reporting period. This may be indicative of the public's increasing awareness of the type of complaint that I can investigate. I hope that this trend will continue so that my staff will be able to devote more time to indepth investigations.

I have continued to use the terms "sustained" and "not sustained" in keeping with a decision of the 1979 Australasian Conference of Ombudsman held in Adelaide. However, the classification "sustained" does not necessarily infer that the administrative action or decision of the department or authority complained against was wrong. In fact, included in this classification are

those complaints that were rectified as a result of remedial action undertaken by the department or authority concerned or resolved during the course of the investigation to the satisfaction of the complainant. I am pleased to say that some 90 per cent of the sustained complaints were either rectified or resolved while it was necessary to make only nine recommendations, all of which were accepted.

I should point out that, in addition to those found to be sustained, there would be a number that would have been so found if the investigation had not been discontinued after some action had been instituted by the particular Government organisation concerned to remedy the matter complained of during the course of the investigation. These are included in the discontinued complaints classification.

The most significant aspect of these statistics is the dramatic increase seen in the number of complaints that have been sustained over previous years. A total of 86 more complaints were sustained than in 1981 and 102 more than in 1980. Bearing in mind that these sustained statistics reflect the number of complaints resolved and rectified I feel that it is a measure of the success of my office that we have been able to provide some form of satisfaction to an increasingly larger number of complainants. It is also a tribute to the increased co-operation that I am receiving from various Government organisations as a result of a concerted effort on the part of my senior staff to promote liaison and improve communications with public officials. This is my ultimate objective as Ombudsman, as increased complaint satisfaction by way of mediation and discussion paves the way for an improved and more efficient bureaucratic system.

TABLE 4

Statistical Summary of Complaints Received—Classification by Result
 (Result of complaints investigated disregarding those complaints outside jurisdiction,
 withdrawn or under investigation)

Classification	Year 1 1977-1978		Year 2 1978-1979		Year 3 1979-1980		Year 4 1980-1981		Year 5 1981-1982	
	No.	%	No.	%	No.	%	No.	%	No.	%
Discontinued ...	22	4.3	73	10.53	34	10.31	43	12.25	78	16.15
Sustained ...	438	87.08	*620	89.47	222	67.27	238	67.81	324	67.08
Not sustained ...	43	8.55	—	—	74	22.42	70	19.94	81	16.77
Total ...	503	100	693	100	330	100	351	100	483	100

*No breakdown by classification available.

The number of finalized complaints has increased by more than 132 in the past two years, an increase of nearly 30 per cent. This increase has been due, in part, to an increase in the number of discontinued investigations and reflects a greater exercise of my discretion in accordance with section 95 of the Constitution. Further, as previously mentioned, the number of sustained complaints has also increased and mention has already been made of this. Again, it is also possible that this increase may be related to the re-organization of my office and the adoption and implementation of new operational methods and procedures. It is also a reflection of the improved efficiency of the investigative skills and techniques acquired by my investigative staff.

In spite of the efforts of my staff, the implementation of new procedures, the re-assignment of duties and responsibilities and a real increase in productivity (as evidenced by the increase in the number of sustained complaints), my office has not been able to stay ahead of complaints and effectively reduce the amount of investigations carried over from previous years and those outstanding at year end. There are now almost 47 per cent more open files in the office at any given time than during the last two reporting periods.

This increase in open files and ongoing investigations has several undesirable consequences that are similar to other Ombudsman Offices faced with the same problems of staff shortage and inadequate resources. These are:

1. The time it takes to complete an investigation of a complaint is likely to be longer when an investigator has to handle 290 complaints instead of a smaller number.

2. Case overload generates its own inefficiencies and does not allow investigators adequate time to conduct thorough and complete investigations.
3. The office risks becoming a semblance of the bureaucratic system it is designed to monitor because less time is available to analyse the root causes of complaints and make the proper recommendations required to effect meaningful changes in Government practices, procedures and regulations.
4. The image of the office will suffer, thereby undermining the prestige of the Ombudsman Institution.

While it is difficult and often dangerous to provide meaningful and accurate interpretation of statistics I am of the opinion that statistics confirm that the public continues to seek and use our services and, more importantly, receives a significant level of satisfaction. Of the 682 new complaints that were within my jurisdiction and on which investigations were commenced in 1982, 324 or 47.5 per cent were sustained. That is to say, complainants received some form of satisfaction by way of the rectification or resolution of their complaints in nearly 50 per cent of the cases completed.

TABLE 5
Statistics on new complaints received during the period December 6, 1981 to December 5, 1982

	Total	Percentage of Total
Total number of complaints received	1,088	
Total number of complaints without jurisdiction (includes premature and referral complaints)	406	37.3
Total number of complaints proceeded with	682	62.7
Total number of complaints concluded	302	44.3
Sustained	202	
Not sustained	40	
Discontinued	57	
Withdrawn	3	
Total number of complaints under consideration	380	55.7

TABLE 6

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

	Total	Percentage of Total
Total number of complaints brought forward from last report (December 6, 1980 to December 5, 1981)	478	
Total number of complaints received in 1982	1,088	
Total	1,566	
Total number of complaints without jurisdiction (includes premature and referral complaints)	406	25.3
Total number of complaints proceeded with	1,160	74.7
Total number of complaints concluded	493	42.5
Sustained	324	
Not sustained	81	
Discontinued	78	
Withdrawn	10	
Total number of complaints under consideration at year's end	667	57.5

TABLE 7

Number of written complaints per month

	No.	Percentage of Total	Average
6th to 31st December, 1981	55	5.0	
January	70	5.4	
February	71	6.5	
March	92	8.5	
April	72	6.6	
May	142	13.1	
June	119	10.9	90.6
July	57	5.2	
August	131	12.0	
September	94	8.6	
October	91	8.4	
November	80	7.4	
1st to 5th December, 1982	14	1.2	
Total	1,088	100	

TABLE 8

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

	Total	Percentage of Total
Total number of complaints filed	5,231	—
Total number of complaints without jurisdiction	1,655	31.6
Total number of complaints proceeded with	3,576	68.4
Total number of complaints closed	4,564	87.24
Within jurisdiction	2,909	63.7
Without jurisdiction	1,655	36.3
OUTSTANDING	667	12.8

PART III

SELECTED CASE SUMMARIES



SELECTED CASE SUMMARIES

Case No. 1

Ministry of Education and Culture

Mrs. X worked as a Cleaner with the Ministry of Education and Culture for 15 years from 1954 to 1969. In dealing with the issue of vacation leave due to her, the Principal of the College in which she worked informed the Permanent Secretary of the Ministry of Education and Culture in a Memorandum dated 9th August, 1965 that Mrs. X was illiterate and unaware of her conditions of service.

Her employment record and complaint to me is a demonstration of the position of such illiterate and semi-illiterate but conscientious workers in the Government Service, to whom the bureaucratic system is completely mystifying and who always find themselves in need of an intercessor.

In her letter of complaint to me, dated 21st June, 1978, Mrs. X stated she had retired in 1969 on medical grounds but had obtained no superannuation benefits.

My investigations revealed that in 1969 when Mrs. X was advised to retire on medical grounds, it was discovered on the submission of her birth certificate that she was at that time 67 years old. Mrs. X had been unaware that she was subject to regulation 51(a) of the Public Service Commission Regulations which stipulated that 60 years was the compulsory age for her retirement. Accordingly the Comptroller of Accounts, rightly ruled that Mrs. X's effective date of retirement must be considered as of the date of her sixtieth birthday and she was therefore not entitled to any superannuation benefits since she did not have 10 years service.

The Permanent Secretary of the Ministry of Education and Culture then pursued the possibility of an *ex-gratia* award for what he termed Mrs. X's faithful and efficient service with the Government. It became necessary to determine the number of effective years of service Mrs. X had to her credit. The date of Mrs. X's appointment as a part-time Cleaner had to be established. In this issue, Mrs. X found herself caught up in the bureaucratic transformation from a colonial to an independent regime. The facts involved were:

- (1) In 1956 the Director of Education had informed the Colonial Secretary that he had appointed Mrs. X a Cleaner in his Ministry with effect from 1st February, 1956. The Colonial Secretary accordingly published her appointment in the *Royal Gazette* of 8th March, 1956.
- (2) In 1960 approval was given to increase the salaries of Cleaners in the Ministry of Education and Culture with effect from 1st January, 1959. Mrs. X and another Cleaner, attached to

the same college, were overlooked in the increase. Representations were repeatedly made by the Principal of the college and their union on behalf of the Cleaners and finally it was agreed by Cabinet on 9th February, 1967, that Mrs. X should be credited as a full-time Cleaner and be eligible for the increase of salary applicable to that post as of 1st January, 1959.

- (3) In 1967 Cabinet created posts of full-time Cleaners in the Ministry of Education and Culture, and Mrs. X was appointed by the Public Service Commission as a Cleaner with effect from 1st October, 1967.

The decision of the Comptroller of Accounts in determining the date of Mrs. X's full-time appointment was that the Cabinet ruling was decisive, since in his view the Director of Education was not empowered to make permanent appointments. As such taking into consideration the fact of Mrs. X's age, she was deemed to have retired before such an appointment and was therefore not entitled.

The Permanent Secretary of the Ministry of Education in 1970 recommended that Mrs. X be considered as a full-time Cleaner with effect from 1st January, 1959 in accordance with the Cabinet Minute of 9th February, 1967. Mrs. X was at the time without any financial support. On the basis of this, the Comptroller of Accounts conveyed approval for the payment of a grant of \$396.00 to Mrs. X in a Memorandum dated 18th February, 1971.

The Ombudsman was not satisfied that Mrs. X had received all that was just and owing to her and in a letter to the Permanent Secretary, Ministry of Education and Culture, dated 1st November, 1979 he pointed out to the Permanent Secretary that the *Royal Gazette* of 8th March, 1956, had carried Mrs. X's appointment as a Cleaner, as of that year, indicating clearly that the Colonial Secretary had no doubt in his mind that the appointment was in order, and was satisfied that the Director of Education had the authority to make permanent appointments to such posts.

The Permanent Secretary in Memorandum dated 30th April, 1981 to the Comptroller of Accounts referred to the opinion of the Ombudsman as stated above and requested that the Comptroller of Accounts reconsider the matter.

By letter of 20th April, 1982, the Permanent Secretary informed the Ombudsman that the Comptroller of Accounts had conveyed approval for the payment of an additional gratuity of three hundred and eighty five (\$385.00) dollars to Mrs. X.

Case No. 2

Ministry of National Security

A very troubled young lady wrote to me in November, 1979 and complained that on the 26th October, 1979 the Demolition Unit of the Ministry of National Security demolished her house in St. James. The complainant, who was in an advanced stage of pregnancy pleaded with the senior officers of the Demolition Unit assuring them that her house stood on private lands, but they disregarded her plea. The officers of the Demolition Unit proceeded to destroy the only shelter of this unfortunate family.

I immediately requested a report from the Chief Executive Officer of National Security Council on the matter and he replied as follows:

"Our records do not indicate that any premises owned or occupied by Miss X at Dundonald Hill had been demolished by the Demolition Unit on 26.10.79. However, it is on record that on that date Mr. X of Lands and Surveys accompanied the Demolition Unit which demolished a new incomplete, unoccupied structure on State lands there. At that time no owner objected to the action of the Unit. On 19th March, 1980 a later patrol discovered another structure being erected on the site of this demolished structure and it was at that time that one Mr. Y stated that he had made an initial payment to Mr. X (named) towards the purchase of the land.

As a consequence of this, the incomplete structure was not demolished on this occasion and Mr. Y was advised by Mr. X, the Lands and Surveys official accompanying the patrol, to report to the Lands and Surveys Department to have the matter clarified.

From facts available to me, I recognised the possibility that the incomplete building, which was demolished on 26th October, 1979 was also the property of a tenant of (named) and that probably this was the structure to which [Complainant] refers.

In order to clarify this, I wrote to the Commissioner of State Lands on 17th June, 1980 and sent reminders on 30th June, 1980. Copies attached for information. I have now received a reply dated 27th August from the Commissioner of State Lands informing me that the matter is still being investigated by his Department. As soon as I have been informed of the results of that enquiry, I shall communicate further with you.

In all instances demolition in the course of this campaign, is taken only after a particular building is identified by a member of the Lands and Surveys Department as an unauthorised structure standing on State Lands."

It took nearly two years for the Lands and Surveys Department to reply to my enquiries on the matter. By letter dated 8th May, 1981 the Director of Surveys reported to me that the survey revealed that the complainant's house was indeed standing on private lands.

The complainant advised me that the cost of rebuilding her house was in the sum of \$10,000.00 and I informed the Director of Surveys accordingly.

On July 17, 1981 I wrote the Chief Executive Officer of the National Security Council. My letter reads:—

“In the course of my investigations I was advised by the Director of Surveys by letter dated 8th May, 1981 that:

‘ . . . The survey carried out to determine whether (the complainant's) house was on State or private land has revealed that the building was located on private land. . . ’

Mr. Y (the complainant's) common-law husband claims that he had cause to secure a loan from a bank to rebuild their home. The cost of re-building the house and re-establishing his family is estimated by him to be ten thousand dollars (\$10,000.00).

You will agree that a terrible error has been made and that the State is responsible for compensating the complaint. Accordingly, I am recommending that [Complainant] be compensated in the sum of ten thousand dollars (\$10,000.00) or such reasonable figure as the Commissioner of Valuations might arrive at after negotiating with her.”

The Chief Executive Officer of the National Security Council wrote the Ministry of Housing and Resettlement as follows:

“I forward for your information, a letter dated 17th July, 1981, which I have received today from the Ombudsman. I have also attached copies of previous relevant correspondence.

Having regard to the fact that the various agencies participating in the current anti-squatting campaign do so with the object of assisting the Lands and Surveys Division with the performance of its legal duties, and the further fact that the demolition in question was carried out through inadvertence on the part of the Lands and Surveys Official accompanying the demolition party, I have to recommend that the Ombudsman be advised to address to the Director of Surveys his recommendation as set out in the last paragraph of his letter dated 17th July, 1981.”

At this stage, my investigations revealed that by letter dated 27th July, 1981 the Permanent Secretary, Ministry of Housing and Resettlement, had written to the Permanent Secretary, Ministry of Agriculture, Lands and Food Production as follows:

“.....The matter is referred to you as payment of compensation is handled by your Ministry.”

Finally, the Director of Lands and Survey (a Division of the Ministry of Agriculture, Lands and Food Production) requested the Commissioner of Valuation to determine the quantum of compensation for the complainant.

I was further advised that the matter had been referred to the Solicitor-General for his advice and I am happy to report that he has concurred with

my recommendation that the complainant should be compensated in the sum of \$10,000.00 in respect of the demolition of her property. The complainant was so advised.

Case No. 3

Police Service

In July 1977, a man's car was stolen from his home in Port-of-Spain. It was recovered by the Police on the same day that it was stolen and two persons were charged with the theft of the car.

For approximately one year, from November 1977 until November, 1978, the case against the accused persons was called on a monthly basis before the Courts and adjourned on each occasion. The Police had both accused persons in Court at the same time on only one of those occasions.

The complainant further informed me that to the best of his knowledge no further action had been taken by the Police or the Courts on the matter since November 1978.

Since the recovery of his car by the Police in July of 1977, it had been kept out in the open at the Four Roads, Diego Martin Police Station where it had deteriorated considerably. The value of his car in 1977 was approximately \$7,000.00 whereas it had virtually no commercial value by the end of 1982. The complainant has never been able to obtain the release of his car from the Police.

One of my Investigators visited the Four Roads Police Station and examined the car. He was able to determine that it was in an unusable state of repair and had been kept in the open since 1977. However, much to my surprise, there is no record at the Four Roads Police Station pertaining to this motor vehicle. There is no record as to the fact that the car is stored on the premises, the reason why it is being held, any particulars pertaining to the owner or to the charges involved. I find this situation to be very unsatisfactory and will be discussing with the Commissioner of Police the need for establishing and implementing new procedures relative to the Police custody of motor vehicles.

I have written to the Commissioner of Police requesting that he provide me with a report on this matter, particularly since the car has been held for some six years and the matter has not yet been dealt with by the Courts. However, I have not received a reply as of the end of this reporting period and my investigation of this very important complaint is continuing.

Case No. 4

Immigration Department

In 1979 I received a letter from a complainant who indicated to me that he met his future wife under strange circumstances. He reported that he met and married one of his father's girl friends after she had come to Trinidad from a neighbouring country to live with his father. He became friendly with the lady at his father's business place in one of the country districts. The lady, not being a citizen of this country, in 1966 applied to

the Immigration Authority for Permanent Resident Status. He then left Trinidad and accompanied the lady to her home country and got married to her there. They returned to this country and again she applied for Permanent Resident Status but was refused and deported. It was at this stage of his predicament that he wrote me.

On the 3rd January, 1980, one of my Investigators visited and held discussions with the Acting Assistant Chief Immigration Officer. My Investigator was advised that:

- (1) the complainant's wife was deported because she overstayed her visit to this country; and
- (2) only the Minister of National Security has the absolute right to lift the deportation order for the complainant's wife to re-enter the country;
- (3) therefore she must appeal to the Minister of National Security to have the deportation order lifted.

By letter dated 12th March, 1980 the complainant advised me as follows:

"I am to inform you about the matter of my [Foreign] born wife, (name withheld) whom I married on the 16th May, 1979 and who was ordered to leave Trinidad after her application for residence status was refused for unknown reasons to me.

Sir, you are aware of all the facts that I put forward to you in 1979. I leave all my trust and confidence in you and also my present and future prospect lies in your hands.

In the early part of this year I received a letter from you and you also told me that I must write the Minister of National Security asking him to lift the deportation order placed on my wife. I have done same and delivered the letter personally. From then to this day I have not received any reply.

I would like to further state Sir, that I went to various Ministries concerned and spoke to many people. Some says they knows nothing and some says there is no deportation Order.

Sir, I am once more asking for your mercy and to have pity upon me and look into the matter as a very important and urgent one."

On the 17th March, 1980 the Permanent Secretary, Ministry of National Security wrote the complainant as follows:

"I wish to refer to previous correspondence on the subject of your wife's application for Resident Status and wish to inform you that the former decision of refusal on the matter has not been varied.

In this connection, please be advised that an appeal against the decision cannot be entertained before a year of the refusal date."

I informed the Chief Immigration Officer that I would like to know the reason for refusing the complainant's wife Permanent Resident Status in the country. I have never been favoured with a reply.

On the 27th March, 1981 I again wrote the Permanent Secretary of the Ministry of National Security and requested the file on the complainant's wife. The file was submitted on 19th May, 1981. An examination of the file revealed that the complainant's marriage certificate showed that he got married on 16th April, 1979, at the age of 17 years to his wife who was then 30 years old. Consent to this marriage was given by his father. The complainant's wife (hereinafter referred to as "the wife") first came to Trinidad on 10th October, 1971 and left on 16th October, 1971. She returned to Trinidad on 18th December, 1971 at the invitation of the complainant's father (hereinafter referred to as "the father") and was granted permission to remain until 2nd January, 1972. That permission was never extended.

The wife remained in Trinidad and in July 1972 married the father according to Muslim rites and bore him a son. The marriage was not registered—the father was at the time legally married to someone else.

On 23rd December, 1977 the wife applied for permanent residence in Trinidad. On 16th February, 1978 she was informed that her application was refused but that it would be given further consideration as soon as her marriage to the father was registered.

On 15th March, 1979 the father asked the Permanent Secretary, Ministry of National Security, to reconsider the wife's application for permanent residence. The father stated that the wife was given a few days to leave the country and he was appealing against that decision. The appeal was not entertained and the wife returned to her homeland on 3rd May, 1979.

The father and the complainant went to the wife's country on 13th May, 1979. On 16th May, 1979 the complainant married the wife at the Superintendent of Registrar's Office. He returned to Trinidad the following day. There is no evidence to show when the father returned. The wife came to Trinidad on 19th June, 1979. On 29th June, 1979 she again applied for resident status. This was refused and she left Trinidad on 28th December, 1979.

From the facts as set out above it may well be, as the Ministry thought, that this was a marriage of convenience but the question that arose was whether the wife should be refused resident status having regard to the provisions of section 6 of the Immigration Act, Chapter 10:01. That section states:

"(1) Subject to this Act and the regulations, persons who come within the following classes *may* on application in the prescribed form, be granted permission by the Minister if he thinks fit, to become residents, that is to say—

(a) a permitted entrant who:

(i) by reason of his education, occupational qualifications, personal history, employment

record, training, skills or other special qualifications has established or is likely to be able to establish himself successfully in Trinidad and Tobago in a profession, trade, self-operating business or agricultural enterprise and who has sufficient means of support to maintain himself and his immediate family in Trinidad and Tobago; and

- (ii) has been continuously resident in Trinidad and Tobago for five years or such shorter period (not being less than twelve months) as the Minister may in the special circumstances of any particular case accept;
- (b) a person who is the parent or grandparent of either a citizen or resident of Trinidad and Tobago, if such citizen or resident is willing and able to provide care and maintenance for that person;
- (c) the spouse of a citizen or resident of Trinidad and Tobago; and
- (d) a person has ceased to be a citizen of Trinidad and Tobago by reason of his voluntary acquisition of citizenship of another country.

(2) In determining the suitability of an applicant for the grant of resident status under this section, the Minister shall be satisfied, *inter alia*, that the applicant—

- (a) had entered the country legally;
- (b) is not in a prohibited class; and
- (c) is of good character as evidenced by a police certificate of good character.”

Four categories of persons are covered by that section, viz:—

- (a) a permitted entrant;
- (b) a parent or guardian of a citizen or resident of Trinidad and Tobago;
- (c) the spouse of a citizen or resident of Trinidad and Tobago;
- (d) a person who ceased to be a citizen of Trinidad and Tobago by reason of voluntary acquisition of citizenship of another country.

In addition to being of good character and not being a prohibited class (such as imbeciles, criminals, prostitutes, etc.) applicants under class (a) or (b) must satisfy other tests in order to become residents but applicants under class (c) or (d) are not required to satisfy any other test. The complainant's wife falls within category (c), i.e., the spouse of a citizen of Trinidad and Tobago.

It will be observed that the section of the Immigration Act provides that the Minister may, *if he thinks fit*, (emphasis added) grant permission for

the applicant to become a resident. It is well known that although a statute appears, as in this case, to use the language of mere permission, it has often been decided that in such cases such expressions may have a compulsory force. According to Maxwell on Interpretation of Statutes, 9th edn., at page 247, "Though Section 9 of the Indictable Offences Act 1848 (C.42) enacted that justices may issue a summons on an information laid before them only if they shall think fit, it was held that they were not at liberty to refuse it on any extraneous considerations, such as that the prosecution was inexpedient or that the law would operate unjustly in the particular case."

That passage is in my opinion relevant to the present case. Whether the marriage of the complainant to the wife is one of convenience or not is immaterial in my view in determining whether the wife should have been granted permission to become a resident. So long as she is the spouse of a citizen or resident of Trinidad and Tobago and has not entered the country illegally, is not in a prohibited class and is of good character, she ought to be granted permission to become a resident of Trinidad and Tobago.

By letter dated 6th July, 1981 I communicated my views to the Permanent Secretary of the Ministry of National Security.

On the 14th September, 1981 I received a reply from the Permanent Secretary requesting copies of all correspondence relating to this matter and I advised the Permanent Secretary that correspondence on the matter might be found in the Ministry's file.

In spite of two reminders, I did not receive the courtesy of a reply and I had cause to write to the Permanent Secretary on the need for co-operation between my office and the various agencies of Government and that it was my policy in the performance of my duties to use the powers vested in me as a last resort.

I am constrained to state that in spite of several letters of reminders and telephone calls to the Ministry of National Security I have not received a reply from the Ministry.

On the 7th July, 1982 one of my Investigators telephoned an officer of the Ministry and was advised that the wife had collected her certificate of citizenship since February of 1982 and I immediately wrote the complainant requesting him to confirm that this is so.

Although I am very happy to hear that the matter had been resolved the failure of both the Ministry of National Security and the complainant to inform me about the outcome of the matter can only be described as a case of bad manners.

