

## ORAL ANSWERS TO QUESTIONS

**GAYAN, MRS SOORYA - DIRECTOR GENERAL, MGI -  
DISMISSAL**

**The Leader of the Opposition (Mr P. Bérenger)** (*By Private Notice*) asked the Prime Minister, Minister of Defence & Home Affairs, Minister of Civil Service & Administrative Reforms and Minister of Rodrigues & Outer Islands whether, in regard to his recent decision, under section 113(4) of the Constitution, to dismiss Mrs Soorya Gayan as Director General of the Mahatma Gandhi Institute, he will -

- (a) give the reasons for that dismissal, and
- (a) reconsider that decision or at least offer Mrs Gayan employment in the permanent post she occupied at the Mahatma Gandhi Institute prior to her appointment as Director General.

**The Prime Minister:** Mr Speaker, Sir, Members of the House will recall that there were lengthy debates in 1982 when the Constitution was being amended to provide for the termination of appointments under section 113(4).

The termination of the appointment of Mrs Gayan is in line with the objectives that were sought to be attained by the amendments made in 1982.

The House may wish to note that a number of recruitments have been made by the MGI during the pre-election period and that the Chairman submitted his resignation on 04 July 2005. I do not wish to pursue this matter further for the reasons I am now going to give.

I am informed that Mrs Gayan has made a request to resume her previous post of Director of the MGI. However, I wish to point out that that post of Director has been abolished by the Mahatma Gandhi Institute (Amendment) Act of 2002, that is, the post that has been reconverted into Director General.

I will be speaking to her probably this evening and all the avenues pursuant to her request will be considered.

**Mr Bérenger:** May I thank the hon. Prime Minister for the tone of the answer. Since he has made reference to the 1982 amendment to the Constitution, that is, section 113(4) under which the hon. Prime Minister has acted, will he agree with me that, in fact, what this section intends to do is to allow a newly elected Government to dismiss persons who might have been appointed by the outgoing Government as Ambassadors and such posts on the eve of election? Will he agree with me that this has nothing to do with the present case where somebody who was permanently employed by the MGI, who was appointed purely on the basis of merit to the post of Director General of the MGI years before the last general election? Therefore, will the hon. Prime Minister agree with me that this has nothing to do with what section 113(4) is purported to do?

**The Prime Minister:** I don't want to go into the details, Mr Speaker, Sir, but there were some controversies on that appointment then; and there was Mrs Sibartie who had to resign and all these things. I don't want to go into the details to make matters worse. Let me quote what the previous Prime Minister said during the debate. He said -

"Sir, a change of Government usually brings a change of policies in its trail. Any new Government should have a free hand in managing the affairs of the country. The amendments we are proposing will enable our new Government - and any future Government, for that matter - to run the affairs of the country with a clean slate and without any encumbrance."

And that is the spirit of the amendment that was brought and, in fact, it was used in the past.

**Mr Bérenger:** May I put it differently to the hon. Prime Minister. Under that section, we were talking of political appointees, people on contract, Ambassadors recruited on the eve of general elections and so on. This has nothing to do with somebody who has devoted her whole career, her whole life to the MGI, who has never interfered in politics and who was appointed years before the last general election. So, can I again appeal to the hon. Prime Minister to reconsider that dismissal?

**The Prime Minister:** I'm sorry; I didn't hear the last bit.

**Mr Bérenger:** Would he reconsider the dismissal? And failing that would still be an injustice? I think this is one case where if, on the basis of

all the facts, the Prime Minister reconsiders his position, it would do himself a lot of good, but it would certainly do Mauritius a lot of good.

*(Interruptions)*

Can I ask the Prime Minister whether he has well considered the fact that for the first time, when that appointment was made in 2002, candidatures were called from both Mauritius and outside? And quite a number were received. Is he aware that it was an independent panel composed of 8 persons chaired by Mr Raj Lutchmiya, Chief Executive of the Tertiary Education Commission with Professor Mohamedbhai, then Vice-Chancellor, Mr Raj Mathur, then Chair of the MGI, Mr Dharam Gokhool, then Associate Professor of the University and now Minister of Education, Professor Bujadhur, Chair of the Mauritius Research Council, the Secretary for Home Affairs, Mr Seebaluck, Mr Pather, Permanent Secretary of the Ministry of Education and representative of the Indian High Commission. Of course, there were different opinions expressed and finally the choice was made by an independent panel with respected people as members. Since then that lady has done a great job that was an honour to Mauritius. Therefore, can I insist that the decision to dismiss her can and should be reconsidered?

**The Prime Minister:** Mr Speaker, Sir, first of all, I don't want to go into a polemic, but all the names that were mentioned here are known for their independence. I don't want to go into the debate because it might prejudice my meeting with her. But there were some queries about the way it was done, whether it was