Case No. 5 Police Service

On December 17, 1981 I received a letter from a complainant who informed me that she had been involved in a motor vehicle accident with a private car on the Morne Coco Road, Petit Valley. As a result, she sustained a fractured leg and was under doctor's care.

She reported the matter to the West End Police Station, Diego Martin, but no action had been taken in spite of several subsequent visits to the station.

On January 11, 1982 on receipt of her letter of complaint, I wrote the Commissioner of Police requesting a report on the matter.

By letter dated February 25, 1982 the Commissioner of Police informed me that the driver of the motor vehicle had been prosecuted for Careless Driving and the matter had been listed for hearing on May 26, 1982 at the Port-of-Spain Magistrate's Court.

On April 16, 1982, I so advised the complainant but I have received no reply from her. I am of the view that the complainant should have at least acknowledged receipt of my letter.

Case No. 6

Trinidad and Tobago Telephone Company

A widow wrote me requesting assistance in obtaining information on her deceased husband's gratuity and pension for the purpose of obtaining a grant of Letters of Administration.

On March 19, 1982 I wrote to the Trinidad and Tobago Telephone Company Limited, the former employer of the husband, and requested the necessary information to assist in preparing an application for Letters of Administration. I was advised that the complainant's husband had retired from the Trinidad and Tobago Telephone Company prior to his demise and had received his retirement benefits from the Company's Insurance Company and the Trinidad and Tobago Telephone Company up to the time of his death.

I was further advised by the Telephone Company that the deceased's monthly pension benefits of (amount named) would be paid to his designated beneficiaries (three named) up to December, 1983 the expiry date of his guaranteed benefits and that arrangements for the payment of the remaining monies would be made by the Company through its insurer on receipt of his death certificate.

The complainant was invited to my Office to discuss her problem and to apprise her of this information. However, she informed me that the information submitted by the Telephone Company was incorrect and alleged that there was a cover-up somewhere because she was not aware of the existence of the children listed as beneficiaries. She claimed that her late husband lived with a woman who had alleged that she had children for him. The complainant contended he had died of cancer of the prostate gland and he could, therefore, not have been the father of the children.

I advised the complainant that the Trinidad and Tobago Telephone Company did not say that those so named as beneficiaries were her late husband's children. I further advised her that her late husband could have named anyone as beneficiary as it was not necessary to name his children. I informed her that the Company acted in accordance with the provision of the Rules of the Trinidad and Tobago Telephone Company Limited Staff Pension Fund, Section 16, Nomination of Beneficiary.

As far as material, section 61(1) reads as follows:

"Each member may designate, by written notice to the Management Committee on a form supplied by the Management Committee and filed with the Management Committee at its office in Trinidad, a Beneficiary to receive any payments which may be payable upon the retrenchment or death of the member. The member may change such beneficiary from time to time, by completing and filing with the Management Committee a form to be furnished by the Management Committee. Any such appointment or change of beneficiary shall take effect only upon receipt of such completed form by the Management Committee. In default of the valid appointment of a beneficiary all such payments will be made to the estate of the deceased member. Notwithstanding any law to the contrary, any trust which may be created as a result of the designation of a beneficiary hereunder shall be in the nature of a revocable trust."

Therefore, in my opinion, the question of whether those so named were his children or not did not arise.

In further discussions with the complainant, I showed her a copy of the Record Card naming the designated beneficiaries and signed by her late husband, a fact that she had once disputed.

The complainant left my office satisfied that there was no cover-up to deny her what was due to her but expressed her anger with the decision of her deceased husband to deny her children a share of his estate. Although I may well sympathise with her sentiments, I am, alas, in no position to change her late husband's stipulations which, by his own act, do not amount to a fault in administration on the part of the Telephone Company.

Case No. 7

Bureau of Standards

In April 1982 I received a letter from a complainant in Tobago. He claimed that in 1979 he had purchased a new car from a Company in Trinidad. Nine months later the chassis broke and he reported the matter to the Manager of the firm's branch office in Tobago. The car was examined by the firm's engineer, but the firm refused to repair the car. He and eighteen other complainants with similar grievances had written to the Director of the Bureau of Standards on the matter but had heard nothing further.

I wrote the Director of the Bureau of Standards requesting his comments on the matter and by letter dated 20th July, 1982 I received the following representations:

"In reply to your letter OMB: 82/415 of 28 May, 1982, I attach a report on action taken in response to (the complainant's) verbal complaint made in March, 1982. You will note that the Bureau sent an officer to Tobago to investigate, the eighteen complainants were expected to meet him. Seven appeared; so far three have put their complaints in writing, as requested."

I had cause to advise the Bureau that I had not received the attached report.

The report from the Consumer Liaison Officer to his Director indicated, *inter alia*, that he had "advised the complainant that he should write a letter to the Prime Minister informing him of the serious problems existing with these vehicles, and obtaining a signature of all persons involved. A copy of the letter, along with the individual letters of complaint were to be forwarded to the Bureau."

I am of the view that this is a serious matter and it appears to me that the Bureau is apparently "passing the buck" for the report did not adequately address itself to the matter.

My Investigator subsequently scheduled an appointment with the Director but on the appointed date, he was informed that the Director knew nothing about the matter.

My investigation into this matter is continuing.

Case No. 8 Police Service

A man complained to me that on Sunday, March 20, 1982 a Datsun Pick-up belonging to him and used by a friend, was stolen from the roadway outside a popular city cinema. A report was made to the Besson Street Police on the same night following which the matter was referred to the Belmont Police Station which was handling the enquiries.

The vehicle was recovered within a few days by the Arima Police and a suspect was held with the vehicle loaded with stolen goods. No doubt at this stage, the complainant felt elated in that his vehicle had been recovered and it would soon be returned to him by the Police. However, it appears that his problem had just begun.

He was advised that the vehicle would be stored at the Belmont Police Station where it was to be held as evidence and that he would be summoned when the matter was to be heard in Court. He was never summoned.

On April 28, 1982, the complainant's solicitors wrote the Commissioner of Police asking that the vehicle be released into the complainant's custody on the condition that it would be made available at any time when requested by the Police as evidence. The Police did not reply to this letter.

The complainant took up his case at Police Headquarters and in spite of many visits and discussions with officers of the Police Service, his vehicle was not released. He complained to me that his vehicle was left to deteriorate at the Belmont Police Station and he was experiencing severe financial hardship without it.

On June 16, 1982 I wrote the Commissioner of Police, and copied same to the Director of Public Prosecutions, requesting his comments on the matter.

On June 21, 1982 the Investigator assigned to the case visited the Police Headquarters and held discussions with the Deputy Commissioner of Police on the matter. The Deputy Commissioner's views was that the Police were responsible for producing the car as an exhibit in Court and at the Pre-

liminary hearing the Magistrate could give permission to release it to the owner, who would be required to sign a bond to produce it as evidence when requested by the Court.

He further pointed out that, if the the Police released the car it would be their responsibility to see that it was produced in Court, a position that they were reluctant to take. The Deputy Commissioner advised my Investigator that it was a matter that had to be discussed with the Director of Public Prosecutions and the Attorney General.

My Investigator informed him that my Office had received information that a man, who had been recently shot and killed by the Police, was the accused in the matter and it, therefore, appeared unreasonable and unnecessary for the Police to retain the vehicle.

On June 28, 1982, my Investigator again met the Deputy Commissioner of Police and was informed that the Police had concluded that the man shot was the only suspect in the matter and as a result the vehicle would be released before the end of the month to its registered owner.

On July 5, 1982, the complainant telephoned my Investigator and advised him that he had received his vehicle. He subsequently wrote me a very pleasant letter thanking my Office for its assistance.

This case illustrates the problems citizens have been experiencing when their personal belongings have been stolen and recovered by the Police, but, for one reason or the other have not been released to them. It is a matter of grave importance which I intend to discuss with the Director of Public Prosecutions and the Solicitor General.

Case No. 9

Ministry of Industry, Commerce and Consumer Affairs

A citizen complained to me that on July 28, 1982, he had applied for an import licence to import a motor vehicle into the country. He was subsequently advised by an officer of the Ministry of Industry, Commerce and Consumer Affairs that his application would take a week to be processed. However, after two months had elapsed he still had not been granted the licence. At this stage the complainant requested that I make enquiries why the matter had been delayed.

I made enquiries at the Ministry and was able to advise the complainant that he should visit the Ministry and complete another import licence application form after which the licence would be granted.

On December 7, 1982, I was advised by the complainant that he had been granted the necessary licence to import his motor vehicle.

Case No. 10

Police Service

On the 21st November, 1979, I received a letter from a woman who sought my assistance. She claimed that on the 30th September, 1979 while travelling on the Techier Main Road, Point Fortin, her car was damaged by

a cow which was never claimed by its owner. The cow was held by the Police and impounded at the Point Fortin Police Station. It had sustained injuries to the extent of a broken horn and bruises to its back and side. The car was extensively damaged.

The Police advised the complainant that the cow would be auctioned and the money deposited in a special Police Fund. However, she would not be compensated for her damaged vehicle.

On the 17th March, 1980, I requested a report from the Commissioner of Police on this matter. By memorandum dated 15th April, 1980, the Commissioner informed me that the animal had been impounded and remained unclaimed. It was subsequently sold by public auction on 7th December, 1979 and the complainant had been advised by the Police that the investigation of the accident had been closed.

I was not of the opinion that the Police investigation should have been closed and I advised the Commissioner accordingly. By letter dated 31st October, 1980 I informed him as follows:

"I refer to your memorandum P:35/13/49 dated 15th April, 1980 in connection with the damage to a car owned by (the complainant) by a cow on the 30th September, 1979 on the Techier Main Road.

I note from your memorandum that the cow was impounded by the driver of the car and sold by the Police at public auction as its owner was unknown.

I am suggesting on the ground of relieving the hardship and by virtue of the provisions of sub-sections (3) and (4) of section 52 of the Police Service Act, 1965, the cow be treated as property found by the driver of the damaged car which has not been claimed. Payment may then be made to (the complainant), the finder of the cow, out of the Award Fund in accordance with the provisions of section 54(f) of the Act—an indemnity being obtained pursuant to section 52(6) of the Act. Copies of the relevant provisions of the Act are attached for ease of reference.

If this course of action is taken, (the complainant) will at least recover something for the damage she suffered from the straying animal found on the road and which has not been claimed by the real owner."

On the 18th November, 1980 the Commissioner of Police sought the advice of the Permanent Secretary, Ministry of National Security on my suggestion.

On the 2nd January, 1981 I requested a status report on the matter from the Commissioner of Police and on the 14th January, 1981 I was advised that the matter was still receiving attention.

I was subsequently advised that the matter had been referred to the Solicitor General and on 27th January, 1982 I enquired from the Solicitor General as to the status of the complaint. He informed me that he had made several requests for further information from the Commissioner of Police but he had not received a reply and was unable to provide legal advice regarding the matter, until such time as he had obtained the requested information.

I immediately wrote the Commissioner of Police as follows:

"The Ombudsman has been advised by the Solicitor General that by letter dated 14th December, 1981 (copy attached) he had requested further information from you on the matter. However, to date he has not received same.

As you are aware, this matter is long outstanding and I wish to impress upon you the urgency in replying to the request of the Solicitor General so that the matter could be resolved expeditiously.

Thank you for your anticipated co-operation."

To date the Commissioner of Police has not submitted the requested information in spite of repeated requests to do so. I am unhappy about this matter because of the inordinate period of time that it has remained outstanding, and the failure of the Police Service to co-operate with my office. Accordingly, I have written to the Permanent Secretary, Ministry of National Security on this matter and my investigation is continuing.

Case No. 11

Land and Surveys Division—Acquisition

A resident of Syne Village, Penal, informed me by letter dated 16th July, 1981 that he had been the owner of approximately one acre of land in Siparia which had been used by the State for the building of a Senior Comprehensive School. He further advised that two men from the Valuation Division, Ministry of Finance, had visited him and promised to write to him on the matter of the expropriation of his property. However, he heard nothing further from the Government. Accordingly, he employed a private Valuator to appraise the property at the current market value and submitted his claim for compensation to the Government. Unfortunately the complainant's original documents were destroyed when the building that housed the Acquisition Division of the Sub-Intendent of State Lands was burnt down. The complainant was advised to re-submit any copies of the original documents in his possession in support of his claim.

By letter dated 28th July, 1981, I requested a report from the Sub-Intendent of State Lands as to the merits of this complaint. When no report was forthcoming I sent two letters of reminder dated 15th July, 1982 and 21st August, 1982.

On the 7th October, 1982, the Acting Director of Surveys advised me in part that, "... notification of the agreement between the Commissioner

of Valuations and (the complainant's) representations was received on August 4, 1982. The payment voucher was subsequently submitted to the Ministry of Agriculture, Lands and Food Production on August 17, 1982 for processing but, to date, the cheque (had) not been made available".

On 19th October, 1982, I therefore wrote to the Permanent Secretary, Ministry of Agriculture, Lands and Food Production, and requested that he expedite the submission of the cheque to the Acting Director of Surveys so that the complainant could be compensated without further delay. On the 17th November, 1982, the Permanent Secretary assured me that the cheque would be submitted to the Lands and Surveys Division for delivery to the complainant.

On 16th November, 1982, I received a copy of a letter from the Acting Director of Surveys which had been sent to the complainant requesting that he make arrangements to collect his cheque at his earliest convenience.

I, in turn, informed the complainant and requested that he advise me when he had received his cheque so that I could terminate my investigation of his complaint and close his file. The complainant advised me accordingly and thanked me for the assistance given to him by my Office.

Before I closed my file on this complaint, I thanked the Acting Director of Surveys and officers of that Division for the courtesy extended to the members of my staff throughout my investigation of this complaint.

Again, this case illustrates the co-operation that I receive from certain Governmental organizations in investigating complaints brought to my attention and serves to elucidate the basic principle of Ombudsmanship which, in my opinion, is designed to resolve complaints by way of mediation rather than confrontation with a view to improving the efficiency of Government bureaucracy.

Case No. 12

Pensions

A widow complained to me about the outcome of an application she had made to the Secretary, Widows' and Orphans' Pensions Committee for a Widows' and Orphans' Pension on the death of her husband, a former public servant. She stated that she had received a letter from the Committee informing her that her late husband was *not* an accepted contributor to the Widows' and Orphans' Pensions Scheme and consequently she was not entitled to a Widow's pension.

On examination of the law, I found that there was no fault in administration. The regulations provide that an officer appointed to the Public Service on probation must be medically examined and *confirmed* in his appointment before he becomes eligible for benefits under the scheme.

At the time of the complainant's husband's death, he was still serving his probationary period and was therefore not yet confirmed in his appointment.

However, as Ombudsman, when necessary I try to go a little beyond the regulations and focus on what is equitable, in an attempt to bring whatever relief may be possible to the complainant. I therefore decided to investigate the matter.

My investigations disclosed as follows:

"Mr. X, deceased husband of complainant was appointed Works Supervisor III (Range 38G) in the Public Service with effect from 22nd January, 1980 on two (2) years probation. His letter of appointment stated that the probationary period would take effect from the date of his assumption of duty. He assumed duty on 3rd March, 1980. Mr. X's probationary period was therefore due to expire on 2nd March, 1982. He was medically examined and found fit. Mr. X however, died on 2nd September, 1981 approximately six (6) months before his probationary period was due to expire and was therefore not confirmed in his appointment as Works Supervisor III at the time of death."

Having regard, therefore, to the provisions of the Public Service Commission Regulations, 1966, on the subject, "Period of probation on appointment", quoted hereunder, I requested the Director of Public Administration to state whether Mr. X held any acting/temporary appointments in a post of Works Supervisor III or in any post of comparable status prior to his appointment as Works Supervisor III.

"38. (1) Where an officer is to be appointed to an office in which he has satisfactorily performed the duties, whether in an acting or temporary capacity or on secondment for periods of equal or longer duration than the period of probation prescribed by Regulation 39, the officer shall not be required to serve on probation.

38. (2) Where an officer is appointed on probation to an office in which he has acted satisfactorily for periods of less duration than the period of probation prescribed by Regulation 39, not more than one year and not less than six months acting service shall be offset against the period of probation."

I received the following statement of such service:

<i>Post</i>	<i>Ministry/Department</i>	<i>Date of Appointment</i>
(a) Building Supervisor (Range 38 G)	Tobago Affairs (Works Division)	10.12.75- 31.5.77
(b) Building Supervisor (Range 38 G)	Finance (Maintenance Division)	1.6.77- 30.4.79

(c) Temporary Engineering	Finance	1.5.79-
Assistant II (Range 34E)	(Maintenance Division)	21.1.80
(d) Works Supervisor III	Local Government	22.1.80
(Range 38G)	(Tobago County Council)	

I observed from the foregoing information that, except for the period 1.5.79-21.1.80, Mr. X would have performed in a post of comparable status prior to that of Works Supervisor III for a continuous period of more than four (4) years. I also observed that he had served eighteen (18) months of his two (2) year probationary period at the time of his death.

Section 24(1) of the Widows' and Orphans' Pensions Act states:

"Where a public officer liable to contribute to the Scheme under this Act dies before he is accepted by the Committee as a contributor to the Scheme, the President may, if he is satisfied that the officer would, but for his death, have been accepted by the Committee as a contributor to the Scheme, direct that the officer be deemed by the Committee to have been accepted as a contributor to the Scheme and to have been entitled to the privileges and benefits of a contributor under the Act."

Having regard to the information gathered during my investigation and the provisions of the Act quoted above, it appeared to me that the Widows' and Orphans' Pensions Committee could consider approaching the relevant authority with a view to invoking the said provisions.

Accordingly, I wrote to the Comptroller of Accounts, Pensions Division, outlining the facts of the case, and pointing out that while I found no fault in administration it was my view that this case was deserving of sympathetic consideration. As such, I suggested that he may wish to re-examine the matter in the light of the facts and the provisions of the Act.

I received the following reply from the Comptroller of Accounts:

"I refer to previous correspondence on the above mentioned subject ending with your memorandum dated 10th November, 1982 and wish to inform you that the question of a payment of a widow's pension to (the complainant) is being considered.

I shall communicate with you further on this matter."

Investigations are continuing and I am pleased that the Comptroller of Accounts has shown a high degree of sensitivity to the plight of this particular complainant in deciding to consider the matter further.

Case No. 13

Police Service

A former member of the then Trinidad and Tobago Police Force wrote to me in May 1982 about being "dishonourably dismissed" thirty-five (35)

years previously in 1947. His dismissal, he claimed, was preventing him from being considered for employment in the Legal Service of the Government of Trinidad and Tobago and would, he feared, also affect the future of his children and grand-children. Accordingly he wished me to investigate the circumstances leading up to what he considered to be his wrongful dismissal.

I informed the complainant as follows:

"I refer to section 95 of the Constitution of the Republic of Trinidad and Tobago No. 4 of 1976, which so far as material, reads—

95. 'In determining whether to initiate . . . an investigation the Ombudsman shall, subject to section 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 . . . an investigation which 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.'

Sections 93 and 94 referred to in section 95 deal with the functions of the Ombudsman in restrictions on matters for investigation."

I also informed him that in the exercise of my discretion I had decided not to initiate an investigation into his complaint which related to action of which he had knowledge in 1978 when my Office commenced functioning and which was more than twelve months old before the complaint was received by me.

Case No. 14

Ministry of Labour, Social Security and Co-operatives

I received a complaint from a retired Co-operative Officer II that he had sustained an injustice as a result of a fault in administration, in that, he had been denied payment of an acting allowance for duties which he performed as Assistant Commissioner (Audit) during the period 11th August, 1975 to 15th October, 1975. The facts are as follows.

In July 1975, the matter was put up by the Commissioner of Co-operatives for the consideration of the Permanent Secretary but the recommendation was *not* supported on grounds that the complainant *was not* the most senior officer in the Co-operative Division of the Ministry. Indeed, there were several Co-operative Officers III who had been overlooked. Accordingly, the Permanent Secretary directed that one such officer, who was stationed in an out district, be put up for the acting appointment.

It was later pointed out that the officer recommended by the Permanent Secretary was selected to attend a training programme during the period 29th September, 1975 to 3rd October, 1975. He had in fact attended and was due to resume duty in the out district on 6th October, 1975.

Accordingly, it was not considered in the best interest to disrupt the arrangements to allow the officer to take up the acting appointment for the period 6th October to 15th October, 1975.

It is pertinent to note that during the entire period the complainant performed the duties of Assistant Commissioner (Audit) that is, from 11th August, 1975 to 15th October, 1975.

While it can be argued that the complainant should *not* have been allowed to perform without prior approval, it is not an unusual practice for an officer to do so once a recommendation had been submitted. This apart however, the fact remains that the complainant *did* perform and as such was entitled to be remunerated for duties performed.

It is also pertinent to note that the Permanent Secretary notified the Commissioner for Co-operative Development in a memorandum dated 15th January, 1976 that he was unable to support the recommendation for the complainant's acting appointment as Assistant Commissioner (Audit) during the period 11th August to 15th October, 1975 and that the complainant should be informed accordingly. The complainant was so notified on 15th January, 1976.

It was against this background that I commenced my investigations in June 1982 and I am pleased to report that the matter was re-opened by the Permanent Secretary, Ministry of Labour, Social Security and Co-operatives and submitted to the relevant authority which gave its approval for the complainant to be paid the remuneration due to him for having performed the duties of Assistant Commissioner (Audit) during the period August 11 to October 15, 1975.

This case is reported, not only because in my view justice was done, but because of the open-mindedness of the Permanent Secretary who was prepared to review the matter upon my recommendation.

Case No. 15

Service Commissions Department

A resident of Tobago in February, 1982, complained to me that she had made an application to the Service Commissions Department for a post of Caretaker in the Public Service since 1974 and that, on enquiring at an Administrative Office in Tobago in 1982, she was advised that her name was not entered on the list forwarded by the Service Commissions Department, from which the recruitment/selection of Caretakers was to be made. The complainant made available to me a copy of the acknowledgement dated 29th July, 1974 which she had received from the Service Commissions Department.

I made verbal enquiries of the Service Commissions Department and was informed that a list was compiled by that Department based on applica-

tions on file as far back as 1977. This list was forwarded to the Central Administrative Services, Tobago, for use when recruitment/selection for employment of Caretakers was necessary. It was however suggested that I forward to the Service Commissions Department a copy of the complainant's letter and acknowledgement for attention. The Department assured me that, provided the complainant was *not* over the age of 45, steps would be taken to have the position regularised. I informed the complainant accordingly.

Soon thereafter I received from the Service Commissions Department, a copy of a letter to the Permanent Secretary, Central Administrative Services, Tobago, requesting him to have the complainant's name included on the list of Caretakers furnished by that Department for future employment in the post as the need arises.

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

Case No. 16 Police Service

The complainant reported to me that on the 14th February, 1980 he was supplied with a Certificate of Character by the Commissioner of Police. To his surprise, it was recorded on the certificate that he had two convictions, one dated the 5th May, 1948 for larceny of a bicycle for which he was fined.

He contended that the Certificate of Character was not correct as he only had one conviction for which he was reprimanded and discharged. The second conviction, he contended, was erroneous and should not have been endorsed on the certificate.

I commenced my investigation of this complaint and was informed by the Commissioner of Police that "prior to 1960, upon (the complainant's) first conviction the fingerprint impressions of a convicted person were retained on file. Subsequent impressions for additional convictions were not retained but particulars of these convictions were entered on that individual's criminal record card. This system was abandoned in 1960 and the system retaining fingerprint impressions for each conviction introduced."

My investigations continued and a senior police officer was interviewed. I requested to see the Criminal Record Card of the complainant. It turned out that the information supplied above was partly incorrect in that, prior to 1960, once a person was arrested and charged with a second or subsequent criminal offence, the person's fingerprints were taken and compared with the first set of fingerprints recorded along with the individual's Criminal Record Card. Once the subsequent prints were compared and matched with the fresh set of prints, they were destroyed.

In the instant case, the police were unable to locate the Criminal Record pertaining to the complainant's 1951 conviction in the Magistrate's Court, and neither were the fingerprints available for the 1951 conviction. In effect, the police could not have produced any evidence to support the 1951 conviction endorsed on the Certificate of Character issued to the complainant.

As a result, the police gave the assurance that on application, the complainant would be given a Certificate of Character on which there would be no endorsements and that:

- (a) the benefit of the doubt will be given to the complainant with respect to the 1951 conviction; and
- (b) the policy decision of the police now is not to show offences for which a person has been reprimanded and discharged."

The complainant was accordingly advised of the successful outcome of my investigations.

Case No. 17

Ministry of National Security

On the 8th July, 1982 a Barrister-at-Law at St. Georges, Grenada, wrote to me on behalf of (the complainant) seeking my intervention. Attached to his letter was a copy of a letter written by him to the Minister of National Security in which he indicated that (the complainant), a Grenadian, twenty-five years of age, came to Trinidad in 1965 at the age of eight. She subsequently married a Trinidadian and bore him a child. The Barrister complained to the Minister that despite representations made by the complainant's husband and the production of the Marriage Certificate, the complainant was deported from Trinidad on the 27th May, 1982.

On the 6th August, 1982, I commenced investigations into this matter and accordingly wrote the Permanent Secretary, Ministry of National Security and requested that he report to me on the matter.

By letter dated 23rd November, 1982 the Permanent Secretary wrote *inter alia* ". . . (I) wish to inform you that (the complainant) was advised to call at this office with her passport along with that of her husband and/or his birth certificate as well as their Marriage Certificate."

Subsequently, by letter dated 29th December, 1982 I was advised by the Permanent Secretary, Ministry of National Security that the deportation order against (the complainant) had been lifted.

I wrote to the complainant and requested that she confirm whether the deportation order had in fact been lifted, but unfortunately she has not responded. This I regard as discourteous. I would like complainants to respond to my requests for confirmation of information provided to me during my investigation so that I can close my file on the complaint.

Case No. 18
Police Service

On the 19th February, 1980 an aggrieved mother came to me as a result of the death of her son. She complained that on the day of his death her son was in company with a friend when he was knocked down in a hit-and-run accident.

Fortunately, however, on the basis of information supplied by her son's friend, who also suffered injuries, the vehicle was identified and a statement was given to the Police.

In spite of this, no action was taken by the Police.

I commended my investigation of this matter and in response to my request, the Commissioner of Police informed me that an inquest had been ordered and that charges were laid against the driver of the vehicle for:

- (1) Dangerous and Careless Driving.
- (2) Failing to stop.
- (3) Failing to report a Road Traffic Accident; and
- (4) Failing to render aid.

However, I continued my investigation into the delay in holding an inquest and discovered that since the 15th May, 1980 the Police had been requested by the Clerk of the Peace to submit the relevant statements so that the inquest could be held.

On the 31st March, 1982 I again wrote the Commissioner of Police indicating that his department was at fault by not making available to the Clerk of the Peace the relevant documents.

On the 30th June, 1982, the Commissioner of Police informed me that the statements had been submitted to the Coroner's Court and a date fixed for the hearing of the inquest.

I accordingly informed the complainant of the date fixed for the hearing of the inquest and was pleased to receive a letter expressing her thanks for the assistance rendered by my Office.

I must place on record that there are several complaints regarding delays in the holding of inquests into certain matters as required by law. This is a most unsatisfactory state of affairs and I am hopeful that the necessary action will be taken by the appropriate authority to ensure that inquests are speedily conducted. I will continue to monitor this problem area.

Case No. 19
Industrial Court

The complainant came to me after waiting for six years for the delivery of a judgment in the Industrial Court.

The source of his grievance began in 1972 when he was dismissed from the service of the Company for which he worked at the time for failing to clock out his time card in accordance with the Rules of the Company. Thereafter, in the same year, the matter was taken to the Industrial Court. In June of 1973, the matter was heard and its decision reserved.

The complainant is a married man with a wife and eight children to maintain and is experiencing great hardships as a result of the delay in the delivery of the Court's decision.

In an effort to expedite the delivery of the judgment, one of my Investigators visited the Industrial Court and informed the Registrar of my concern in the matter. The assurance was given that the matter would be drawn to the President's attention.

After several reminders and there being no response from the Industrial Court, my Office wrote the President of the Court advising him that it was my intention to include this matter in the Annual Report.

It is regrettable to say that there has been no response. Also regrettable is the fact that this is not an isolated case and matters have been pending in this Court for even longer periods than the instant case.

I have documented this case to show the lack of sensitivity shown in this critical area of industrial disputes where speedy conclusions of matters are of paramount importance.

No better example could be used to illustrate the maxim "Justice Delayed Is Justice Denied."

Case No. 20

Trinidad and Tobago Telephone Company

By letter dated 23rd July, 1981, the complainant, a Solicitor and Conveyancer by profession, complained to me that on the 10th March, 1981, one of his two telephones was put out of use and since then, and up to the time of writing, the service had not been restored. Consequently, he had suffered immeasurably by the loss of use of his phone.

He complained further that on the 14th July, 1981, he paid his bill in respect of both telephones and less than one hour after payment the other telephone began to emit a constant busy tone. Despite several verbal and written requests for the restoration of this essential service, the situation remained the same.

It was against this background of utter frustration that the complainant addressed me on the matter.

On the 6th August, 1981, I commenced my investigation by writing the Manager of the Trinidad and Tobago Telephone Company Limited and requesting from him a report on the matter.

By letter dated 25th September, 1981 I received a reply from the Commerical Supervisor which said, *inter alia*:

“ . . . we are sorry that the service is still interrupted. Efforts are being made to restore the service.

Meanwhile, a rebate of 196 days' rental for loss of service will be shown on the October bill. A further rebate will be given when service is restored.”

By letter dated 29th October, 1981, I replied to the Commercial Supervisor's letter noting the offer of a rebate of 196 days' rental. I also pointed out that the complainant is a practising Solicitor and the use of a telephone service is important in his profession, and in the circumstances requested that I be informed of the reason for the inordinate delay in the restoration of the service.

I was subsequently advised that the service was restored and that an additional rebate of 12 days' rental would be shown on the May, 1982 bill.

The complainant was informed of the situation and requested to confirm whether the information supplied was correct.

By letter dated 18th May, 1982, the complainant confirmed that the service was restored and expressed his thanks. Accordingly, I terminated my investigation of this case.

Case No. 21

Police Service/Ministry of Health

A prominent radio announcer at Radio Trinidad contacted me and related the following story.

One of her assistants, a young lady, was walking along Warner Street, Port-of-Spain in the afternoon when a vagrant walking towards her suddenly picked up a rock and threw it at her. She was able to avoid being hit by the rock but, in taking evasive action, she fell against a metal fence and seriously bruised her left leg. The vagrant was well known by sight to the victim as he frequented the area and was reputed to be mentally handicapped.

She attended the nearest Police Station to report the incident and was advised that she would have to make her complaint at the Wrightson Road Police Station as it was responsible for policing the area in which the assault took place.

She telephoned the Wrightson Road Police Station to report the assault and was advised that she would have to attend at the Police Station in person to make her report as they were unable to send a Police Officer to take her complaint.

Accordingly, she attended at the Wrightson Road Police Station where she made a report and submitted a statement. She was advised by the Police Officers on duty that they could do nothing to apprehend the suspect (who

was well known to them) as there were no Police Patrol cars in the station at the time. She was provided with a medical report and advised to attend at a hospital for the purpose of examining her injuries.

Prior to leaving the Police Station, she was approached by a Police Inspector who requested that she go in a police car with the Police Officers who would tour the area where the assault took place in order that she could point out the suspect to them. This she did and the suspect was spotted and identified. However, he eluded the Police and she was informed by one of the Police Officers that they would obtain a warrant for the arrest of the man in question. He further advised her to attend at a hospital for treatment, obtain a copy of the medical report and bring it to the Wrightson Road Police Station.

At 9.20 p.m. on the same evening, she returned to the Police Station and submitted a medical report card to a Police Constable who made a note of the number of the card in a record book next to the entry where her original statement had been recorded. She was informed that the Police Officer who took her original statement was on a different shift and she would have to return the next day to make another official statement as it took a long time for the Police to apprehend and arrest a person such as the suspect in question. Apparently, the suspect was well known to the Police and had a long history of mental illness. The complainant found this unreasonable as she had already given a statement to the Police, identified the man and pointed him out to the Police who knew him extremely well. It was her opinion that, based on the afore-mentioned, the Police could carry out the necessary investigation and pick up the suspect at any time and lay the necessary charges.

It was against this background that this complaint was brought to my attention. The complainant alleged that the actions of the Police in responding to her complaint of assault were totally unreasonable.

My preliminary enquiries into this matter revealed that the suspect was a known outpatient of the St. Ann's Psychiatric Hospital who frequented the Tragarete-Maraval Road area of Port-of-Spain and had a history of assaulting pedestrians and damaging private property. Furthermore, he was well known to the Police by his first name.

On the same day that the complaint was brought to my attention, one of my Investigators met with Police Officers of the Wrightson Road Police Station and a Mental Health Officer and attempted to locate the man in question. He was spotted by the Police but again managed to elude apprehension.

The Mental Health Officer assured my Investigator that attempts would be made to locate the man and have him admitted to the St. Ann's Psychiatric Hospital under section 13(1) of the Mental Health Act.

I was later notified by the Mental Health Officer that the man was apprehended by the Police on the same day and admitted to the St. Ann's Hospital where he would receive psychiatric treatment.

It came to my attention, however, that the Mental Health Officers of this country are operating with grossly inadequate facilities and their powers are very limited. There are presently no facilities available to house mental patients such as the man involved in this case and, consequently, they are kept in open areas in the St. Ann's Hospital, with little supervision and security and are free to enter and leave the hospital at will.

Although, therefore, the outcome of this case was satisfactory, it was, unfortunately, short lived. The mental patient was speedily apprehended and admitted to a psychiatric facility but, because of a shortage of staff and accommodation was back on the streets within two months after his admission to the St. Ann's Hospital where the extent of his treatment involved the application of sedatives.

Case No. 22 Board of Inland Revenue

A resident of San Fernando brought the following matter to my attention and requested that I investigate his complaint against the Board of Inland Revenue.

In 1978 he filed his annual Income Tax Return with the Board claiming a refund in the amount of \$8,316.85. By letter dated 25th March, 1980, following a special audit of his tax position, the Board acknowledged a refund of Income Tax for the year 1978 in the sum of \$7,782.10, and a refund of Unemployment Levy of \$534.75. He was advised that cheques for the total amount of his refund would be issued to him shortly.

However, in spite of repeated personal and written enquiries made by the complainant to the Board on the matter of his refund, he still had not received his cheques by the end of September, 1982, some two and a half years later!

Having determined that the complaint was jurisdictional I commenced my investigation in October, 1982 and requested that the Chairman, Board of Inland Revenue, provide me with a report as to the merit of the complainant's contention.

I am pleased to report that a mere three weeks later I was advised by the Commissioner that refund cheques for the total amount of the 1978 refund had been sent by registered mail to the complainant on 15th November, 1982. The complainant confirmed by letter dated 17th November, 1982, that he had received his income tax refund cheques for the 1978 Year of Income.

I would like to place on record my thanks to the Commissioner for the expedition with which his department rectified this complaint.

Case No. 23

Public Transport Service Corporation

A resident of Bethany, Mount Pleasant, Tobago, complained to me that she had attempted to board a bus operated by the Public Transport Service Corporation (P.T.S.C.) in Scarborough, Tobago, for the purpose of travelling to her home in Bethany. However, the bus conductor would not allow her to travel on the bus as the conductor alleged that she was abusive and offensive and refused to accept her fare. The complainant felt that this was an infringement of her right to travel on a Government owned and operated bus. The complainant informed me that she had never brought this complaint to the attention of the Public Transport Service Corporation Administration.

Accordingly, I advised the complainant that, in my opinion, her complaint against the Public Transport Service Corporation was premature in that she had never lodged a complaint with the Corporation against the alleged conduct of the bus conductor.

I further suggested that it was open to her to register a complaint against the bus conductor with the General Manager of the Public Transport Service Corporation in order that he might conduct his own enquiries into her allegations and take whatever action he deemed necessary under the circumstances.

I pointed out to the complainant that, if after having lodged her complaint with the Public Transport Service Corporation she remained dissatisfied with the action taken by the Corporation to investigate her complaint, she could again contact me and I would examine her complaint with a view to determining what assistance my Office could offer her.

Case No. 24

Police Service

A young man who operated a fast food business in downtown Port-of-Spain complained to me that he was being victimised by the police because he was a card-carrying supporter of one of the opposition parties. He alleged that, because of his association with this particular party the police were attempting to either put him out of business or have him arrested on a trumped up charge.

He further alleged that the police had been using undercover police officers and informants in an attempt to persuade him to purchase illegal weapons and engage in criminal activities. He went on to suggest that this victimisation was directly linked to a civil action that was pending before the High Court involving his landlord who wished to terminate his business tenancy. This landlord, he contended, was connected to the political party that presently forms the Government of this country.

Following a personal interview with the complainant I advised him that his complaint against the Police Service was premature. I suggested

that he direct his complaint of police harassment to the Commissioner of Police for his attention and, if he remained dissatisfied with the action taken by the Commissioner to investigate his allegations he could again contact my office.

Case No. 25

Police Service

In 1979 a young man wrote to me and requested that I assist him in obtaining the release of his bicycle which was being held for evidence by the police.

He related the following story:

"When I passed my Common Entrance Examination, my parents gave me a bicycle. One day in April, 1975, I parked my bicycle and on returning to it I saw two culprits stealing my bicycle. My sister and myself and my friends held the boys and called a passing policeman to apprehend the boys. The policeman took my bike advising that he would need it as evidence in the case.

I have made several trips together with my mother to the St. Clair Police Station and the Central Police Branch at Park Street to obtain my bicycle.

On one of mother's visits to the Central Police Station she was advised by (the officer) in charge of the Stores that I would not be given the bicycle until they have apprehended the culprits. This information seems incorrect because the man was apprehended and placed in the cell in front of me.

Sir, I am presently sitting my CXC/GCE Examinations and I have not had the use of my bicycle for my entire High School career, and I would like to have my bicycle returned to me. I would also wish to know the outcome of the case, as I was never called to give evidence in a Court of Law in this matter.

This is serious and the delay in expediting this matter illustrates a grave injustice to me."

I commenced my investigation into this complaint in July of 1979 and requested the Commissioner of Police to advise me whether the bicycle was being held on advice of the Director of Public Prosecutions and if any person or persons had been charged with larceny of the bicycle.

Following repeated requests of the Commissioner to provide me with this information, he advised me on 23rd January, 1980 that a suspect had been charged for larceny and the bicycle was being held as a court exhibit. Further, the accused had failed to appear in court and a warrant had been issued for his arrest. The Commissioner concluded by stating that it was necessary for the bicycle to remain in police custody pending the hearing of the case.

I was not, however, satisfied with this explanation as I was of the opinion that this procedure of keeping articles in police custody pending the outcome of cases before the courts imposed a hardship on the victims as it deprived them of the right to enjoy their property. Further, I was of the view that certain articles could be returned to the rightful owners on condition that they entered into a recognisance to produce same as and when required in court.

Accordingly, on 25th February, 1980, I wrote to the Attorney General as follows:

"I am very disturbed over the indiscriminate seizing of articles such as cars, bicycles, etc. by the police on the ground that these articles are necessary to be produced as exhibits in proving cases of larceny. As you are aware, it is not in every case of larceny that it is essential to produce stolen articles. In some prosecutions this is not even possible, as the stolen article is not found. In any case the owner of the article alleged to have been stolen may be made to enter into a recognisance for its production on the date of the hearing.

I think that the police should be advised by the Director of Public Prosecutions in cases where they may be of the view that certain articles such as vehicles owned by a virtual complainant should be used as an exhibit. I am attaching hereto, a copy of a letter to me and of the reply from the Commissioner of Police. The letters speak for themselves. I have received many others of a similar nature.

I shall be glad if some reasonable approach be taken to relieve unnecessary hardship to the citizen."

I also sent copies of my letter to the Director of Public Prosecutions, the Chief Magistrate and the Commissioner of Police. The Chief Magistrate replied to me in March of 1980 and stated that, while he agreed with me that, in the majority of cases the owners of the articles seized should be made to enter into recognisances to produce the exhibits whenever the case was called, it was his opinion that the matter was "... a discretionary one for the Director of Public Prosecutions and the police to exercise."

In spite of repeated attempts by me to get the Director of Public Prosecutions to provide me with his opinion as to my representations regarding this case, he has never favoured me with a reply.

I continued to pursue my investigation of this complaint through the Commissioner of Police and eventually persuaded him to agree to release the bicycle to the complainant on condition that he enter into a bond to produce it in court as and when required. This was achieved on 18th March, 1982, when the complainant, now a young man attending University, obtained his bicycle from the police, some six years after it had been first retained as evidence.

Case No. 26
Registrar General

A Tobagonian mother requested that I investigate a matter that involved her son who was due to sit his Common Entrance Examination in 1981. However, because of an error on his birth certificate she was experiencing difficulties in getting the proper authority to accept his registration for the examination.

Her son had been born in 1970 and certain information had been incorrectly recorded on his birth certificate in that it showed that she had been married to the boy's father at the time of birth. This was not so, she contended, as she had never been married to the father. However, her surname had been entered as that of the father on the birth certificate. She was advised by the Registrar General's Office that she would have to locate the father and have him swear before a Commissioner of Affidavit that he had never been married to her. This, she contended, was impossible as she did not know the whereabouts of the father.

I told the complainant to go ahead with her plans for her son to sit his exams and I would proceed with my investigation.

I then discussed the matter with the Deputy Registrar General, and requested his assistance in resolving this complaint in order that the boy involved would have the opportunity of a proper education. He suggested that I write the complainant and request that she visit him personally. Accordingly, I advised the complainant to attend at the Deputy Registrar General's Office in order to expedite the resolution of her problem. In this regard, I advised her what documents she should take with her in support of her claim.

In spite of several letters written to the complainant, I never again heard from her and, in the absence of any information to the contrary, assumed that her complaint had been resolved and proceeded to close her file, after having advised her by letter that I had terminated my investigation.

Case No. 27
Legal Aid and Advisory Authority

A patient of the St. Ann's Hospital reported to me that he had applied for and had been denied Legal Aid by the Legal Aid and Advisory Authority because it had determined that he was not entitled to it. He found this decision to be unreasonable and complained that he had not been informed by the Authority of the reason for its decision.

My investigations revealed that the Legal Aid and Advisory Authority initially approved the complainant's application for legal aid and so notified him by letter dated 15th July, 1981.

However, after further investigation the Authority discovered that the matter for which the complainant had applied for legal aid was one for

hearing before the Petty Civil Court. The Authority, therefore, had to withdraw its approval of legal aid to the complainant because the Legal Aid and Advice Act, 1976, does not provide for the grant of legal aid regarding matters before the Petty Civil Court. The Authority so advised the complainant.

I was able to confirm that the complainant had applied for legal aid to assist him in obtaining compensation for injuries sustained in a motor vehicle accident by way of a civil action before the Petty Civil Court.

Section 20(1) of the Legal Aid and Advice Act, 1976, sets out the matters in which legal aid may be given in Civil Actions as follows:

“20. (1) The proceedings in connection with which legal aid may be given are any proceedings of a description mentioned in Part I of the Second Schedule except proceedings mentioned in Part II of the Second Schedule.”

Part I of the Second Schedule lists the proceedings for which legal aid may be given under section 20.

“I. 1. Proceedings in a High Court of Justice.

2. Proceedings before any person to whom a case is referred to in whole or in part by the High Court.”

In view of the fact that the complainant's matter did not fall under the provisions of Part I of the Second Schedule, in that it was a matter before the Petty Civil Court, I was in agreement with the decision of the Authority and was unable to support this complaint.

Case No. 28

Police Service

A Penal resident complained to me that he had been seriously assaulted and injured by his neighbours. He reported the incident to the Penal Police Station and was advised that they would not intervene in his complaint but that he should take his own action. Accordingly, he laid his own information before a Justice of the Peace at the Siparia Court House charging his assailants with assault. However, no action was taken to have the matter heard, he alleged, because one of the Police Officers at the Penal Police Station was related to the accused person.

I requested that the Commissioner of Police look into the complainant's allegations and report to me. The Commissioner subsequently advised me that the complainant had reported the alleged assault to the Penal Police Station on 18th June, 1981 and he had been advised by the Police Officer who took the report, to take his own action in Court. This the complainant did, but prior to the scheduled date of hearing of the case the complainant settled the matter out of Court.

It was my view that the Police had acted correctly under the circumstances and I was unable to support the complaint. I so notified the complainant and closed my file on the matter.

Case No. 29

D.E.W.D./Police Service

A casual worker employed with the Development and Environmental Works Division (D.E.W.D.) complained to me that he was entitled to pay for work performed by him on the Baptiste Drain, Laventille, between 22nd November, 1979 and 5th December, 1979. He had never received any wages for this work but records at D.E.W.D. showed that the money owed to him had been paid to someone else. He questioned the paymaster about this transaction but was informed by him that his wages had not been paid out to anyone. However, the complainant claimed that he had personally seen the paysheet which indicated that the money had been paid out. Accordingly, he reported the matter to the Police Fraud Squad and was led to believe that the matter would be investigated. Some six months later, he still had not received his wages nor had he heard anything further on the matter from the Police.

I did not wish to intervene in this matter while it was being actively investigated by the Police because paragraph 4 of the Third Schedule to the Constitution prohibits me from investigating complaints relating to action taken by the Police for the purposes of investigating crime.

Nevertheless, because the complaint also related to the alleged delay on the part of the Police in investigating the matter, and I had received several other similar complaints involving D.E.W.D., I contacted the Police and made enquiries as to what progress was being made with respect to the investigation. I received information that the Police had interviewed certain persons and taken statements from the Paymaster and the Identifying Officer. I requested the Investigating Officer to keep me informed as to the status of his investigation so that I could keep the complainant up to date on the progress of the matter.

I have never received any further information from the Police and, in spite of repeated requests for a status report, still do not know what action, if any, was taken by the Police to determine exactly what had happened to the complainant's wages.

I am, however, pleased to report that the complainant notified me that he had received his money late in 1981. I considered this to be a serious matter because there appeared to have been fraudulent activities taking place in D.E.W.D. regarding the payment of wages.

Case No. 30

Arima District Revenue Office

A citizen wrote to me and requested that I investigate a matter involving the Arima District Revenue Office.

His brother, a Trinidadian citizen resident in England, had a draft for 20 pounds sterling issued by his bank, Midland Bank Limited, on 4th June,

1981, in respect of and payable to the Arima District Revenue Office and drawn on the Royal Bank of Trinidad and Tobago, Port-of-Spain. The draft was to pay his property taxes in Trinidad.

However, his brother's property taxes were not paid and the Midland Bank notified his brother in March 1982 that the draft had not yet been presented for payment. In view of the fact that it had not been returned to his brother in England, the complainant had visited the Arima District Revenue Office in November of 1982 and determined that the draft was there and on record. The Chief Clerk had promised that it would be returned to his brother. After he had received written instructions from his brother in March 1982, he again visited the Revenue Office and was advised that the draft had been returned to his brother.

Since his brother had not received the draft, the complainant requested my assistance in securing its return.

I contacted the Arima District Revenue Office and requested the assistance of a Revenue Officer in determining the status of the matter. The officer, after making enquiries, reported to me that he had located the draft and that it had not been returned to the complainant's brother in England. He further admitted that it was a fault on their part as the draft should have been forwarded to the Caroni Revenue Officer as the house on which the property tax had been levied was located in that district. He apologised for the delay and promised to return the cheque by registered mail to the complainant's brother in England along with a covering letter explaining the circumstances surrounding the delay and directing that another cheque be sent to the Caroni District Revenue Office.

The complainant subsequently contacted me and advised that the matter had been settled.

Case No. 31

Director of Public Prosecutions

In 1982 an inmate of the Golden Grove Remand Prison complained to me that, in December, 1980 he was charged with murder and had been remanded in custody since that date. His case had been first heard in the San Fernando Assize Court on the 6th April, 1981, at which time he was arraigned on the charge. However, some one and a half years later he was still in custody and he had been unable to obtain a trial date. He contended that the delay on the part of the Director of Public Prosecutions in bringing him to trial was unreasonable and he requested that an early date for his trial be set.

I contacted the Director of Public Prosecutions and requested his assistance in obtaining a trial date for the complainant. I am pleased to report that some two weeks later the Director of Public Prosecutions reported to me that the complainant's case had been listed for trial in early 1983 before the San Fernando Assize Court.

Case No. 32
Private Matter

A woman of poor circumstances paid a dental mechanic the sum of \$180.00 as a deposit towards the making of top and bottom dentures for her. The dental mechanic took four dental impressions of her teeth and she paid the balance of her bill but he would not provide her with her dentures in spite of repeated requests made by her for them.

Accordingly, she came to me seeking redress in the matter. As I have no jurisdiction to investigate complaints relating to the practices of non-governmental professional organisations or individuals, such as dentists, I referred the complaint to the Commissioner of Police, in that it appeared that a fraud might have been committed, and requested his department to investigate the complainant's allegations.

Some time later the complainant notified me that the dentist concerned had given her the complete set of dentures for which she had paid.

I have reported this case because it is illustrative of a non-jurisdictional complaint which I was able to have resolved by requesting the assistance of a Government department, in this case, the Police. Apparently, enquiries made by the Police of the dentist caused him to provide the complainant with her dentures. A good example of the extended arm of the law in serving and protecting without necessarily prosecuting!

Case No. 33
Police Service

A resident of Diego Martin complained to me that she had been assaulted and struck on her head by one of her tenants. She was treated at the Port-of-Spain Hospital and, upon her discharge, reported the assault to the West End Police Station where she gave a statement and named her assailant.

No action was taken by the Police to apprehend and charge her assailant and she was informed by a police officer that her statement had been misplaced and her file at the hospital contained no medical report in support of her complaint. However, the complainant alleged that she saw the doctor who attended to her at the hospital sign the medical report.

I brought this matter to the attention of the Commissioner of Police who later informed me that, following his own internal enquiries, a warrant had been issued for the arrest of the complainant's assailant on a charge of Malicious Wounding. I so notified the complainant and terminated my investigation of the matter.

The action taken by the Commissioner in this case, is to be commended and serves to illustrate that the internal complaints investigative machinery of the Police Service can often satisfactorily resolve citizens' complaints.

Case No. 34
Works Division, Tobago

A citizen complained to me that he had been denied his right to peaceful enjoyment of his property as a result of work undertaken in front of his house on Wilson Road, Scarborough, by the Works Division, Tobago.

The Works Division, he alleged, had constructed a twelve foot high retaining wall in front of his house blocking his view and restricting access to his property. The construction work had also caused damage to the exterior walls of his house which had been seriously cracked. He claimed that he had been in contact with the Technical Officer, Works Division, and they had discussed resolving the matter by way of the Government acquiring his land and paying him compensation. However, nothing came of these discussions and the complainant was concerned that access to his house would be completely blocked.

I commenced my investigation by asking the Technical Officer, Works Division, Tobago, to provide me with his written representations respecting the complainant's contentions.

He reported to me as follows:

- “(a) Before any construction was started on (the complainant's) site he was informed that the construction of Wilson Road would encroach on his property.
- (b) He indicated his unwillingness to relocate and it was agreed that compensation would be paid to him for damages. He was advised to have an assessment done after which he could submit a claim to the Division.
- (c) It was his desire to maintain residence at that spot which prompted the Division to design and construct a retaining wall to protect his property from a possible slope failure.
- (d) It is significant that (the complainant's) apparent discomfort grew only after the Division had photographed his house for the purpose of recording existing cracks and after we had committed ourselves finally to the construction of the wall. I might add that apart from his belligerent phone calls and public accusations, the complainant did not at any time approach me in an affable manner to discuss his situation.”

In view of the conflicting information provided to me by the Government department concerned, and the complainant, I wrote to the complainant advising him of the department's position on his complaint and inviting his comments, prior to continuing my investigation of the matter.

Unfortunately, the complainant died before he received my letter and I therefore had no alternative but to discontinue my investigation.

However, I have included this case in my Report because it demonstrates the necessity of following the procedure of investigation adopted by my Office as outlined in my Fourth Annual Report. That is, prior to commencing an investigation into a complaint it is important and, I might add, only reasonably fair, to apprise the Government organisation complained against of the nature of the complaint and invite its representations, so that I may examine both points of view relevant to the issue prior to determining what course my investigation of the complaint should take. Often the Government organisation's representations adequately address the issue, in my opinion, and no indepth investigation is warranted. In this regard, I urge all Government organisations to respond promptly to my requests for representations and/or reports as to the merits of complaints brought to my attention.

I would also like to add that the Technical Officer responded to my request for a report on this matter promptly and an on site inspection of the complainant's house conducted by one of my Investigators revealed that the retaining wall had been properly constructed and completed and the exterior walls of the complainant's house had been repaired and completely repainted. Accordingly, it is my considered opinion that the Works Division had undertaken the necessary remedial action to effectively resolve this complaint.

Case No. 35 Private Matter

A national of Trinidad and Tobago was deported from Canada after having been convicted in that country of a criminal offence and having served a 60-day sentence in Prison.

Upon his return to Trinidad and Tobago he complained to me that Immigration Officers of the Canadian Immigration Department had stolen from him approximately \$25,000 in cash and \$25,000 worth of jewellery prior to his deportation. These items, he claimed, had all been secured in a blue suitcase which was not checked in at the airport with his other baggage when he left Canada.

The complainant had made a formal complaint to the Canadian High Commission in Trinidad but was not satisfied with the information provided to him.

Preliminary enquiries made by my office revealed that the Immigration Section of the Canadian High Commission had requested their counterparts in Canada to conduct an investigation into the matter.

The authorities in Canada had reported that, on the day the complainant was deported from Canada he had received all of his property which included several "neck chains of a gold colour, several gold rings and seven pieces of luggage." Further, that, prior to boarding the flight for

Port-of-Spain he had an opportunity to view his luggage before it was checked through the airline's baggage counter and all his baggage and belongings were accounted for. However there was no blue suitcase among his luggage and he never complained to the escorting officers or anyone else in Canada that any blue suitcase containing his money and jewellery was missing.

Notwithstanding the above, I did not investigate this complaint as I had no jurisdiction in the matter as it did not involve any act occasioned by any department of Government or any other authority as prescribed by section 93(3) of the Constitution of the Republic of Trinidad and Tobago which reads as follows:

"93. (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 consists 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."

Bearing in mind that the action complained of is alleged to have taken place outside of Trinidad and Tobago by civil servants of another country and did not, therefore, fall within the ambit of section 93(1) of the Constitution, I advised the complainant that I did not have the jurisdiction to pursue his complaint and suggested that it was open to him to consult with a lawyer with a view to determining what legal action, if any, was possible under the circumstances I would also like to thank the Canadian High Commission for its co-operation.

Case No. 36

Public Transport Service Corporation

Three ladies from Tobago complained to me that they were travelling as passengers on a bus operated by the Public Transport Service Corporation (P.T.S.C.) on July 14, 1981 when it became involved in an accident with a Ministry of Works, Maintenance and Drainage vehicle. The three ladies sustained injuries of varying degrees, but had been unable to collect any form of compensation from either the P.T.S.C. or the Ministry.

My investigation revealed that the delay in compensation payment was due partly to the view of the P.T.S.C. that the Ministry was liable for the payment of compensation to the passengers who sustained injury, and to the Corporation in respect of damages to its bus, because the driver of the Ministry's vehicle was at fault.

In addition, the delay in processing the claims for compensation was due to the non-production of medical reports and details and receipts of the claims submitted by the passengers who had sustained injury.

The position of the P.T.S.C. was that while it was not liable to pay compensation to the passengers who had sustained injuries as a result of the accident, it was willing to pursue the matter on behalf of the claimants by attempting to get the Ministry's Insurance Company to accept liability.

My role in this investigation focussed on bringing the affected parties together so that through reasonable discourse the matter could be fairly resolved. In this regard I was constantly in contact with the P.T.S.C., the Insurance Company of the Ministry involved and the three complainants, and assisted the complainants in submitting proper medical records and receipts to the Insurance Company in support of their claim.

I am pleased to report that in a few months this complaint was resolved to the satisfaction of the complainants and they received compensation from the Ministry's Insurance Company in the amounts of \$3,390.00, \$2,436.44 and \$200.00 respectively.

I was further gratified by the high degree of co-operation that I received from the Insurance Company in question and the P.T.S.C. in bringing this matter to a speedy and satisfactory resolution.

Unfortunately, it is most disheartening to report that none of the three complainants took the time or had the common courtesy to write to my office advising that their claims had been settled.

Case No. 37 Police Service

A former member of the Police Service complained to me about the difficulty that he had been experiencing in obtaining payment of the balance of his salary owed to him as well as his retirement pension benefits.

He had joined the Trinidad and Tobago Police Service in 1938 and retired in 1959 on medical grounds. On the 9th September, 1970 he was recalled to duty during the unrest in the country and re-employed as a Special Reserve Police Constable. He served in this capacity until his retirement in 1979.

At the time that he was recalled to duty he was working as a Security Guard with Caribbean Printery. He, therefore, was forced to give up this job when he returned to active service.

Upon returning to duty he was paid the minimum salary of a Police Constable which was less than that he had been receiving as a Security Guard and lower than the salary he had been earning as a police constable when he retired from active service in 1959.

Accordingly, he made representations to the Police Service that his salary on re-employment should not be less than the salary he had been receiving at the time of his retirement. He was made to understand by the Police Service Administration that an adjustment would be made to increase his salary.

However, in spite of this adjustment which had been made by the paymaster and appeared on the complainant's pay-sheet, he was never paid the balance of his salary nor did he receive any retirement benefits or severance pay.

In support of his contention, the complainant pointed out that he had been receiving a salary of \$170 per month on his return to duty in 1970 while other police constables were paid as much as \$1,076 per month in 1979, which was considerably higher than his salary at the time.

In accordance with section 3(1) of the *Ombudsman Act, 1977*, I wrote to the Commissioner of Police advising him of my intention to investigate this complaint. I also invited him to make any representations that he may have considered relevant to the complainant's contentions.

The Commissioner subsequently reported to me as follows:

"1. (The complainant) has been paid the difference in salary for the period 1970 to 1979. He was paid by Government cheque No. P/8 389514 dated 4th June, 1981.

2. As a Special Reserve Police, (the complainant) was not entitled to be paid Proficiency Allowance.

3. The National Insurance Board has been informed of (the complainant's) salary adjustment and a request has been made to have (the complainant) properly classified under the National Insurance Board."

I continued my investigation by writing to the Executive Director of the National Insurance Board and asked him to confirm the accuracy of the information provided by the Commissioner respecting his statement to me that the complainant had been properly registered under the National Insurance Board Pension Scheme.

The Executive Director replied to my request and provided the following information:

"Consequent on the receipt of the adjusted salary record from the Commissioner of Police, an officer of the Board was despatched to examine the employer's pay record to ensure that there was compliance with the National Insurance Legislation in respect of the stamping of the employee's contribution card. This exercise was completed on February 16, 1982, and I wish to confirm that the information provided by the Commissioner of Police was found to

be accurate. Accordingly, (the complainant's) pension was adjusted in the following manner:

1. Retirement Pension for the period 10th September, 1978 to 10th August, 1980 paid in Class VIII at the rate of \$31.00 per week, in accordance with Table "B" of the Third Schedule of Act, 35 of 1971.

2. Retirement Pension for the period 11th August, 1980 and continuing, paid/being paid in Class VIII at the rate of \$57.00 per week, in accordance with Table "BL" of the Third Schedule of Act, 23 of 1980.

Based on the foregoing, the difference due and owing was paid to (the complainant) on or after April 6, 1982.

The Board will be pleased to make available, for perusal by (the complainant), any or all of the records referred to above."

On the basis of the information provided to me I was of the opinion that the Commissioner had taken the necessary steps to remedy this fault in Administration (which is really one of delay) and I therefore exercised my discretion in accordance with section 95 of the Constitution and terminated my investigation. I also notified the complainant.

What concerns me, however, is that the complainant again wrote to me after June 4, 1982 when, according to the information provided to me by the Police Service and the National Insurance Board, his matter had been settled and the difference owing to him in respect of his salary had already been paid to him.

I wrote to the complainant and requested that he confirm the accuracy of the information gathered by me during the course of my investigation into his complaint. Regrettably, he has never replied to me and accordingly our file on the matter was closed.

Case No. 38

Director of Public Prosecutions

In April of 1982 a prisoner complained to me that he had suffered an injustice as a result of a fault in administration on the part of the Director of Public Prosecutions (D.P.P.) in that he had been charged with Murder on 18th May, 1978 and had been unable to obtain a trial date. He had been remanded in custody since 1978.

My investigation brought to light the following sequence of events relevant to the complainant's contention which showed that the complainant was partly the author of his own predicament.

On 28th August, 1978 the complainant was committed to stand trial at the Tobago Assizes on a charge of Murder.

On 29th October, 1979 a motion was filed in the High Court of Justice, Port-of-Spain, by the complainant against the Attorney General for relief, namely, that an order that his trial be heard in Port-of-Spain, Trinidad, instead of Tobago, be granted.

The motion was heard before the High Court of Justice, Port-of-Spain, on 16th May, 1980. The learned Judge ordered that the complainant's trial alone (he had been jointly charged with another accused) be removed from Tobago to Port-of-Spain.

The Trial was subsequently listed for hearing at the High Court, Port-of-Spain on two separate occasions.

On 3rd February, 1981, it was adjourned on application by the complainant's legal counsel. Again, on 2nd April, 1981 it was adjourned to another date on the application of his counsel.

The Director of Public Prosecutions, in the interest of justice, decided that both the accused persons should be tried jointly since all the facts and circumstances of both charges were inter-connected. Steps were then taken by the Director of Public Prosecutions to have the trial of the other accused person transferred from Tobago to Port-of-Spain.

There was, however, no provision in the Criminal Procedure Ordinance Chapter 4 No. 3, at that particular time, which empowered the Director of Public Prosecutions to transfer the trial of an indictable case from Tobago to Port-of-Spain, Trinidad and vice versa. Steps were then taken by the Director of Public Prosecutions to have the particular piece of legislation amended and this was achieved on the 8th April, 1982, by virtue of Act, No. 4 of 1982.

The case of both accused persons in this matter was listed for trial on 6th October, 1982. On that day it was adjourned to 1st November, 1982 because counsel for the defence was not ready to proceed.

On 1st November, 1982, the trial was again adjourned to 6th January, 1983 because counsel was still not ready. The trial eventually commenced on that date in the Port-of-Spain First Assize Court.

The Director of Public Prosecutions advised me that on every occasion that the complainant's case was listed for trial, Counsel for the State was ready to proceed.

While it is deplorable that an accused person should remain in custody for nearly five years before his case comes up for trial before the Courts, it was my opinion, in the particular circumstances of this case, that the lengthy delays were due mainly to the complainant and his counsel. It will be noted that the Director of Public Prosecutions was only responsible for delays of about one year during which time he made application to have the relevant legislation amended.

It has been my experience that many of the delays in having cases heard before the Courts are due to defence counsel not being ready to proceed. I am convinced that this is not inadvertent but a ploy used by certain defence counsels to deliberately delay the trials of persons accused of serious offences in the hope that witnesses may not be available to testify when the trial finally commences or that their recollection of the facts of the case will have become so diminished as to render their evidence questionable.

Case No. 39
Ministry of Health

The complainant worked as a relief Nursing Assistant at the Scarborough General Hospital in Tobago from 19th October to 24th November, 1981 and as of 10th May, 1982 had not received any salary in respect of the work performed by her.

My investigations revealed that there was no record on the files of the Service Commissions Department to indicate that any recommendation had been made by the Ministry of Health for approval of the complainant's temporary appointment as a relief Nursing Assistant. Further, enquiries made at the Ministry of Health revealed that no correspondence relevant to the appointment had been received from Tobago.

I wrote to the Permanent Secretary, Central Administrative Services, Tobago, and apprised him of the information which I had gathered relevant to the complaint. I requested that the Permanent Secretary investigate the matter, and if he determined that the complainant's contention was correct, I recommended that he approve of her temporary appointment under the authority which is delegated to the Permanent Secretary by the Public Service Commission in order that the complainant could receive her salary without further delay.

Within a month, the Permanent Secretary reported to me that the delay in paying the salary due to the complainant was due to the fact that she had been employed by the Hospital Medical Director without prior consultation with the Central Administrative Services, Tobago. Having satisfied himself that the complainant had filled a vacancy that was properly created consequent on the authorised absence of the officer for whom the complainant was employed and that she was suitably qualified for the position by virtue of her age, nationality, education and experience, the Permanent Secretary instructed that the complainant be paid the salary due to her.

The Permanent Secretary also advised me that the Hospital Medical Director had been informed of the embarrassment which he had caused the department and advised that he must take the necessary steps to ensure that no similar situation would recur.

In view of the fact that the complainant was satisfied and the Permanent Secretary took adequate steps to resolve the problem and ensure that a re-occurrence of such a case would be unlikely, I terminated my investigation.

Case No. 40

Police Service

The complainant, a resident of Tunapuna, alleged that he was being constantly harassed by the villagers in his area and had been assaulted and injured by a man known personally to him. In addition, his house had been damaged. However, in spite of repeated reports to the Tunapuna Police Station and the fact that he had identified his assailant, no action was ever taken by the police.

I wrote to the Commissioner of Police and requested that he enquire into the complainant's allegations and submit to me any representations that he considered relevant to the complaint.

Following internal enquiries conducted by the Commissioner, he informed me that the complainant's allegations had been investigated and his assailant had been arrested and charged with assault occasioning a wound and malicious damage. The cases were listed for hearing at the Tunapuna Magistrate's Court.

This case is illustrative of a complaint that at first glance may have been considered to be premature in that the complainant could have addressed his grievance to the Police Service Complaints Bureau for investigation. However, due to the seriousness of the allegations and the severity of the problem, I decided that an investigation was warranted.

Case No. 41

Elections and Boundaries Commission

A retired police officer wrote to me and complained that when he left the Police Service in 1981 he noticed that his Identification Card was badly damaged.

Accordingly, on 17th August, 1981 he applied for a renewal of his damaged I.D. Card and provided the necessary information and photographs to the Registration Officer. He was subsequently provided with a receipt for his application but nine months later he still had not received his new I.D. Card in spite of repeated efforts on his part. He requested that I investigate this matter.

I wrote to the Chief Election Officer of the Elections and Boundaries Commission and requested that he look into the complainant's contention and submit a report on his findings to me.

The Chief Election Officer acted expeditiously in response to my request and a month after I had notified him of my intention to investigate

this complaint he reported to me that the matter had been resolved to the satisfaction of the complainant who had been issued with a new Identification Card. He further advised me that the complainant's allegations that he had paid a fee and submitted photographs in support of his application were unfounded. No fee is required in respect of the issue of a substitution I.D. Card. The complainant had admitted to the Chief Election Officer that he did not provide his own photographs or pay a fee as he had alleged.

I wrote to the complainant and requested that he advise me if the information provided by the Chief Election Officer was correct. He replied confirming that his matter had been satisfactorily resolved and that he had received his new I.D. Card. I therefore proceeded to close my file on this complaint.

This case serves to illustrate the co-operation that I receive from certain Government organisations and the dispatch with which certain problems are rectified and/or resolved. Such co-operation, in my opinion, epitomises the mediatory function of the Ombudsman in resolving complaints and shows the sensitivity on the part of certain Government officials to the delays caused by bureaucratic red tape.

Case No. 42

Police Service

On 25th July, 1981 a resident of East Dry River, Laventille, and his pregnant wife, were proceeding to a wedding when his car was blocked on Davis Street by another vehicle which was stopped in the middle of the road. He approached an individual who had been identified to him as the owner of the stopped car and requested that he remove it from the road so that he could proceed on his way. An argument ensued and he was set upon by the man to whom he had been speaking and two other men who arrived on the scene. He was seriously assaulted by the three men, one of whom struck him on the head with a hammer.

He reported the incident to a nearby Police Station and then went to the Port-of-Spain Hospital where he was admitted and detained for treatment and observation for two days. Upon his discharge from hospital he again attended at the Police Station where he gave a complete written statement. Other eye witnesses were interviewed by the Police and a number of them also provided written statements.

As a result of the Police enquiries it was determined that two of the persons who had attacked the complainant were off duty Police Constables while the third was a relative of one of the policemen.

The investigation was handled by the Police Service Internal Investigation Department and the complainant was advised by a senior officer that the men involved would be charged with wounding.

However, by 1st April, 1982 the complainant had heard nothing further and so he made enquiries of the Police as to what action had been taken. He was advised that since the statutory limitation period of six months had passed and no charges had been laid by 25th January, 1982 the matter had become statute barred and the Police could do nothing further to charge the three men involved.

At this point, the complainant requested that I investigate the lack of action on the part of the Police Service in charging the three men as he was of the opinion that they had ample time in which to proceed against them during the six month period following the assault.

Prior to commencing my investigation, it came to my attention that instructions had in fact been issued on 21st December, 1981 to lay charges against the three assailants. Further, it was my opinion that the matter was not statute barred as the police could have proceeded indictably.

Accordingly, I notified the Commissioner of Police and the Director of Public Prosecutions of my intention to investigate the complaint and requested representations from them on the matter.

I was subsequently notified by the Commissioner that the two Police Constables in question had been arrested and charged with Malicious Wounding. In addition, the Constables were suspended from duty pending determination of the charges against them. The third man involved had been identified as a brother of the two policemen and a warrant for his arrest on a charge of Malicious Wounding had been issued although he had since left the country.

I was of the opinion that the Commissioner had taken appropriate action in the circumstances and because the matter was before the Courts I terminated my investigation of the complaint.

I should like to point out that the Third Schedule to the Constitution lists those matters which are not subject to investigation by the Ombudsman. Paragraph 5 prohibits the Ombudsman from investigating any matter relating to "... the commencement or conduct of civil or criminal proceedings before any Court in Trinidad and Tobago or before any international Court or tribunal."

In terminating my investigation of this complaint I reported my findings and decision to the Commissioner (and to the complainant) as required by section 96(2) of the Constitution and stated in part as follows:

"I would like to express my appreciation for the prompt action taken by you in laying the appropriate charges in the circumstances.

Although it is a most difficult duty to investigate allegations of misconduct against members of your own service, and to lay criminal charges as warranted, your actions in upholding our cherished system of justice equitably and without favour or prejudice, can only serve to promote and enhance the respect your very difficult Office demands and deserves."

Case No. 43
Private Complaint

A senior citizen of Marabella complained to me that Trinidad Contractors Ltd. had commenced the laying of water mains, as part of a Ministry of Works, Maintenance and Drainage Project, along the road in front of his house in June of 1982. As a result of this work, access to his house was blocked and he was unable to even park his car on the roadway. At a later date, the entire road was blocked making it difficult for the complainant to get to and from his house. In addition, a large open trench was left in an unsafe condition in front of the complainant's house.

The complainant was particularly concerned about this situation because his wife suffered from a heart condition and might possibly have to be taken to the hospital at short notice under emergency conditions.

The complainant had written to the Ministry of Works, Maintenance and Drainage asking that the Contractors be instructed to expedite the completion of the project. However, no action was taken.

Bearing in mind that my jurisdiction does not extend to private Companies such as Trinidad Contractors Ltd., although I could have pursued the matter through the Ministry involved, my Complaints Officer contacted Major S. H. Edwards, Personnel and Administration Manager of Trinidad Contractors Ltd. and requested his assistance in rectifying the problem by expediting the completion of the project.

I am gratified to report that the Company involved took immediate action and the project was completed within two weeks from the date that Major Edwards was contacted. The road was restored to its original condition some six weeks later. I would like to add a very special word of thanks to Major Edwards and to Trinidad Contractors Ltd. for their assistance and co-operation in successfully rectifying this matter to the satisfaction of the complainant. (See letter of thanks from complainant under section entitled LETTERS OF APPRECIATION).

I have included this case in my Fifth Annual Report because it serves to illustrate the co-operation that my Office sometimes receives from the private sector even though my jurisdiction does not extend to private enterprise and it serves to illustrate the sensitivity and degree of community concern that certain members of the business sector have for the welfare of our country. Accordingly, I wrote to Major Edwards as follows:

“Dear Mr. Edwards,

On the 9th July, 1982, I received a complaint from a citizen of Marabella regarding a construction project being undertaken by your Company on John Street in Marabella on behalf of the Ministry of Works, Maintenance and Drainage.

As a result of this complaint I understand that my Complaints Officer, Mrs. Beharrylal, contacted you on the 16th July, 1982, and requested your assistance in rectifying the problem.

By letter dated 3rd September, 1982, the complainant wrote to me and advised that the project had been completed and John Street restored to its normal condition. The complainant, a senior citizen, I might add, further expressed his appreciation for the expeditious manner in which his complaint was addressed by your Company.

I am appreciative of your assistance in resolving this matter and heartened by your Company's sense of community responsibility as evidenced by its prompt and reasonable response to the plight of the residents of John Street, Marabella.

Thank you.

Yours faithfully,
Ombudsman."

Secondly, this case justifies the usefulness of our Complaints Officer, a position introduced during the year under review, in assisting the investigative staff in resolving complaints. In this particular case, the complaint was rectified by the Complaints Officer without it having to be transferred to the investigative staff for detailed investigation.

Case No. 44

Tobago House of Assembly

The General Manager of a leading hotel in our sister island of Tobago wrote to me in May of 1982 complaining that vast quantities of sand was being removed from one of the island's most beautiful locations at Courland Bay by unscrupulous persons. The sand was being sold for use in the construction and building industries. The complainant expressed his concern that the removal of the sand would destroy the natural beach area thereby upsetting the delicate ecological balance and endangering the existence of the protected leatherback turtle which is known to lay its eggs along that beach. In addition, the erosion of the beach area would harm the tourist industry of the island.

Shortly thereafter, I conducted a site inspection of the beach along with two of my investigators and was alarmed at the extent of the damage. An excavation of about 100 yards extended along the beach and large pools of stagnant water had collected attracting a swarm of flies and mosquitoes. In some areas, rocks and shingle had been completely exposed. The natural flow of a small river that emptied into the sea had been completely blocked. I observed (and obtained photographs of) a front end loader in the process of excavating the sand and loading it onto a truck.

I immediately contacted representatives of the Tobago House of Assembly and requested that they take appropriate and expeditious action to stop the removal of the sand.

Subsequently, I was notified on 12th July, 1982 that the Tobago House of Assembly had passed a resolution prohibiting the removal of sand from all beaches in Tobago with the exception of the Goldsborough beach. In addition barriers were erected across the access roads to the Great Courland Bay and Stone Haven Bay areas in an attempt to prohibit the removal of the sand.

The complaint was resolved to the satisfaction of the complainant. It was not necessary to make a formal recommendation to the Tobago House of Assembly as the problem was rectified by way of a number of visits by members of my staff to the House of Assembly. Indeed, it is fair to say that this matter was rectified with the full co-operation of the Tobago House of Assembly.

On completion of my investigation, I wrote to the Chairman of the Tobago House of Assembly, as required by section 96(2) of the Constitution of the Republic of Trinidad and Tobago, and stated in part:

"I would like to thank you and the members of the Tobago House of Assembly for the expeditious manner in which you have responded to and acted upon Mr. X's complaint to me. I think that it is a credit to the House of Assembly that it has reacted so positively, and with such expedition in taking the necessary steps to prevent the removal of sand from the beaches of Tobago thereby preserving the beauty of the natural environment for the enjoyment of all its citizens.

I would be remiss if I did not add a special word of thanks to Mr. Egbert Thompson (Clerk, Tobago House of Assembly) for his co-operation and the courtesy which he has extended to members of my staff during this investigation."

I am saddened to report that at the time of printing of this Report I have learned that sand is again being removed from Courland Bay. I only hope that the Tobago House of Assembly will act swiftly to apprehend and prosecute those concerned.

Case No. 45 Police Service

The complainant's chauffeur was driving her husband's car on Saturday, 14th July, 1979, when he was involved in a motor vehicle accident with another car. A police officer attended at the accident scene, and conducted investigations. Sometime afterwards, the chauffeur was charged.

The complainant wrote to me on 7th December, 1979, alleging that her chauffeur had suffered an injustice as a result of a fault in administration on

the part of the Police Service in that her chauffeur had been found at fault in the accident by the investigating officer and had been charged even though the car he was operating at the time of the accident had been at a standstill on the correct side of the road. In spite of several requests made by the complainant to a senior police officer, the charge against her chauffeur was not withdrawn and a First Instance Warrant with respect to the charges against him was issued. The complainant requested that I investigate the matter.

By letter dated 20th December, 1979, to the Commissioner of Police, I notified him of my intention to investigate the complaint and requested a report from him on the matter.

After ten written requests for a report on the complaint from the Commissioner, I was notified by letter dated 1st November, 1982, that the matter had been investigated internally by the Commissioner and it had been determined that the investigating officer had acted contrary to instructions when he laid information in court charging the complainant's chauffeur. Accordingly, disciplinary action was taken against the officer and permission had been sought and obtained for the abatement of the court proceedings and cancellation of the warrant with respect to the charges against the chauffeur.

While the end result of this investigation proved to be satisfactory, I was concerned that it took the Commissioner of Police nearly three years to remedy this injustice.

Accordingly, in my closing report to the Commissioner I commented on this delay as follows:

"Although it is comforting to note that the appropriate action was taken by your Service to rectify this matter, I would be remiss if I did not comment on the inordinate delay in completing this rather straightforward investigation. Three years would seem to me to be an excessive length of time to have taken to satisfactorily address this matter. I only received your letter of 1st November, 1982, notifying me of the action taken by your Service, after ten written requests from my Office for a report on Mrs. Y's complaint.

I trust that you will use your good offices to ensure that I receive the fullest co-operation from your Service in expediting my requests for reports on allegations made against the Police Service by members of the public. Such expedition may well serve, also, to promote and enhance the image of the Police Service within the community.

I look forward to your continued co-operation and assistance.

Case No. 46 Private Complaint

An employee of the Customs and Excise Division of the Ministry of Finance was involved in a motor vehicle accident with a Member of Parlia-

ment. She was of the opinion that the Member of Parliament was at fault since he had run into the back of her car while she was in the process of slowing down.

The Member of Parliament advised her to have the damage to her car repaired and suggested that she then submit the bill to his office for payment.

The complainant reported the accident to the St. Clair Police Station and to her Insurance Company. She then had her car repaired and submitted the bill to the Member of Parliament. However, he never remitted to her the money for the repairs.

She appealed to me for assistance in obtaining the money that she had expended to effect the repairs to her car.

I advised the lady involved that I was unable to investigate her complaint as I have no jurisdiction to investigate complaints against private individuals, such as the Member of Parliament.

Case No. 47

Police Service

A Barataria vacationer complained to me that he had paid a Travel Consultant the sum of \$850 for a five-day excursion trip to Caracas, Venezuela. The Consultant paid over the money to a Travel Agent but the trip was cancelled and the expectant vacationer was never refunded his money. He reported the matter to the Police Fraud Squad but maintained that no action was taken by the Squad to investigate his complaint.

I contacted the Commissioner of Police and asked him for a report on the matter. He replied that the Fraud Squad had in fact commenced enquiries into the complainant's allegations but, while these were underway, the travel consultant refunded the sum of \$850 to the complainant in cash. The Commissioner provided me with a copy of a receipt for this amount signed by the complainant.

The Commissioner further advised that the Fraud Squad had discontinued its enquires as the complainant had informed the investigating officer that he was no longer interested in pursuing the matter in view of the fact that his money had been returned to him.

I notified the complainant of these developments and asked that he confirm the accuracy of the Commissioner's report to me. He subsequently attended at my office and confirmed that he had secured the return of his money and considered the matter settled. He thanked me for my assistance.

Another example of the extended arm of the law!

Case No. 48
Police Service

Sometime in August of 1981, a Port-of-Spain doctor had his video recorder stolen from the home of a friend who had been keeping it for him. Shortly afterwards a suspect was arrested by the Police and charged with the theft of the video recorder which the Police recovered. However, in spite of repeated requests for the return of his video recorder the Police refused to release it to the doctor.

After the recorder had been in the possession of the Police for more than a year and a half, and the accused still had not been tried before the Courts, the doctor wrote to me and requested my assistance in investigating the matter.

The doctor was further upset because he had personally written to the Deputy Commissioner of Police (at his suggestion) and requested the return of the video recorder on the understanding that he would produce it in Court as evidence when required. He had received no reply to his letter. Further, the case had been called on several occasions before the Court and had to be adjourned because the Police witnesses failed to appear, even though the accused and other witnesses were present.

I commenced my investigation of this matter by writing to the Commissioner of Police on 23rd June, 1982. I asked the Commissioner to provide comments relative to the doctor's contention.

However, I was not favoured with a reply until 1st November, 1982. In effect, the Commissioner informed me that he could not release the video recorder to the doctor because the suspect had neither claimed nor disclaimed the article and the question of ownership of the exhibit had, therefore, not been determined. He concluded by stating that the doctor could address his request for the return of his video recorder to the presiding Magistrate when the case came up for hearing on 3rd November, 1982, and he had so informed the doctor.

I continued my investigation of this complaint and determined that the doctor was unable to make this request of the presiding Magistrate because the Commissioner did not write to the doctor until 1st November, 1982, and the letter did not leave the Commission's Office until 4th November, 1982, one day after the case was due to be heard. In fact, the letter did not reach the doctor until 9th November, 1982.

The case was eventually heard on 12th November, 1982, and dismissed by the presiding Magistrate because the doctor's video recorder (which had been stolen, recovered and held by the Police as evidence) bore a different serial number from that for which the accused had been charged with stealing. The doctor was therefore able to secure the return of his video recorder through the negligence of the Police.

This case illustrates the lackadaisical attitude with which certain officials deal with my investigation of citizens' complaints. Had the Commissioner taken the time to ensure that my enquiries were properly, expeditiously and efficiently followed up, the Police would have discovered that an error had been made in recording the serial number of the article which the accused was charged with stealing. This is most certainly a fault in administration on the part of the Police and it seems to me that the Commissioner needs to review his Service's procedure relative to the recovery of stolen property.

Needless to say this was a case of hardship wherein the victim in this matter turned out to be the one who was inadvertently victimised by the very institution that is supposed to protect him in that he was deprived of the use of a very expensive video recorder for one and a half years for, in the end result, no productive purpose.

In my opinion, the present practice of the Police of retaining recovered stolen property, which has been properly identified by the owner, is not only unsatisfactory but represents a real hardship to the owners of such property who are already victims of unconscionable criminals. Further, this practice, unfortunately, serves to undermine the public's confidence in our Police Service, for it is not difficult to see how accusations that Police Officers are utilising recovered stolen property for their own benefit may well arise.

PART IV

SELECTED LETTERS OF APPRECIATION



SELECTED LETTERS OF APPRECIATION

Dear Sir,

Hope that this letter meets yourself and your staff, enjoying God's richest blessing. I beg to submit this letter letting you know how grateful I am for the way you assisted me in my matter with (the) National Housing Authority. I want to say thank you Sir and would continue to pray for you specially, that God would bless you in your Office and give you wisdom, knowledge and understanding to deal with matters affecting the people of our country.

The cheque was issued to West Park Limited for exchange of the deed which was handed to National Housing Authority. I hope that you would continue to use your good offices, Sir, to wipe out some of these unlawful acts in this country. Again, I want to thank you and your staff.

Sir,

I refer to file as indicated above and as such I have to inform you that I was issued with a new I.D. Card No. 942838 sometime in September, 1982 and I am satisfied with the action taken by the investigator from the Ombudsman office to rectify my problem.

Thanks for your assistance which ought not have been requested in simple administrative matters as this.

Dear Sir,

In reference to your letter dated 25th March, 1983, I hereby thank you and your staff for investigating my complaint and attending to me very kindly.

The Commissioner has been notified and the complaint has been forwarded to the West End Police Station and I've received justice in the Court.

Sir,

I want to thank you very much for your assistance in the return of my son's bicycle from the St. Clair Police Station where it was lodged as an item of evidence for over six years.

Thank you again.

Dear Sir,

Just a note to inform you that, at long last, I have today received my income tax refund for the Year of Income 1978.

I wish to thank you for the efforts which you obviously made on my behalf and to wish you and your staff my very best wishes for continued success in all your undertakings.

Dear Sir,

Further to our letter of 27th May and your recent visits, we are very pleased to inform you that we have received written confirmation from the Tobago House of Assembly that they have decided to prohibit the removal of sand from all beaches in Tobago except from the Goldsborough beach. Furthermore, on Wednesday 14th and Thursday 15th July barriers were erected across the access road to the beach on Great Courland Bay, preventing any further excavations.

We would like to place on record our sincere thanks for any information or assistance you may have given in bringing about this prompt decision. We are of course delighted that the desecration of our beautiful beaches has ceased and hope that in time nature will be able to repair the damage done by man.

Dear Sir,

I write to thank you for your assistance in getting the Guy wire removed by T & TEC Arima, from my premises at Julie Moses Avenue, Arima.

I would also like to say special thanks for the kind and encouraging assistance I received from your clerk Mrs. Beharrylal.

Sir,

Re: Removal of sand from Courland Bay Beach

Permit me to express my very deep appreciation of the sentiments conveyed in your letter of 21st July, 1982 as a result of action taken on the above matter by the Tobago House of Assembly.

The entire question of the protection of the unique Tobago environment has been one of considerable concern to the Assembly for some time.

Please be assured that the Assembly will continue to do all in its power to remove the cause for complaint by the General Manager of the [named] Hotel.

I have conveyed to Mr. Thompson your own appreciation of the part that he has played in attending to this matter.

Chairman

Dear Sir,

It is with the greatest honour and pleasure I write to congratulate and adore you for your untiring persuasion on behalf of the residents and myself of John Street, Marabella in having the street restored to its normal position. Now Sir, the street was restored back to normal on Wednesday 1-9-82.

Now Sir, I must state further that if there were six (6) persons in high esteemed office as yours, and who were interested in the welfare of the *small people* of this Country, right now it would have been a much better place to live in. I cannot find words to explain how happy the people of John Street are once more. May God bless and keep you. May he preserve your health and strength to carry on the good work that you are doing in trying to help the helpless until your life's end. May you reap your reward in heaven which I am sure you will. Again I say a million thanks.

PART V

STATISTICS OF CASES HANDLED



STATISTICS OF CASES HANDLED

MINISTRY OF AGRICULTURE, LANDS AND FOOD PRODUCTION

Number of complaints	...	...	62
Within jurisdiction	...	...	54
Without jurisdiction	...	...	8
Sustained/Rectified	...	...	3
Not sustained	...	...	1
Advised/Discontinued	...	...	9
Under investigation	...	...	41

Within Jurisdiction

No.	Subject of Complaints			Result
1.	Annoyance and disturbances created by firm	...	...	... Rectified
2.	Refusal to grant permission to repair building	...	...	... Under investigation
3.	Delay in obtaining approved survey plan	...	...	... Not sustained
4.	Delay in payment of retirement benefits	...	...	... Rectified
5.	Delay in finalising application for a lease of State Lands	...	...	... Under investigation
6.	Delay in payment for land acquired by Government	...	...	... Rectified
7.	Delay in payment for land acquired by Government	...	...	... Advised
8.	Difficulty in having application for State lands processed	...	...	... Under investigation
9.	Flooding of surrounding area because of an existing quarry	...	...	... Discontinued
10.	Victimisation in taking away his land	...	...	... Under investigation
11.	Delay in payment for land acquired by Government	...	...	... Under investigation
12.	Unable to get land for which he had applied	...	...	... Under investigation
13.	Delay in processing application for a portion of State Lands	...	...	... Under investigation
14.	Delay in processing application for farm land	...	...	... Under investigation
15.	Dissatisfied with the acquisition of a quarry by Government	...	...	... Under investigation
16.	Non-payment of wages	...	...	... Advised
17.	Assistance in obtaining husband's estate	...	...	... Advised
18.	Delay in finalising application for a parcel of land	...	...	... Under investigation
19.	Failure to receive increments for years 1970 to 1975	...	...	... Under investigation
20.	Non-payment of wages	...	...	... Under investigation
21.	Delay in finalising application for a farm	...	...	... Discontinued
22.	Delay in having survey plan approved	...	...	... Under investigation
23.	Failure to receive sick leave benefits	...	...	... Under investigation
24.	Delay in processing application for a parcel of land	...	...	... Under investigation
25.	Delay in processing application for a parcel of land	...	...	... Discontinued
26.	Dissatisfied with notice given to quit a parcel of land	...	...	... Discontinued
27.	Victimisation by not being given equal opportunities for advancement	...	...	... Under investigation

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
28.	Difficulty in obtaining deed of lease	Under investigation
29.	Discontinued payment of approved loan	Under investigation
30.	Discrimination in demolishing houses	Under investigation
31.	Unsatisfactory method of dealing with forest officers charged with mal-practices	Under investigation
32.	Not allowed to reap produce before quitting the land ...	Under investigation
33.	Discrimination in preventing him from continuing in possession of property	Under investigation
34.	Delay in obtaining payment for land acquired by Government ...	Under investigation
35.	Difficulties being experienced in procession application due to Officer's negligence	Under investigation
36.	Unable to obtain lease for a parcel of land to obtain long-term loan ...	Under investigation
37.	Assistance in obtaining alternative accommodation	Discontinued
38.	Delay in payment of compensation for land acquired by Government ...	Under investigation
39.	Delay in processing application for a parcel of State lands ...	Under investigation
40.	Delay in obtaining retirement benefits	Under investigation
41.	Delay in payment of compensation for land acquired by Government ...	Under investigation
42.	Failure to renew tenancy	Under investigation
43.	Delay in processing application for a parcel of land	Under investigation
44.	Not paid retiring benefits	Advised
45.	Delay in payment of compensation for injury sustained ...	Under investigation
46.	Delay in processing application for a parcel of agricultural land ...	Under investigation
47.	Delay in processing application for a parcel of agricultural land ...	Under investigation
48.	Dissatisfied that he was not considered for promotion ...	Under investigation
49.	Delay in processing application for loan	Under investigation
50.	Delay in receiving severance pay	Under investigation
51.	Delay in payment of compensation for land acquired by Government ...	Under investigation
52.	Nuisance created by trees hanging over his house	Under investigation
53.	Delay in attending to application for providing security of tenure ...	Under investigation
54.	Refusal of application for a parcel of land	Under investigation

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Assistance in obtaining a parcel of land for agricultural purposes ...	Referred
2.	Discrimination by appointing junior officers to head division ...	Informed
3.	Assistance in obtaining piece of State land	Referred
4.	Unable to determine question of possession of a parcel of State lands ...	Informed

5.	Assistance in obtaining re-employment	...	...	...	Informed
6.	Assistance in obtaining alternative piece of land in lieu of compensation	...	...	...	Informed
7.	Assistance in obtaining a parcel of State lands	...	...	...	Referred
8.	Assistance in obtaining possession of a parcel of land	...	...	...	Informed

CENTRAL ADMINISTRATIVE SERVICES

Number of complaints	...	16
Within jurisdiction	...	16
Without jurisdiction	...	0
Sustained/Rectified	...	3
Not sustained	...	0
Advised/Discontinued	...	0
Under investigation	...	13

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Failure to receive payment for overtime work done ...	Under investigation
2.	Unlawful entry into property for purposes of laying pipes ...	Under investigation
3.	Unable to get access to his house because of road construction ...	Under investigation
4.	Extensive damage suffered due to construction work done ...	Under investigation
5.	Delay in formally opening road for public use ...	Under investigation
6.	Delay in obtaining retiring benefits ...	Under investigation
7.	Failure to pay sick leave wages certified by medical practitioner ...	Under investigation
8.	Non-receipt of salary ...	Under investigation
9.	Delay in receiving severance benefits ...	Under investigation
10.	Delay in payment of compensation for land acquired by Government ...	Under investigation
11.	Delay in issuing replacement cheque ...	Rectified
12.	Non-receipt of gratuity ...	Rectified
13.	Nuisance created due to road construction ...	Under investigation
14.	Failure to receive outstanding increments ...	Rectified
15.	Failure to receive outstanding increments ...	Under investigation
16.	Refusal to pay rent for land ...	Under investigation

MINISTRY OF EDUCATION

Number of complaints	...	20
Within jurisdiction	...	18
Without jurisdiction	...	2
Sustained/Rectified	...	5
Not sustained	...	2
Advised/Discontinued	...	6
Under investigation	...	5

Within Jurisdiction						
No.	Subject of Complaints					Result
1.	Failure to receive retirement benefits	...	...	...	...	Not sustained
2.	Delay in payment of monies due to estate of deceased			...	...	Advised
3.	Dissatisfied with results of examinations	...	...	...	...	Rectified
4.	Delay in payment for land acquired by Government			...	...	Rectified
5.	Delay in settling claim for payment as night teacher			...	...	Not sustained
6.	Unfair dismissal	...	...	...	...	Advised
7.	Delay in releasing results of examinations			...	...	Rectified
8.	Failure to receive retirement benefits	...	...	...	...	Under investigation
9.	Delay in attending to application for reinstatement into the teaching profession	...	...	...	...	Under investigation
10.	Unable to receive arrears of salary	...	...	...	...	Rectified
11.	Failure to pay retroactive salary	...	...	...	...	Withdrawn
12.	Delay in payment of retirement benefits	...	...	...	...	Rectified
13.	Victimization causing mental and physical strain	...		...	...	Advised
14.	Delay in obtaining re-appointment on return from "No Pay Leave"				...	Under investigation
15.	Lack of proper school security	...	...	...	...	Under investigation
16.	Inquiry into suspicion of dishonest conduct in Cambridge Examination				...	Under investigation
17.	Non-receipt of increments	...	...	...	...	Discontinued
18.	Unable to get children admitted into school			...	...	Discontinued

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>					<i>Result</i>
1.	Unfair suspension and dismissal from place of employment	...	...	...	...	Informed
2.	Alleged wrongful dismissal	...	...	...	...	Informed

ELECTIONS AND BOUNDARIES COMMISSION

Number of Complaints	...	3
Within jurisdiction	...	3
Without jurisdiction	...	0
Sustained/Rectified	...	2
Not sustained	...	0
Advised/Discontinued	...	0
Under investigation	...	1

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>					<i>Result</i>
1.	Delay in receiving Identification Card	...	...	...	...	Rectified
2.	Delay in finalizing the question of an <i>ex gratia</i> award	...	...	...	...	Under investigation
3.	Delay in issuing new Identification Card	...	...	...	...	Rectified

MINISTRY OF FINANCE AND PLANNING

Number of complaints	...	74
Within jurisdiction	...	72
Without jurisdiction	...	2
Sustained/Rectified	...	23
Not sustained	...	10
Advised/Discontinued	...	21
Under investigation	...	16

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Seizure of Trinidad and Tobago currency	Rectified
2.	Money already deducted from salary recorded as outstanding ...	Advised
3.	Failure to obey Industrial Court order	Rectified
4.	Delay in finding out outcome of claim for Severance Pay ...	Not sustained
5.	Delay in finalising claim for regrading and reclassification ...	Not sustained
6.	Refusal to deliver tractor because of error made in Invoice Order	Under investigation
7.	Delay in obtaining retirement benefits	Not sustained
8.	Dissatisfied with the order to have his building demolished ...	Not sustained
9.	Violation of his civil rights by obstructing him from helping his son	Under investigation
10.	Delay in payment of increments	Rectified
11.	Error in classifying absence on sick leave	Rectified
12.	Non-payment of insurance claim for damages sustained ...	Discontinued
13.	Failure to pay Widows' and Orphans' Pension	Not sustained
14.	Delay in payment of death benefits	Not sustained
15.	Nuisance created by developer who is constructing a building on narrow piece of land	Under investigation
16.	Unauthorised building construction	Under investigation
17.	Delay in payment of retirement benefits	Rectified
18.	Delay in providing statement of pension paid	Rectified
19.	Delay in expediting application for estate of her deceased mother	Rectified
20.	Seizure of cargo	Discontinued
21.	Refusal to accept payment of taxes	Advised
22.	Wrong name on Assessment Rolls	Under investigation
23.	Delay in delivering draft cheque	Rectified
24.	Delay in having No Pay Leave classified	Rectified
25.	Dissatisfied with assessment of income	Advised
26.	Difficulty experienced in obtaining permission for land development	Under investigation
27.	Violation of basic human rights	Discontinued
28.	Delay in processing Income Tax Return	Rectified

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
29.	Not entitled to widow's pension because husband was not accepted as contributor	Under investigation
30.	Unlawful erection of a building to carry on business	Under investigation
31.	Delay in receiving refund of Income Tax for year 1980	Rectified
32.	Unable to get shipment of goods from abroad	Under investigation
33.	Unable to get name changed on the Assessment Rolls	Under investigation
34.	Delay in obtaining refund	Advised
35.	Error in the computation of his gratuity	Under investigation
36.	Delay in payment of retirement benefits	Rectified
37.	Dissatisfied with amount received as gratuity	Not sustained
38.	Delay in payment of severance benefits	Rectified
39.	Delay in payment of retirement benefits	Rectified
40.	Wrong name appearing on Assessment Rolls	Under investigation
41.	Non-payment of monthly pension	Not sustained
42.	Non-payment of wages	Rectified
43.	Delay in obtaining gratuity and pension	Discontinued
44.	Failure to received gratuity	Rectified
45.	Unable to get permanent employment after twelve continuous years of service	Under investigation
46.	Unable to obtain permission for residential development	Under investigation
47.	Incorrect amount shown to TD 4 slip	Advised
48.	Unauthorised erection of house	Discontinued
49.	Not allowed to subdivide a parcel of land	Rectified
50.	Refusal to accept land taxes	Advised
51.	Failure to receive severance pay	Rectified
52.	Delay in giving decision to an objection for a re-assessment of Income Tax	Rectified
53.	Delay in refunding sum taken as cash deposit as security	Under investigation
54.	Delay in granting permission to develop lands	Discontinued
55.	Failure to receive tax refund	Discontinued
56.	Failure to receive tax refund	Rectified
57.	Delay in obtaining final approval for sub-division of a parcel of land	Discontinued
58.	Inability to get records in order causing inconvenience to tax payers	Discontinued
59.	Refusal to accept land taxes	Under investigation
60.	Seizure of boat	Not sustained
61.	Unable to obtain an assessment of estate duty payable	Rectified
62.	Delay in obtaining refund of Income Tax	Rectified

63.	Denied housing quarters because of inaccurate information received	...	Advised
64.	By-passed for promotion	... ..	Under investigation
65.	Delay in obtaining refund of Income Tax	... ..	Discontinued
66.	Difficulty in obtaining ownership of property	... ..	Under investigation
67.	Delay in settling negotiation for an increase in salary	... ..	Advised
68.	Difficulty being experienced to have name removed from Assessment Roll	...	Under investigation
69.	Failure to get name on Assessment Roll removed	... ..	Advised
70.	Delay in assessing estate duties	... ..	Rectified
71.	Improper evaluation of property acquired by Government	... ..	Under investigation
72.	Difficulties being experienced in cashing cheques	... ..	Not sustained

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Error in the record of the Assessment Roll	... Referred
2.	Failure to receive retirement benefits	... Premature

MINISTRY OF HEALTH AND ENVIRONMENT

Number of complaints	... 36
Within jurisdiction	... 30
Without jurisdiction	... 6
Sustained/Rectified	... 6
Not sustained	... 3
Advised/Discontinued	... 4
Under investigation	... 17

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Upset about the circumstances surrounding the death of his baby	... Advised
2.	Hardship experienced because of amendment to Pharmacy Board Act	... Under investigation
3.	Unsatisfactory supervision of mental patients	... Under investigation
4.	Failure to take action against nuisance and health hazard	... Under investigation
5.	Delay in obtaining medical report	... Rectified
6.	Delay in payment of longevity increments	... Rectified
7.	Non-payment of arrears of salary and allowance	... Not sustained
8.	Delay in receiving compensation for damaged watch	... Rectified
9.	Delay in obtaining medical certificate	... Under investigation
10.	Offensive water and sewerage flowing from neighbour's property	... Under investigation
11.	Disappearance of patient from mental hospital	... Under investigation
12.	Delay in payment of arrears of salary	... Rectified
13.	Unable to obtain severance pay	... Discontinued
14.	Delay in attending to operation to correct wrong operation already performed	... Discontinued

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
15.	By-passed for promotion ... ..	... Not sustained
16.	Lack of interest shown by doctor performing post-mortem ...	... Under investigation
17.	Lack of drainage facilities causing health hazard ... ..	... Under investigation
18.	Delay in obtaining retirement benefits ... ..	... Under investigation
19.	Delay in submitting plan for final approval ... ..	... Under investigation
20.	Failure to pay overtime allowance ... ..	... Under investigation
21.	Deprived of permanent employment ... ..	... Under investigation
22.	Disturbed about circumstances surrounding death of family ...	... Under investigation
23.	Inadequate security at the hospital ... ..	... Under investigation
24.	Dissatisfied with amount of pension received ... ..	... Under investigation
25.	Deduction from salary not made as requested ... ..	... Rectified
26.	Unable to obtain necessary information to be used in Court ...	... Under investigation
27.	Nuisance created due to laying down of treatment plant ...	... Rectified
28.	Dissatisfied with transfer to another hospital ... ..	... Not sustained
29.	Health hazard created by septic tank and soak-a-way ...	... Under investigation
30.	Health hazard created by water flowing from septic tank ...	... Discontinued

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Dissatisfied with shock treatment given to patients ... ..	... Informed
2.	Discrimination in the selection of appointment ... ..	... Informed
3.	Failure to receive increments ... ..	... Premature
4.	Failure to secure promotion ... ..	... Informed
5.	Victimization causing him to lose wages ... ..	... Informed
6.	Denied promotional opportunities ... ..	... Informed

MINISTRY OF INDUSTRY, COMMERCE AND CONSUMER AFFAIRS

Number of complaints	... 5
Within jurisdiction	... 5
Without jurisdiction	... 0
Sustained/Rectified	... 1
Not sustained	... 1
Advised/Discontinued	... 1
Under investigation	... 2

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Failure to resolve claim for repairs and loss of use of motor car ...	... Not sustained
2.	Failure to repair freezer ... ..	... Discontinued
3.	Failure to take action on a report of defective chassis ...	... Under investigation
4.	Inordinate delay in deciding salary adjustments ... ..	... Under investigation
5.	Delay in granting licence to import a motor vehicle ...	... Rectified

JUDICIARY

Number of complaints	...	71
Supreme Court	...	29
Magistrate's Court	...	22
Appeal Court	...	5
Within Jurisdiction	...	56
Without Jurisdiction	...	15
Sustained/Rectified	...	17
Not sustained	...	4
Advised/Discontinued	...	17
Under investigation	...	18

SUPREME COURT

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in hearing matrimonial Court matter ...	Rectified
2.	Delay in obtaining Notes of Evidence ...	Under investigation
3.	Unable to get copy of a Judgment delivered ...	Under investigation
4.	Inordinate delay in obtaining records ...	Not sustained
5.	Failure to obtain bail ...	Rectified
6.	Delay in hearing High Court matter ...	Rectified
7.	Delay in attending to application for payment cut ...	Discontinued
8.	Delay in obtaining Notes of Evidence and Judge's Summing Up ...	Under investigation
9.	Delay in settling records	Rectified
10.	Unable to determine what is happening in divorce matter ...	Advised
11.	Failure to advertise Letters of Administration ...	Advised
12.	Delay in hearing Criminal Court matter ...	Advised
13.	Delay in hearing Criminal Court matter ...	Discontinued
14.	Delay in hearing High Court matter ...	Not sustained
15.	Assistance in finding out whether an appearance was entered ...	Rectified
16.	Delay in hearing Criminal Court matter ...	Withdrawn
17.	Delay in obtaining Judge's reason for decision ...	Rectified
18.	Unable to locate Judge's Notes of Evidence and reasons ...	Not sustained
19.	Delay in delivering Judgment ...	Advised
20.	Unable to have draft order approved ...	Under investigation
21.	Delay in obtaining Judge's decision ...	Advised
22.	Not notified of hearing date ...	Under investigation
23.	Delay in serving summonses ...	Rectified
24.	Delay in obtaining Notes of Evidence	Under investigation
25.	Misplaced lodged complaint against Solicitor ...	Under investigation
26.	Delay in hearing High Court matter ...	Discontinued

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
27.	Delay in obtaining early trial date	Rectified
28.	Delay in having divorce matter finalised	Under investigation
29.	Assistance in obtaining early trial date	Advised

MAGISTRATE'S COURT

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
30.	Delay in the hearing of an Inquest	Under investigation
31.	Delay in payment of maintenance	Rectified
32.	No date put on ejectment summons	Advised
33.	Delay in obtaining maintenance deposited into Court	Rectified
34.	Not notified of trial date	Rectified
35.	Delay in giving Judgment in an Inquest	Rectified
36.	Delay in holding Inquest	Under investigation
37.	Delay in holding Inquest	Under investigation
38.	Delay in obtaining balance of compensation	Rectified
39.	Failure to receive subsistence and travelling expenses	Discontinued
40.	Delay in holding Inquest	Under investigation
41.	Delay in holding Inquest	Under investigation
42.	Delay in receiving money stolen from him	Rectified
43.	Deprived of promotion and correct gratuity on retirement	Under investigation
44.	Incorrect amount awarded as witness cost	Not sustained
45.	Delay in submitting Notes of Evidence	Under investigation
46.	Delay in hearing Criminal Court matter	Under investigation
47.	Delay in hearing Magisterial Court matter	Rectified
48.	Difficulty being experienced in obtaining maintenance payment	Advised
49.	Dissatisfied with verdict given at an Inquest	Advised
50.	Delay in hearing Magisterial Court matter	Rectified
51.	Rejection of statement submitted	Advised

APPEAL COURT

52.	Delay in hearing Magisterial Appeal	Rectified
53.	Delay in obtaining information about his Appeal	Advised
54.	Delay in hearing Appeal Court matter	Under investigation
55.	Delay in hearing Appeal Court matter	Under investigation
56.	Assistance in obtaining early trial date	Advised

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Dissatisfied with amount standing to the credit of an infant ...	... Informed
2.	Convicted for the same offence twice ...	... Informed
3.	Difficulty in having application for increased maintenance heard ...	... Informed
4.	Delay in fixing date for hearing ...	... Informed
5.	Delay in delivering Judgment ...	... Informed
6.	Dissatisfied with Court's decision ...	... Informed
7.	Dissatisfied with Court's decision ...	... Informed
8.	Dissatisfied with Court's decision ...	... Informed
9.	Request for legal assistance ...	... Informed
10.	Delay in hearing of High Court Action ...	... Informed
11.	Dissatisfied with the dispensation of justice ...	... Informed
12.	Dissatisfied with the verdict of an Inquest ...	... Informed
13.	Dissatisfied with Magistrate's behaviour ...	... Informed
14.	Dissatisfied with Judgment delivered ...	... Informed
15.	Dissatisfied with the outcome of Court matter ...	... Informed

MINISTRY OF LABOUR, SOCIAL SECURITY AND CO-OPERATIVES

Number of complaints	... 25
Within jurisdiction	... 20
Without jurisdiction	... 5
Sustained/Rectified	... 6
Not sustained	... 1
Advised/Discontinued	... 5
Under investigation	... 8

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in reporting unsolved dispute to Industrial Court ...	... Rectified
2.	Failure to approve application for grant of old age pension ...	... Not sustained
3.	Failure to receive old age pension ...	... Rectified
4.	Delay in obtaining new bus pass ...	... Rectified
5.	Pile up of mails ...	... Discontinued
6.	Delay in obtaining old age pension ...	... Rectified
7.	Delay in obtaining old age pension ...	... Advised
8.	Delay in payment of compensation for vacation leave not taken ...	... Advised
9.	Failure to receive old age pension ...	... Under investigation
10.	Delay in obtaining old age pension ...	... Rectified
11.	Public assistance stopped for no apparent reason ...	... Advised

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
12.	Non-receipt of retroactive payment	Under investigation
13.	Failure to obtain public assistance	Under investigation
14.	Unfair dismissal without reason	Under investigation
15.	Denied promotional opportunities	Under investigation
16.	Assistance in obtaining social benefits	Rectified
17.	Delay in attending to application for public assistance ...	Under investigation
18.	Failure to receive old age pension	Under investigation
19.	Discontinuance of old age pension	Advised
20.	Delay in payment of old age pension	Under investigation

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Assistance in obtaining public assistance	Referred
2.	Assistance in obtaining public assistance	Referred
3.	Assistance in obtaining public assistance	Referred
4.	Delay in resolving dispute	Informed
5.	Failure to obtain old age pension	Premature

MINISTRY OF LEGAL AFFAIRS

Number of complaints	... 29
Within jurisdiction	... 24
Without jurisdiction	... 5
Sustained/Rectified	... 2
Not sustained	... 2
Advised/Discontinued	... 7
Under investigation	... 13

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Non-payment of legal fees	Not sustained
2.	Delay of Public Trustee in attending to repair of damaged building ...	Under investigation
3.	Wrong name appearing on Assessment Roll	Advised
4.	Delay in obtaining compensation for loss of his home due to vehicular accident	Discontinued
5.	Delay in receiving acknowledgment to his letter	Advised
6.	Inordinate delay in obtaining a trial date	Under investigation
7.	Unable to get trial date	Rectified
8.	Unable to obtain certificate of title	Not sustained
9.	Postponing decision to granting marriage licence	Under investigation
10.	Unjustly dismissed	Under investigation
11.	Request for early trial date	Under investigation
12.	Delay in attending to application for a waiver of Crown rights ...	Under investigation

13.	Unable to secure copy of birth certificate	...	...	...	Advised
14.	Difficulties being experienced in obtaining administration of father's estate	...	...	...	Under investigation
15.	Delay in obtaining reply to a petition for a waiver of State rights	...	...	...	Under investigation
16.	Alleged police intimidation	...	...	...	Discontinued
17.	Delay in attending to application for matter to be taken to Privy Council	...	...	...	Advised
18.	Delay in receiving widow's benefits	...	...	...	Under investigation
19.	Unable to obtain trial date	...	...	...	Under investigation
20.	Delay in processing application for the administration of husband's estate	...	...	...	Under investigation
21.	Inordinate delay in obtaining Warrant of Authority	...	...	...	Advised
22.	Delay in receiving Letters of Administration	...	...	...	Under investigation
23.	Delay in having matter brought before the Court	...	...	...	Rectified
24.	Unable to obtain death certificate	...	...	...	Under investigation

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Assistance in obtaining Counsel of his choice to represent him	... Advised
2.	Unable to get information concerning two serious matters	... Informed
3.	Delay in administering estate	... Informed
4.	Termination of temporary appointment	... Informed
5.	Delay in delivering Judgment	... Premature

MINISTRY OF LOCAL GOVERNMENT AND COMMUNITY DEVELOPMENT

Number of complaints	...	69
Within jurisdiction	...	65
Without jurisdiction	...	4
Sustained/Rectified	...	12
Not sustained	...	5
Advised/Discontinued	...	3
Under investigation	...	45

Without Jurisdiction

<i>No.</i>	<i>Subject to Complaints</i>	<i>Result</i>
1.	Nuisance created by storm waters	... Under investigation
2.	Refusal to undertake maintenance of road	... Under investigation
3.	Forced to continue working despite request to retire at age sixty	... Not sustained
4.	Delay in repairing road despite representations made over ten years	... Under investigation
5.	Delay in payment of retirement benefits	... Rectified
6.	Delay in finalising payment of additional retirement benefits	... Rectified
7.	Construction of fence obstructing free flow of traffic	... Under investigation
8.	Deterioration of a road to such an extent as to make it unusable	... Under investigation

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
9.	Incorrect computation of retiring benefits	Under investigation
10.	Failure to repair roads and bridges	Under investigation
11.	Non-payment for scavenging work done	Rectified
12.	Delay in payment of revised gratuity and pension	Rectified
13.	Non-payment of vacation leave, sick leave and severance pay	Rectified
14.	Failure to receive compensation for damages done to motor car	Advised
15.	Dissatisfied with amount received for protecting materials	Under investigation
16.	Deprived of promotional opportunity because he failed written test	Discontinued
17.	Unfair demotion	Under investigation
18.	Danger to property because of serious landslide	Under investigation
19.	Delay in attending to an application to have road extended	Under investigation
20.	Destruction of property due to landslide due to water flowing from the road	Under investigation
21.	Non-payment of severance benefits	Rectified
22.	Nuisance created by diverting original water course of a canal	Under investigation
23.	Dissatisfied with overtime rate of payment	Not sustained
24.	Delay in payment of retirement benefits	Rectified
25.	Delay in payment of judgment debt and costs	Under investigation
26.	Delay in payment of retirement benefits	Rectified
27.	Unable to get completion certificate for dwelling house	Rectified
28.	Nuisance created by blocking roadway with debris	Advised
29.	Non-receipt of salary	Rectified
30.	Non-payment of arrears of wages as a result of reclassification	Under investigation
31.	Alleged corruption	Under investigation
32.	Delay in attending to repairs of the road	Under investigation
33.	Not properly classified in his post	Under investigation
34.	Unauthorised construction of building	Under investigation
35.	Delay in obtaining retirement benefits	Under investigation
36.	Insanitary conditions of the roads and drains	Under investigation
37.	Failure to maintain drain	Under investigation
38.	Failure to properly maintain drain	Under investigation
39.	Delay in obtaining compensation for injuries sustained	Under investigation
40.	Delay in having surface of the road repaired	Under investigation
41.	Delay in repairing road	Under investigation
42.	Erosion of property because of water flowing from the road	Under investigation

43.	Discontinuation of his pig farm without giving a reason	...	...	Under investigation
44.	Discontinuation of pig farm without advancing a reason	...	...	Under investigation
45.	Failure to receive uniforms or allowance in lieu of uniforms	...	...	Under investigation
46.	Delay in obtaining payment of judgment debt and costs	...	...	Rectified
47.	Difficulty in having salary corrected and obtaining travelling expenses	...	...	Rectified
48.	Nuisance created due to lack of road maintenance	...	...	Under investigation
49.	Deplorable condition of road	...	...	Under investigation
50.	Failure to receive payment for travelling allowances submitted	...	...	Under investigation
51.	Delay in payment of judgment debt and costs	...	...	Under investigation
52.	Alleged corruption in the construction of a recreation ground	...	...	Under investigation
53.	Lack of maintenance of bridge and road	...	...	Under investigation
54.	Lack of maintenance of bridge and road	...	...	Under investigation
55.	Refusal of sick leave bonus	...	...	Under investigation
56.	Inadequate amount of severance pay and gratuity received	...	...	Under investigation
57.	Dilapidated condition of road	...	...	Under investigation
58.	Lack of proper sanitation in the area	...	...	Under investigation
59.	Delay in payment of wages for contract work done	...	...	Not sustained
60.	Discrimination in the selection of daily paid employment	...	...	Not sustained
61.	Damage done to property due to negligence of workers	...	...	Under investigation
62.	Refused to pay compensation for injury sustained	...	...	Not sustained
63.	Delay in payment of retiring benefits	...	...	Under investigation
64.	Overlooked for promotion	...	...	Under investigation
65.	Deplorable condition of roads and drains	...	...	Under investigation

Without Jurisdiction

No.	Subject of Complaints	Result
1.	Assistance in obtaining assignment of an allotment in the cemetery	... Referred
2.	Refusal to renew water contract	... Informed
3.	Dissatisfied with position on priority list	... Informed
4.	Delay in approving building plans	... Premature

MINISTRY OF NATIONAL SECURITY

Number of complaints	...	137
Within jurisdiction	...	112
Without jurisdiction	...	25
Sustained/Rectified	...	18
Not sustained	...	5
Advised/Discontinued	...	17
Under investigation	...	72

PRISONS

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>					<i>Result</i>
1.	Accusation of prison officer's assault	...	...	...	...	Not sustained
2.	Failure to take action on a report of assault	...	...	...	...	Advised
3.	Refused his lawyer's permission to visit	...	...	...	...	Not sustained
4.	Allegation of homosexuality practised by officers	...	...	...	...	Under investigation
5.	Destroying of letters by inmates	...	...	...	...	Discontinued
6.	Overcrowding of the prisons	...	...	...	...	Under investigation
7.	Alleged discrimination because of his mixed race	...	...	...	...	Withdrawn
8.	Allegation of physical abuse by prison officer	...	...	...	...	Advised
9.	Failure to retrieve clothing on discharge	...	...	...	...	Rectified
10.	Alleged violation of prison rules	...	...	...	...	Under investigation
11.	Undue harassment from prison officers	...	...	...	...	Advised
12.	Assistance in obtaining bail	...	...	...	...	Under investigation
13.	Delay in assigning Counsel (to complainant)	...	...	...	...	Under investigation
14.	Unable to obtain relevant materials to study in prison	...	...	...	...	Under investigation
15.	Denied proper medical attention	...	...	...	...	Not sustained
16.	Denied X-ray	...	...	...	...	Under investigation
17.	Refusal to have manuscript published	...	...	...	...	Under investigation
18.	Not permitted to attend Court...	...	...	...	...	Under investigation
19.	Not permitted to attend Court...	...	...	...	...	Under investigation
20.	Unavailability of fresh water for inmates	...	...	...	...	Under investigation
21.	Lack of proper eye care	...	...	...	...	Under investigation
22.	Severely beaten and wounded by prison officers	...	...	...	...	Under investigation
23.	Insanitary condition of food and undue harassment	...	...	...	...	Under investigation
24.	Forced to commit immoral acts	...	...	...	...	Under investigation
25.	Refusal to take disciplinary action against inmate	...	...	...	...	Under investigation
26.	Denied proper diet	...	...	...	...	Not sustained
27.	Delay in having matter brought into Court	...	...	...	...	Under investigation
28.	Refused permission to see doctor	...	...	...	...	Rectified
29.	Dissatisfied with punishment imposed	...	...	...	...	Not sustained
30.	Refusal of Welfare Officer to assist him	...	...	...	...	Under investigation
31.	Assistance in obtaining information about the rights of condemned prisoners	...	...	...	...	Under investigation

32.	Forfeiting of his remission of sentence	...	...	...	...	Under investigation
33.	Lack of proper medical attention and diet	...	...	...	...	Under investigation
34.	Lack of proper facilities in prison	...	...	...	...	Under investigation
35.	Insanitary condition of food and accommodation	...	...	...	...	Under investigation
36.	Assistance in obtaining copy of Judge's Summing Up and Notes of Evidence	...	...	...	...	Rectified
37.	Failure to receive proper medical attention	...	...	...	...	Under investigation
38.	Assistance in having matter tried in open court	...	...	...	...	Under investigation

Without Jurisdiction

No.	Subject of Complaints	Result
1.	Dissatisfied with sentence imposed for absconding from prison	... Informed
2.	Request to institute proper investigation of gunshot wounds received	... Informed
3.	Victimization mentally, psychologically and physically	... Referred
4.	Assistance in getting time spent in Remand Yard deducted from sentence imposed	... Informed
5.	Divulging information about his fellow prisoner's plan to escape	... Referred
6.	Assistance in getting time spent in prison offset against sentence	... Informed

POLICE

Within Jurisdiction

No.	Subject of Complaints	Result
1.	Delay in replying to correspondence	... Under investigation
2.	Failure to take action with respect to a vehicular accident	... Rectified
3.	Assistance in obtaining police protection from mentally ill	... Under investigation
4.	Delay in taking action on a report of a vehicular accident	... Under investigation
5.	Delay in granting character certificate	... Rectified
6.	Allegation of police demanding bribe	... Discontinued
7.	Delay in obtaining police certificate of character	... Under investigation
8.	Delay in issuing certificate of good character	... Rectified
9.	Police harassment	... Under investigation
10.	Depreciation of car while in police custody	... Under investigation
11.	Inconsistent information given on certificate of character	... Under investigation
12.	Police brutality	... Advised
13.	Alleged wrongful dismissal	... Under investigation
14.	Refusal in taking action on several reports of assaults	... Under investigation
15.	Allegation of police brutality	... Advised
16.	Unlawful search of premises without search warrant	... Under investigation

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
17.	Delay in charging three policemen for wounding	Rectified
18.	Unable to obtain clothes and other items seized by the police ...	Under investigation
19.	Police harassment	Discontinued
20.	Lack of interest shown by the police in attending to a vehicular accident	Under investigation
21.	Unable to secure release of video recorder	Rectified
22.	Delay in releasing motor car in custody pending Court hearing	Rectified
23.	Failure to respond to request for refund of money	Rectified
24.	Delay in taking action on two reports of house breaking ...	Under investigation
25.	Not paid meal allowance	Under investigation
26.	Delay in taking action with respect to vehicular accident ...	Under investigation
27.	Unable to obtain precept	Under investigation
28.	Negligence in misplacing Court exhibits	Under investigation
29.	Lack of interest shown in dealing with a report of disappearance	Under investigation
30.	Failure to award increments accrued	Rectified
31.	Undue police harassment	Discontinued
32.	Lack of interest shown in investigating vehicular accident ...	Under investigation
33.	Failure to take action to restrain mental patient attacking pedestrians	Rectified
34.	Failure to take action on reports of arson	Discontinued
35.	Failure to take action on reports of molestation and assault ...	Rectified
36.	Refusal to grant firearm licence	Under investigation
37.	Failure to take action on nuisance created in blocking only access to home	Under investigation
38.	Delay in attending to application for a firearm licence	Under investigation
39.	Refusal of application for precept	Under investigation
40.	Seizure of firearm without any apparent reason	Under investigation
41.	Lack of interest taken in dealing with vehicular accident ...	Under investigation
42.	Improper behaviour by deliberately not appearing in Court ...	Under investigation
43.	Incorrect information given by investigating officer	Under investigation
44.	Delay in taking action on a report of a vehicular accident ...	Under investigation
45.	Delay in obtaining trial date because statement cannot be found	Under investigation
46.	Delay in holding inquest	Under investigation
47.	Refused permission to make use of meals provided by family ...	Under investigation
48.	Failure to take action on a report of arson	Under investigation
49.	Delay in taking action on report of assault	Discontinued
50.	Assistance in obtaining police protection	Under investigation
51.	Delay in taking action on report of damaged crop	Discontinued

52.	Inefficiency in misplacing statement	...	...	...	...	Rectified
53.	Inability to obtain a precept	...	...	...	...	Under investigation
54.	Lack of interest shown in dealing with a report of assault	...	...	...	...	Rectified
55.	Failure to take action on report of attempted assault	...	...	...	...	Under investigation
56.	Delay in taking action on a report of theft	..	...	...	...	Advised
57.	Refusal to take action on report of assault	...	...	...	...	Under investigation
58.	Delay in payment of balance of salary	...	...	...	...	Rectified
59.	Unable to attend Court because of unavailability of transport	...	...	...	...	Under investigation
60.	Reluctance in taking action on reports of rape and assault	...	...	...	...	Under investigation
61.	Failure to return jewellery	...	...	...	...	Under investigation

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Unlawfully suspended from duty	... Informed
2.	Dissatisfied that no arrest has been made for the murder of her husband	... Informed
3.	Police harassment	... Premature
4.	Refusal to return passport	... Informed
5.	Request for police protection	... Referred
6.	Dishonourably discharged from the Police Service	... Informed
7.	Unable to get recruited into the Police Service	... Informed
8.	Unlawful arrest	... Premature
9.	Wrongfully charged	... Informed
10.	Undue police harassment	... Premature
11.	Dissatisfied with wages received for washing vehicles	... Informed
12.	Police harassment	... Informed
13.	Assistance in obtaining compensation after working eleven years	... Advised
14.	Dissatisfied with serial number given	... Informed
15.	Delay in taking action on a report of assault	... Premature
16.	Alleged police brutality	... Informed

OTHER DEPARTMENTS

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in payment of judgment debt and costs	... Rectified
2.	Fire hazard existing at lumber yard	... Under investigation
3.	Delay in obtaining passports	... Under investigation
4.	Delay in processing application for citizenship	... Under investigation

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
5.	Unable to get taxi drivers to stop using premises as taxi stand ...	... Under investigation
6.	Delay in processing application for citizenship ...	... Discontinued
7.	Rent deducted from pension without his consent ...	... Under investigation
8.	Deprived of promotional opportunities ...	... Advised
9.	Suspended from duty because of faulty records ...	... Under investigation
10.	Delay in obtaining passport ...	... Under investigation
11.	Delay in payment of half-monthly salary for period while on sick leave ...	... Advised
12.	Delay in attending to application for deportation ...	... Rectified
13.	Unfair dismissal from the Army ...	... Under investigation

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in attending to application for Work Permit ...	... Referred
2.	Not considered for promotion ...	... Informed
3.	Unable to get lengthy period of permission to stay in the country ...	... Advised

NATIONAL HOUSING AUTHORITY

Number of complaints ...	30
Within jurisdiction ...	25
Without jurisdiction ...	5
Sustained/Rectified ...	0
Not sustained ...	2
Advised/Discontinued ...	9
Under investigation ...	14

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in payment of retirement benefits ...	... Under investigation
2.	Delay in processing application for housing accommodation ...	... Discontinued
3.	Denied quiet enjoyment of housing accommodation ...	... Discontinued
4.	Delay in finalizing application for housing accommodation ...	... Advised
5.	Delay in payment of acting allowance ...	... Under investigation
6.	Ejected from premises ...	... Discontinued
7.	Delay in refunding overpayment and obtaining deed of release ...	... Under investigation
8.	Tenancy of property not properly regularized ...	... Discontinued
9.	Delay in payment of loan to purchase land ...	... Under investigation
10.	Delay in obtaining housing accommodation ...	... Not sustained
11.	Delay in receiving loan ...	... Under investigation
12.	Refusal to assist in recovering property from illegal occupants ...	... Under investigation
13.	Refusal of application for a housing loan ...	... Advised
14.	Delay in being allotted housing accommodation ...	... Under investigation

15.	Delay in processing application for tenancy of a parcel of land	...	Advised
16.	Delay in securing proper housing accommodation ...	...	Under investigation
17.	Delay in processing application for housing accommodation ...	...	Under investigation
18.	Delay in obtaining refund of differences in rents ...	...	Not sustained
19.	Refusal to return house plan ...	...	Under investigation
20.	Failure to receive compensation for loss of wages ...	...	Under investigation
21.	Difficulty being experienced in obtaining Statement of Accounts	...	Under investigation
22.	Nuisance created by unauthorised machine shops on the ground	...	Under investigation
23.	Difficulty being experienced in obtaining Statement of Accounts	...	Discontinued
24.	Delay in obtaining reasonable housing accommodation ...	...	Under investigation
25.	Delay in processing application for a parcel of land ...	...	Discontinued

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in obtaining housing accommodation ...	Referred
2.	Assistance in obtaining housing accommodation ...	Referred
3.	Delay in attending to an allegation of theft ...	Premature
4.	Assistance in re-occupying house ...	Informed
5.	Unable to secure suitable rental accommodation ...	Informed

NATIONAL INSURANCE BOARD

Number of complaints	...	14
Within jurisdiction ...	...	14
Without jurisdiction ...	...	0
Sustained/Rectified ...	...	7
Not sustained ...	...	2
Advised/Discontinued ...	...	3
Under investigation ...	...	2

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Failure to pay sickness benefits ...	Rectified
2.	Failure to receive invalidity benefits because of refusal of doctor to sign form ...	Not sustained
3.	Delay in finalising claim for retirement benefits ...	Rectified
4.	Delay in payment of death benefits ...	Rectified
5.	Delay in payment of maternity benefits ...	Rectified
6.	Failure to receive retirement pension ...	Advised
7.	Dissatisfied with money received as death benefit ...	Not sustained
8.	Delay in settling claim for retirement benefits ...	Rectified
9.	Refused to accept affidavit in lieu of birth certificate ...	Rectified
10.	Failure to receive sickness benefits ...	Discontinued

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
11.	Deductions from salary not paid to the Insurance Board ...	Rectified
12.	Assistance in obtaining insurance benefits ...	Advised
13.	Invalidity benefit stopped ...	Under investigation
14.	Difficulty being experienced in obtaining compensation for injury sustained ...	Under investigation

PORT AUTHORITY OF TRINIDAD AND TOBAGO

Number of complaints	15
Within jurisdiction	10
Without jurisdiction	5
Sustained/Rectified	0
Not sustained	0
Advised/Discontinued	3
Under investigation	7

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in payment of arrears of salary ...	Under investigation
2.	Delay in processing claim for revised pension ...	Advised
3.	Assistance in getting appointment retroactive ...	Under investigation
4.	Termination of employment without any investigation ...	Discontinued
5.	Error in the computation of his wages ...	Under investigation
6.	Delay in assessing suitability for permanent employment ...	Under investigation
7.	Error made in the calculation of his retiring benefits ...	Under investigation
8.	Error made in the computation of disability benefits ...	Under investigation
9.	Delay in settling claim for cargo not delivered ...	Under investigation
10.	Forced to sell shares ...	Advised

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Deprived of job without salary ...	Informed
2.	Not paid for period acting as supervisor ...	Informed
3.	Given new working badge number which caused him to be a junior officer ...	Informed
4.	Infringement of workers rights ...	Premature
5.	Assistance in obtaining transfer ...	Referred

PUBLIC SERVICE COMMISSION

Number of complaints	25
Within jurisdiction	15
Without jurisdiction	10
Sustained/Rectified	4
Not sustained	2
Advised/Discontinued	4
Under investigation	5

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Service broken and leave entitlement reduced ...	Rectified
2.	Dissatisfied at being made to retire on medical grounds ...	Under investigation
3.	Passed over for permanent appointment ...	Not sustained
4.	Delay in attending to application for employment ...	Advised
5.	Delay in getting released to take up appointment ...	Rectified
6.	Unable to get employment ...	Rectified
7.	Non-inclusion of name on the priority list ...	Advised
8.	Unable to receive retirement benefits ...	Under investigation
9.	Difficulties being experienced in obtaining summer holidays ...	Under investigation
10.	Unfair dismissal ...	Not sustained
11.	Unfair withdrawal of his promotion ...	Under investigation
12.	Overlooked for appointment on promotion ...	Rectified
13.	Delay in assessing certificate ...	Advised
14.	Assistance in obtaining employment ...	Advised
15.	Denied opportunity for promotion ...	Under investigation

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Not fairly treated by tribunal appointed to hear disciplinary charge ...	Informed
2.	Victimization in selecting junior officer in acting position ...	Informed
3.	Delay in receiving longevity ...	Informed
4.	Dismissed because of imprisonment ...	Informed
5.	Not permitted to retain employment after taking sick leave ...	Informed
6.	Alleged wrongful dismissal ...	Informed
7.	Assistance in securing employment ...	Referred
8.	Difficulties being experienced in employment as a messenger ...	Advised
9.	Assistance in obtaining employment ...	Referred
10.	Wrongful dismissal ...	Informed

PUBLIC TRANSPORT SERVICE CORPORATION

Number of complaints ...	8
Within jurisdiction ...	6
Without jurisdiction ...	2
Sustained/Rectified ...	4
Not sustained ...	0
Advised/Discontinued ...	0
Under investigation ...	2

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in payment of compensation for damages sustained ...	... Rectified
2.	Dismissed from job without opportunity to produce evidence...	... Rectified
3.	Passengers inconvenienced while travelling because of poor service	... Under investigation
4.	Non-payment of compensation for injuries sustained ...	... Under investigation
5.	Delay in payment of compensation for damages sustained ...	... Rectified
6.	Delay in payment of compensation for damages sustained ...	... Rectified

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in obtaining compensation for injury sustained ...	... Premature
2.	Refused passage on the bus at the terminal ...	... Premature

MINISTRY OF PUBLIC UTILITIES AND NATIONAL TRANSPORTATION

Number of complaints	...	8
Within jurisdiction	...	7
Without jurisdiction	...	1
Sustained/Rectified	...	0
Not sustained	...	0
Advised/Discontinued	...	3
Under investigation	...	4

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in payment of benefits due to deceased estate ...	... Advised
2.	Deprived of having his car tinted with a light reflected material	... Under investigation
3.	Lack of proper postal service ...	... Discontinued
4.	Denied parking facilities ...	... Under investigation
5.	Deficiencies in the postal service ...	... Discontinued
6.	Delay in payment of overtime allowance ...	... Under investigation
7.	Delay in having transfer of ownership made ...	... Under investigation

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Alleged corruption ...	... Premature

TOBAGO HOUSE OF ASSEMBLY

Number of complaints	...	14
Within jurisdiction	...	12
Without jurisdiction	...	2
Sustained/Rectified	...	6
Not sustained	...	0
Advised/Discontinued	...	2
Under investigation	...	4

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in payment of severance pay	Rectified
2.	Indiscriminate blasting of hillsides	Under investigation
3.	Delay in payment of severance pay	Rectified
4.	Unable to get access road to her home	Rectified
5.	Removal of sand from the beach affecting the tourism industry	Rectified
6.	Removed from employment without any reason given ...	Under investigation
7.	Failure to receive payment for work done	Rectified
8.	Incorrect amount received as salary	Discontinued
9.	Non-receipt of salary	Rectified
10.	Delay in payment of severance pay	Under investigation
11.	Delay in processing severance pay	Under investigation
12.	Non-receipt of increments	Advised

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Victimization of persons not affiliated to a particular party ...	Informed
2.	Unable to obtain employment	Informed

TRINIDAD AND TOBAGO ELECTRICITY COMMISSION

Number of complaints	... 15
Within jurisdiction	... 13
Without jurisdiction	... 2
Sustained/Rectified	... 5
Not sustained	... 0
Advised/Discontinued	... 4
Under investigation	... 4

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in obtaining telephone service	Advised
2.	Transferring of name on electricity meter without consent ...	Advised
3.	Failure to remove guy wires impending construction of house...	Rectified
4.	Refusal to reimburse him for repairs of appliances	Under investigation
5.	Guide wire hindering entrance into driveway	Rectified
6.	Fluctuating powers of electricity	Rectified
7.	Unable to get approval to erect a dwelling house	Under investigation
8.	Refusal to pay compensation for injury sustained	Advised
9.	Live electricity wire lying on top of residence	Under investigation
10.	Lack of electricity in the area	Under investigation

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
11.	Unable to get electricity connection	Rectified
12.	Delay in getting electricity connection	Discontinued
13.	Delay in restoring electricity in the area	Rectified

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Deprived of promotional opportunity	Premature
2.	Threatened with disconnection although bills were paid	Premature

TRINIDAD AND TOBAGO TELEPHONE COMPANY

Number of complaints	...	9
Within jurisdiction	...	9
Without jurisdiction	...	0
Sustained/Rectified	...	3
Not sustained	...	0
Advised/Discontinued	...	4
Under investigation	...	2

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Delay in repairing telephones	Rectified
2.	Assistance in obtaining information about deceased husband's gratuity and pension	Advised
3.	Delay in having telephone relocated	Advised
4.	Failure to repair telephone	Under investigation
5.	Wrongly charged for telephone bill	Under investigation
6.	Wires running too close to premises	Rectified
7.	Delay in processing application for telephone service	Advised
8.	Delay in getting telephone installed	Rectified
9.	Delay in obtaining telephone connection	Advised

WATER AND SEWERAGE AUTHORITY

Number of complaints	...	22
Within jurisdiction	...	20
Without jurisdiction	...	2
Sustained/Rectified	...	3
Not sustained	...	0
Advised/Discontinued	...	7
Under investigation	...	10

Within Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Assistance in obtaining death benefits left to husband's estate	Advised
2.	Error in the computation of retirement benefits	Under investigation
3.	Delay in delivering cheque	Rectified
4.	Health hazard existing because of unfinished sewer connection	Under investigation

5.	Non-payment of fortnight's wages	...	...	...	...	Under investigation
6.	Late delivery of letter of temporary appointment causing lost of opportunity	...	...	...	...	Advised
7.	Inadequate water supply	...	...	...	...	Advised
8.	Unable to get a reply as to information requested about his water rates	...	...	...	...	Advised
9.	Lack of water distribution in the area	...	...	...	...	Discontinued
10.	Victimized by superiors	...	...	...	...	Under investigation
11.	Failure to extend water main	...	...	...	...	Advised
12.	Non-availability of water	...	...	...	...	Under investigation
13.	Inadequate water supply	...	...	...	...	Under investigation
14.	Delay in payment of retiring benefits	...	...	...	...	Rectified
15.	Inadequate water supply	...	...	...	...	Under investigation
16.	Refusal to supply water to his residence	...	...	...	...	Rectified
17.	Delay in obtaining retirement benefits	...	...	...	...	Under investigation
18.	Failure to obtain compensation for work done	...	...	...	...	Under investigation
19.	Delay in settling long overdue claim for damages to motor vehicle	...	...	...	...	Discontinued
20.	Delay in payment of compensation for damages done to property	...	...	...	...	Under investigation

Without Jurisdiction

No.	Subject of Complaints	Result
1.	Assistance in obtaining a transfer nearer home	Referred
2.	Irregular supply of truck-borne water	Premature

MINISTRY OF WORKS, MAINTENANCE AND DRAINAGE

Number of complaints	...	83
Within jurisdiction	...	75
Without jurisdiction	...	8
Sustained/Rectified	...	15
Not sustained	...	2
Advised/Discontinued	...	11
Under investigation	...	47

Within Jurisdiction

No.	Subject of Complaints	Result
1.	Erosion of land caused by overflowing river	Under investigation
2.	Non-payment of acting allowances	Under investigation
3.	Lack of proper drainage	Under investigation
4.	Delay in payment of severance benefits	Under investigation
5.	Failure to repair road causing flooding of the area	Rectified
6.	Failure to maintain drain	Discontinued
7.	Non-payment of refund for travelling expenses	Discontinued

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
8.	Irregularities in dealing with particular officers	Discontinued
9.	Irregularities committed by senior personnel	Advised
10.	Deplorable conditions of main road	Rectified
11.	Unauthorised construction of road on his property	Under investigation
12.	Delay in payment of retirement benefits	Under investigation
13.	Delay in processing retirement benefits	Under investigation
14.	Delay in attending to representation for loss of earnings and transfer allowance	Not sustained
15.	Constant flow of water causing land erosion which threatens his property	Under investigation
16.	Failure to receive wages for period on sick leave	Rectified
17.	Deplorable conditions of the road	Under investigation
18.	Non-payment of severance pay	Rectified
19.	Delay in obtaining sickness benefits and travelling allowances ...	Advised
20.	Nuisance caused by unpaved drain	Under investigation
21.	Failure to obtain payment for work done	Under investigation
22.	Delay in payment of severance pay	Discontinued
23.	Delay in payment of gratuity	Rectified
24.	Unfairly treated by supervisors	Advised
25.	Delay in payment of severance benefits	Rectified
26.	Delay in payment of gratuity	Under investigation
27.	Delay in payment of compensation for use of property as passage way ...	Under investigation
28.	Refusal to remove fallen trees from the drain	Under investigation
29.	Delay in payment of undrawn wages	Rectified
30.	Victimization	Discontinued
31.	Flooding of his home due to construction of a bridge	Under investigation
32.	Delay in payment of compensation for damaged plantation	Under investigation
33.	Failure to correct wrong incremental date	Under investigation
34.	Excavation work being done on her property without permission ...	Under investigation
35.	Incorrect computation of retirement benefits	Rectified
36.	Delay in receiving salary every fortnight	Rectified
37.	Failure to submit relevant authority for approval to act in a higher post ...	Discontinued
38.	Delay in payment of compensation for damages done to property ...	Under investigation
39.	Non-receipt of severance pay	Rectified
40.	Deplorable conditions of road rendering it impassable	Under investigation
41.	Delay in erecting retaining wall	Under investigation

42.	Deplorable conditions of the roads in the area	...	...	...	Discontinued
43.	Incorrect entries on pay record card	...	...	...	Under investigation
44.	Failure to receive full gratuity payment	...	...	...	Under investigation
45.	Dissatisfied with amount received as gratuity and severance pay	...	...	...	Under investigation
46.	Erosion causing danger to property	...	...	...	Under investigation
47.	Inadequate drainage causing flooding of property	...	...	...	Under investigation
48.	Failure to properly maintain road	...	...	...	Under investigation
49.	Discrimination in having to revert to junior position	...	...	...	Under investigation
50.	Lack of proper drainage causing land erosion	...	...	...	Discontinued
51.	Danger to property and lives because of improper drainage	...	...	...	Under investigation
52.	Delay in payment of wages for period of extended sick leave	...	...	...	Rectified
53.	Wrongful termination of a contract on a project	...	...	...	Under investigation
54.	Non-receipt of acting allowances	...	...	...	Not sustained
55.	Delay in payment of revised severance pay benefits	...	...	...	Under investigation
56.	Delay in attending to his application for transfer	...	...	...	Under investigation
57.	Delay in payment of salary	...	...	...	Rectified
58.	Extensive damage done to crops because of flooding	...	...	...	Under investigation
59.	Extensive damage done to crops because of flooding	...	...	...	Under investigation
60.	Improper drainage causing constant flooding	...	...	...	Under investigation
61.	Failure to pay for alterations and repairs work done	...	...	...	Under investigation
62.	Dissatisfied with amount of retirement benefits received	...	...	...	Rectified
63.	Demoted because of untrue reports	...	...	...	Under investigation
64.	Discrimination in the awarding of contracts	...	...	...	Under investigation
65.	Delay in payment of compensation for use of premises to store materials	...	...	...	Under investigation
66.	Delay in payment of sick leave and extended sick leave	...	...	...	Under investigation
67.	Discrimination in the selection of workers	...	...	...	Under investigation
68.	Delay in obtaining approval to sub-divide land	...	...	...	Under investigation
69.	Delay in payment of compensation for injury sustained	...	...	...	Under investigation
70.	Delay in payment of compensation for land acquired by Government	...	...	...	Under investigation
71.	Discrimination in the selection of candidates for training	...	...	...	Rectified
72.	Name removed from paysheet without any reason given	...	...	...	Under investigation
73.	Failure to receive salary	...	...	...	Rectified
74.	Non-payment of increments	...	...	...	Under investigation
75.	Lack of proper drainage	...	...	...	Under investigation

Without Jurisdiction

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Failure to be placed on permanent staff after thirteen years service	... Informed
2.	Dissatisfied with the attitude of workers while using his property	... Informed
3.	Deplorable conditions of work ... ..	... Premature
4.	Assistance in obtaining full-time employment ... ..	... Premature
5.	Name removed from employment list ... ..	... Informed
6.	Termination of employment ... ..	... Informed
7.	Damage done to property as a result of excavation work done	... Premature
8.	Overlooked for promotion ... ..	... Informed

OTHER COMPLAINTS

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
1.	Assistance in securing accommodation ... ..	... Informed
2.	Request for testimonial ... ..	... Advised
3.	Assistance in having matter transferred ... ..	... Informed
4.	Unable to obtain refund deposited for purchase of a property	... Informed
5.	Assistance in transferring land to daughter ... ..	... Informed
6.	Assistance in obtaining custody of girl child ... ..	... Informed
7.	Non-receipt of back-pay from private company ... ..	... Informed
8.	Beaten by a group of men ... ..	... Informed
9.	Dispute between family as to ownership of property ... ..	... Informed
10.	Unable to receive dentures having paid the required bill	... Rectified
11.	Request for legal aid ... ..	... Advised
12.	Encroachment of neighbours on her property ... ..	... Informed
13.	Refusal of landlord to accept rent for a parcel of land ... ..	... Informed
14.	Assistance in obtaining possession of a parcel of land ... ..	... Informed
15.	Assistance in obtaining early trial date ... ..	... Informed
16.	Refusal by Insurance Company to accept liability ... ..	... Referred
17.	Assistance in obtaining position of Commissioner of Affidavits	... Informed
18.	Assistance in obtaining fruits of his judgment ... ..	... Informed
19.	Assistance in obtaining compensation for injuries sustained on left hand	Advised
20.	Assistance in obtaining estate of late common-law husband ... ..	... Informed
21.	Assistance in having matter concluded in court ... ..	... Informed
22.	Assistance in obtaining ownership of certain properties of land	... Informed
23.	Assistance in obtaining Letters of Administration ... ..	... Advised

24.	Difficulties being experienced with neighbour	...	...	...	Informed
25.	Assistance in obtaining a pair of reading spectacles	...	...	...	Informed
26.	Assistance in obtaining possession of a parcel of land	...	...	...	Informed
27.	Assistance in having trial expedited	...	...	...	Informed
28.	Request for legal aid	...	...	...	Informed
29.	Dissatisfied with legal representation	...	...	...	Informed
30.	Failure to receive maintenance ordered	...	...	...	Informed
31.	Assistance in obtaining possession of father's estate	...	...	...	Informed
32.	Request for legal aid	...	...	...	Referred
33.	Request for legal aid	...	...	...	Referred
34.	Dissatisfied with legal representation	...	...	...	Advised
35.	Assistance in obtaining refund of money	...	...	...	Informed
36.	Unable to withdraw money from the bank	...	...	...	Advised
37.	Assistance in obtaining copies of deeds	...	...	...	Informed
38.	Request for legal aid	...	...	...	Referred
39.	Difficulty being experienced in obtaining approval to run water lines	...	...	...	Informed
40.	Request for legal aid	...	...	...	Informed
41.	Assistance in compiling data on the role of the Ombudsman	...	...	...	Advised
42.	Assistance in obtaining the fruits of her judgment	...	...	...	Informed
43.	Assistance in getting relatives evicted	...	...	...	Informed
44.	Request for appointment with Ombudsman	...	...	...	Discontinued
45.	Difficulty being experienced with landlord	...	...	...	Informed
46.	Difficulty in determining ownership of house	...	...	...	Informed
47.	Deplorable conditions of house	...	...	...	Advised
48.	Assistance in getting maintenance order cancelled	...	...	...	Informed
49.	Refusal to sell land	...	...	...	Informed
50.	Seizure of motor car	...	...	...	Informed
51.	Assistance in obtaining a re-trial	...	...	...	Informed
52.	Assistance in having lands transferred	...	...	...	Informed
53.	Refused entry into premises by husband	...	...	...	Informed
54.	Failure to locate missing freight	...	...	...	Informed
55.	Assistance in obtaining an early and separate trial	...	...	...	Informed
56.	Difficulty in getting mortgage released	...	...	...	Referred
57.	Damage done to vehicle due to slipping of the land	...	...	...	Informed
58.	Delay in receiving compensation for damaged car	...	...	...	Discontinued

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
59.	Failure to return all his documents ... ..	... Informed
60.	Unable to recover money paid for a parcel of land ... ..	... Informed
61.	Property bought still mortgaged by previous owners ... ..	... Informed
62.	Property bought still mortgaged by previous owners ... ..	... Informed
63.	Unethical conduct of solicitor ... ..	... Informed
64.	Delay in obtaining compensation for injuries sustained ... ..	... Referred
65.	Request for legal aid ... ..	... Informed
66.	Assistance in obtaining a parcel of land ... ..	... Informed
67.	Difficulties being experienced because of husband's desertion ... ..	... Discontinued
68.	Assistance in settling Letters of Administration ... ..	... Informed
69.	Non-receipt of wages ... ..	... Informed
70.	Delay in obtaining fruits of High Court judgment ... ..	... Informed
71.	Failure to obtain a refund of fees paid to lawyer ... ..	... Informed
72.	Unruly behaviour of some "rastas" on her property ... ..	... Informed
73.	Failure to obtain a refund of fees paid to solicitor ... ..	... Rectified
74.	Problems being experienced with tenant ... ..	... Informed
75.	Difficulty being experienced in recovering lands tenanted ... ..	... Informed
76.	Failure to receive severance benefits ... ..	... Informed
77.	Problems experienced with the stealing of her crops and animals ... ..	... Informed
78.	Request for legal aid ... ..	... Referred
79.	Assistance in obtaining information about a divorce matter ... ..	... Rectified
80.	Difficulty in having pension increased ... ..	... Informed
81.	Dissatisfied with the disposal of deceased husband's estate ... ..	... Informed
82.	Not able to better his living condition ... ..	... Advised
83.	Difficulty in obtaining two years of imprisonment revoked ... ..	... Informed
84.	Alleged false claim to his parcel of land ... ..	... Informed
85.	Unfair dismissal ... ..	... Informed
86.	Assistance in obtaining her share of deceased sister's estate ... ..	... Informed
87.	Failure to pay severance benefits to beneficiary ... ..	... Informed
88.	Difficulty in obtaining information about a land matter ... ..	... Referred
89.	Unable to get copy of deed for a parcel of land ... ..	... Informed
90.	Assistance in obtaining a survey plan ... ..	... Informed
91.	Unable to get property surveyed ... ..	... Informed
92.	Dismissed after thirteen years service ... ..	... Informed
93.	Difficulty in having nephews ejected ... ..	... Informed

94.	Unable to obtain the fruits of his judgment in court	...	...	Informed
95.	Dissatisfied with lawyer's representation	...	...	Informed
96.	Unreasonable attitude of landlord	...	...	Informed
97.	Difficulty in obtaining possession of a parcel of land	...	...	Informed
98.	Delay in probating Will	...	...	Informed
99.	Dissatisfied with lawyer's representation	...	...	Informed
100.	Assistance in obtaining early trial date	...	...	Informed
101.	Unable to get a refund of money paid for wiring house	...	...	Informed
102.	Unable to obtain a copy of her deed from her lawyer	...	...	Referred
103.	Assistance in obtaining possession of a parcel of land	...	...	Informed
104.	Request for legal aid	...	...	Referred
105.	Request for legal aid	...	...	Referred
106.	Refusal to build proper toilet and bath	...	...	Informed
107.	Assistance in obtaining parcel of land	...	...	Informed
108.	Assistance in determining ownership of property	...	...	Informed
109.	Assistance in obtaining information about sale of property	...	...	Informed
110.	Cancellation of car insurance policy	...	...	Informed
111.	Assistance in securing employment	...	...	Informed
112.	Unable to get property surveyed	...	...	Informed
113.	Assistance in obtaining court order	...	...	Informed
114.	Assistance in obtaining early trial date	...	...	Informed
115.	Request for legal aid	...	...	Referred
116.	Request for legal aid	...	...	Referred
117.	Unable to receive compensation for damages sustained	...	...	Discontinued
118.	Assistance in obtaining copies of statement given to the police	...	...	Informed
119.	Request for legal aid	...	...	Informed
120.	Request for legal aid	...	...	Referred
121.	Unable to get property surveyed	...	...	Advised
122.	Unable to get property surveyed	...	...	Informed
123.	Unable to get property surveyed	...	...	Informed
124.	Dissatisfied with lawyer's representation	...	...	Informed
125.	Dissatisfied with lawyer's representation	...	...	Informed
126.	Assistance in having case listed for early trial	...	...	Informed
127.	Assistance in obtaining Letters of Administration	...	...	Informed
128.	Dissatisfied with lawyer's representation	...	...	Informed

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
129.	Assistance in obtaining early trial date ... ..	.... Informed
130.	Dissatisfied with the period of disqualification from holding driver's permit ... ..	... Informed
131.	Unable to obtain deed from lawyer ... ..	... Informed
132.	Assistance in obtaining employment ... ..	... Referred
133.	Refusal of lawyer to release sum of money ... ..	... Advised
134.	Delay in repairing defective loudspeaker ... ..	.... Informed
135.	Dispute with landlord ... ..	... Informed
136.	Failure to construct road ... ..	.... Informed
137.	Assistance in obtaining possession of a parcel of land ... ..	... Discontinued
138.	Assistance in obtaining a copy of Judge's Summing Up ... ..	... Informed
139.	Incorrect survey of property ... ..	... Informed
140.	Request for legal aid ... ..	... Referred
141.	Assistance in obtaining possession of a parcel of land ... ..	... Informed
142.	Refusal of landlord to renew lease ... ..	... Informed
143.	Eviction of lands ... ..	... Informed
144.	Request for legal aid ... ..	... Referred
145.	Denied receipt of down payment ... ..	... Informed
146.	Refusal by insurance company to pay compensation ... ..	... Informed
147.	Assistance in obtaining possession of house ... ..	... Informed
148.	Assistance in having case retired ... ..	... Informed
149.	Dissatisfied with the contents of his uncle's Will ... ..	... Informed
150.	Assistance in obtaining employment ... ..	... Advised
151.	Refusal to pay maintenance ... ..	.... Informed
152.	Assistance in having matter retried ... ..	.... Discontinued
153.	Unable to keep tidy surroundings ... ..	... Informed
154.	Harassment from neighbours ... ..	.... Informed
155.	Unable to get a lawyer to represent him ... ..	... Informed
156.	Unable to join Union of his choice ... ..	... Discontinued
157.	Failure to obtain transfer ... ..	... Informed
158.	Failure to receive severance pay ... ..	... Informed
159.	Assistance in obtaining possession of property ... ..	... Advised
160.	Assistance in obtaining bail ... ..	... Informed
161.	Assistance in getting re-employment ... ..	... Informed
162.	Difficulty being experienced with legal representations ... ..	... Advised
163.	Unable to share in father's estate ... ..	... Informed

164.	Dissatisfied with today's trend ...	...	...	...	...	Informed
165.	Requesting early release from prison	...	...	...	...	Informed
166.	Unable to obtain bank loan	...	...	...	...	Informed
167.	Unable to get a certificate of title	...	...	...	...	Informed
168.	Unable to get brother evicted	...	...	...	...	Informed
169.	Unable to determine status of a large parcel of land...	...	...	...	...	Informed
170.	Failure to receive compensation for work done	...	...	...	...	Informed
171.	Problems with boundaries of a parcel of land	...	...	...	...	Informed
172.	Damage to property ...	...	...	...	...	Informed
173.	Assistance in obtaining employment	...	...	...	...	Informed
174.	Assistance in obtaining employment	...	...	...	...	Informed
175.	Disconnecting electricity	...	...	...	...	Advised
176.	Unable to locate deed	...	...	...	...	Informed
177.	Assistance in obtaining bail	...	...	...	...	Advised
178.	Political harassment	...	...	...	...	Informed
179.	Unable to get refund from lawyer	...	...	...	...	Informed
180.	Request for legal aid	...	...	...	...	Referred
181.	Request for interview with Ombudsman	...	...	...	...	Advised
182.	Assistance in obtaining employment	...	...	...	...	Informed
183.	Difficulty in securing son's inheritance	...	...	...	...	Advised
184.	Unable to obtain the fruits of his judgment	...	...	...	...	Referred
185.	Unable to work night shift	...	...	...	...	Informed
186.	Assistance in obtaining Letters of Administration	...	...	...	...	Informed
187.	Failure to receive compensation for injured hand	...	...	...	...	Sustained
188.	Dissatisfied with solicitor's representation	...	...	...	...	Informed
189.	Difficulty with the surveying of a piece of land	...	...	...	...	Informed
190.	Wrongful ejection	...	...	...	...	Informed
191.	Unable to get refund from lawyer	...	...	...	...	Informed
192.	Delay in obtaining compensation for injured left knee	...	...	...	...	Informed
193.	Constant annoyance to family	...	...	...	...	Informed
194.	Request for legal aid	...	...	...	...	Referred
195.	Assistance in getting early trial date	...	...	...	...	Advised
196.	Request for legal aid	...	...	...	...	Referred
197.	Property sold without his knowledge	...	...	...	...	Informed
198.	Assistance in obtaining employment	...	...	...	...	Informed

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
199.	Assistance in obtaining divorce	Informed
200.	Assistance in obtaining ownership of a parcel of land ...	Informed
201.	Assistance in obtaining employment	Informed
202.	Request for legal aid	Informed
203.	Unable to get legal documents from lawyer	Advised
204.	Assistance in obtaining possession of a parcel of land ...	Informed
205.	Request for legal aid	Informed
206.	Dissatisfied with legal representation	Advised
207.	Assistance in getting reinstated to job	Informed
208.	Dishonoured cheque	Informed
209.	Request for legal aid	Referred
210.	Assistance in ascertaining ownership of a parcel of land ...	Advised
211.	Request for legal aid	Advised
212.	Assistance in obtaining portion of father's property ...	Informed
213.	Unable to obtain housing accommodation	Informed
214.	Dissatisfied with Counsel's representation	Informed
215.	Assistance in obtaining employment as Secretary	Informed
216.	Request for legal aid	Informed
217.	Request for legal aid	Informed
218.	Failure to receive the required amount of salary	Informed
219.	Assistance in filing writ summons against neighbours ...	Informed
220.	Failure to have land surveyed	Informed
221.	Unable to get property registered under Real Property Ordinance ...	Informed
222.	Request for legal aid	Referred
223.	Assistance in obtaining possession of a parcel of land ...	Advised
224.	Assistance in obtaining housing accommodation	Informed
225.	Regularising tenancy of a parcel of land	Informed
226.	Failure to be reinstated to his job	Advised
227.	Dispute with landlord	Informed
228.	Assistance in obtaining deed for an inherited property ...	Informed
229.	Not recalled for employment	Informed
230.	Request for legal aid	Informed
231.	Dissatisfied with lawyer's representation	Advised
232.	Request for legal aid	Advised
233.	Refusal to repair car because of cancellation of policy ...	Informed

234.	Property sold without owner's consent	...	...	...	...	Advised
235.	Assistance to file writ summons against neighbour	...	...	...	...	Referred
236.	Unable to obtain information about investment	...	...	...	...	Informed
237.	Request for legal aid	...	...	...	...	Referred
238.	Refusal to vacate premises	...	...	...	...	Informed
239.	Assistance with a High Court Action	...	...	...	...	Informed
240.	Delay in developing lands	...	...	...	...	Informed
241.	Unjustly dismissed from employment	...	...	...	...	Informed
242.	Dissatisfied with working conditions	...	...	...	...	Informed
243.	Public harassment	...	...	...	...	Informed
244.	Unable to find out position of traffic court case	...	...	...	...	Informed
245.	Request for legal aid	...	...	...	...	Informed
246.	Request for advice concerning sub-division of land	...	...	...	...	Informed
247.	Unable to get insurance company to pay for eye operation	...	...	...	...	Informed
248.	Delay in completing purchase of land transaction	...	...	...	...	Informed
249.	Placed on one week's suspension without pay	...	...	...	...	Informed
250.	Loss of luggage	...	...	...	...	Informed
251.	Unable to regain entrance into his house	...	...	...	...	Informed
252.	Assistance in obtaining possession of aunt's estate	...	...	...	...	Informed
253.	Unable to get the benefit of a court judgment	...	...	...	...	Advised
254.	Dissatisfied with Counsel's representation	...	...	...	...	Advised
255.	Not reinstated to job as Customs Clerk	...	...	...	...	Informed
256.	Request for legal aid	...	...	...	...	Referred
257.	Dissatisfied with lawyer's representation	...	...	...	...	Advised
258.	Assistance in settling ownership of property	...	...	...	...	Informed
259.	Request for legal aid	...	...	...	...	Informed
260.	Throwing missiles on house	...	...	...	...	Advised
261.	Delay in payment of severance pay	...	...	...	...	Advised
262.	Request for legal aid	...	...	...	...	Informed
263.	Request for legal aid	...	...	...	...	Referred
264.	Unfit to work and not supported by husband	...	...	...	...	Informed
265.	Request for legal aid	...	...	...	...	Informed
266.	Assistance in securing husband's birth certificate	...	...	...	...	Advised
267.	Difficulty in obtaining deed of conveyance	...	...	...	...	Informed
268.	Difficulty in getting medical attention for her child	...	...	...	...	Referred

<i>No.</i>	<i>Subject of Complaints</i>	<i>Result</i>
269.	Unable to secure proper housing accommodation ...	... Informed
270.	Request for legal aid ...	... Informed
271.	Assistance in obtaining possession of a parcel of land ...	... Advised
272.	Request for legal aid ...	... Advised
273.	Unable to evict husband ...	... Advised
274.	Request for legal aid ...	... Advised
275.	Unable to get tenant to vacate land ...	... Informed
276.	Delay in obtaining Letters of Administraiton ...	... Informed
277.	Difficulty in finding alternative housing accommodation ...	... Informed
278.	Assistance in recovering money deposited ...	... Informed
279.	Unable to get refund for loss through wrong mailing of cheque ...	... Informed
280.	Unable to get refund for money spent in court matter ...	... Advised
281.	Assistance in getting motion filed ...	... Informed
282.	Refusal of loan ...	... Informed
283.	Dissatisfied with amount of severance pay received ...	... Informed
284.	Dispute over payment of land taxes ...	... Advised
285.	Assistance in determining ownership of a property ...	... Informed
286.	Assistance in determining ownership of a property ...	... Informed
287.	Difficulty in evicting tenant ...	.. Informed
288.	Refusal to approve application for holiday visa ...	... Advised
289.	Unable to secure employment ...	... Informed
290.	Dissatisfied with legal representation ...	... Advised
291.	Failure to get upgraded in post ...	... Informed
292.	Dissatisfied with the increase in rent ...	... Informed
293.	Unable to get property transferred to husband's name ...	... Informed
294.	Dissatisfied with solicitor's representation ...	... Discontinued
295.	Assistance in getting released from orphanage ...	... Rectified
296.	Assistance in determining ownership of a parcel of land ...	... Informed

PART VI

APPENDICES



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

PART 2

OMBUDSMAN

**Appoint-
ment and
conditions
of office**

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

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

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

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

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

**Appoint-
ment of
staff of
Ombudsman**

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

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

**Functions
of Ombuds-
man**

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 investi-
gation**

94. (1) In investigating any matter leading to, resulting from or connected with the decision of a Minister, the Ombudsman shall not inquire into or question the policy of the Minister in accordance with which the decision was made.

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

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

(4) The Ombudsman shall not investigate—

- (a) any action in respect of which the complainant has or had
 - (i) a remedy by way of proceedings in a court; or
 - (ii) a right of appeal, reference or review to or before an independent and impartial tribunal other than a court; or
- (b) any such action, or action taken with respect to any matter, as is described in the Third Schedule.

(5) Notwithstanding subsection (4) the Ombudsman—

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

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

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

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

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

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

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

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

**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
Ombuds-
man**

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 and 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 Chap. 6 of the Constitution
(Assented to 24th May, 1977)

Enactment	ENACTED by the Parliament of Trinidad and Tobago as follows:
Short title	1. This Act may be cited as the Ombudsman Act, 1977.
Mode of complaint	2. (1) All complaints to the Ombudsman and requests for investigation by him shall be made in writing. (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.
Procedure in respect of investigation No. 4 of 1976	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. (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) 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 money 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 Chap. 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.

(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 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 deliberation 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) 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.

Secrecy of information

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

- (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).

Notice of entry on premises

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.

Delegation of powers

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.

(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.

Reports

9. (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.

(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.

Offences

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

- (a) without lawful justification or excuse, wilfully obstructs, hinders or resists the Ombudsman or any other person in the exercise of his powers under this Act;
- (b) without lawful justification or excuse refuses or wilfully fails to comply with any lawful requirement of the Ombudsman or any other person under this Act;
- (c) wilfully makes any false statement to or misleads or attempts to mislead the Ombudsman or any other person in the exercise of his powers under this Act; or
- (d) in a manner inconsistent with his duty under section 6(a), deals with any documents, information or things mentioned in that paragraph.

Prescription of authorities subject to the Ombudsman's jurisdiction

11. (1) The authorities mentioned in the Schedule are authorities to which section 93(3)(d) of the Constitution shall apply.

(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 or other authorities.

Regulations

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.

SCHEDULE

(Section 11(1))

Additional Authorities subject to the Ombudsman's jurisdiction

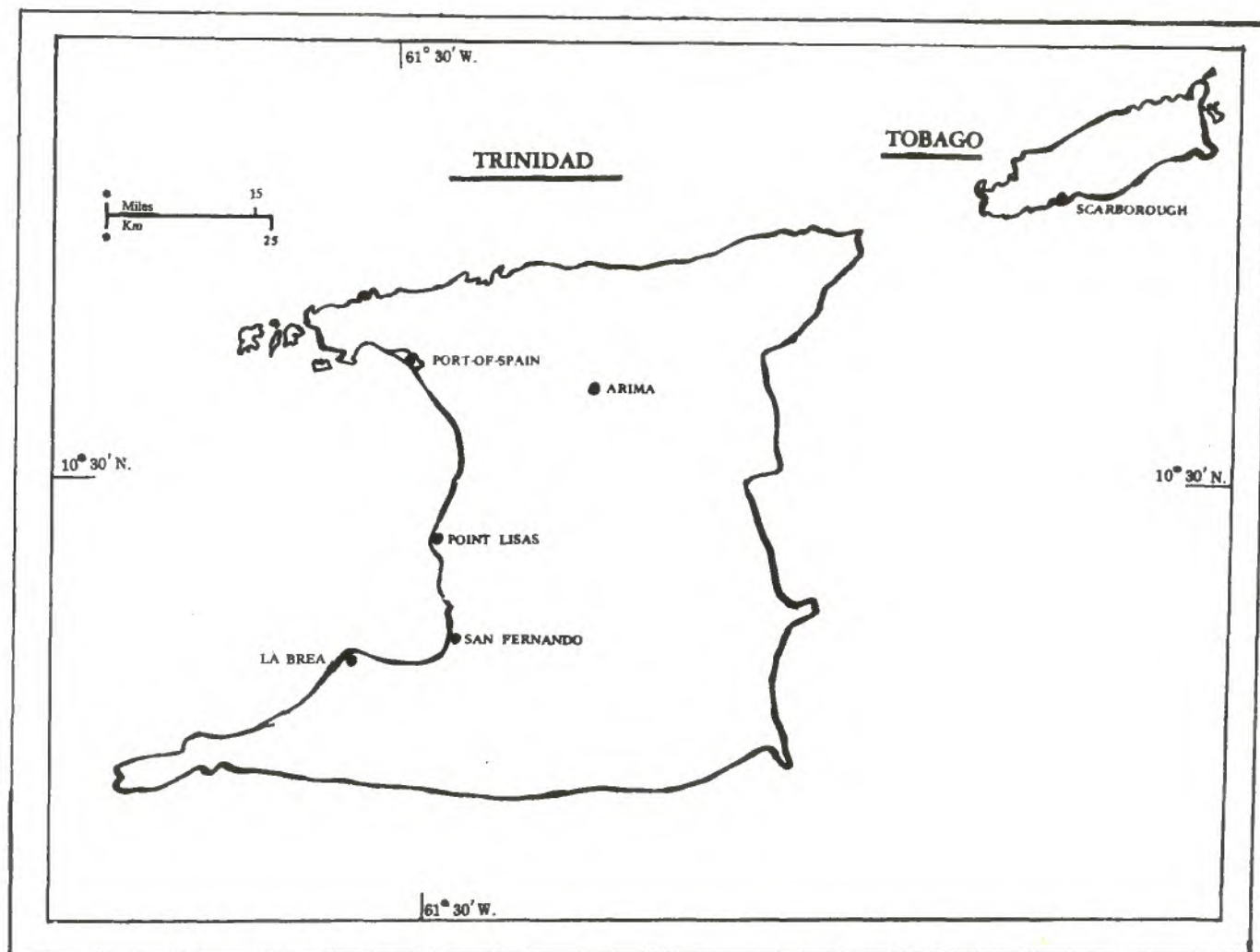
Trinidad and Tobago Telephone Company Limited

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



GOVERNMENT PRINTERY, TRINIDAD,
TRINIDAD AND TOBAGO
1984

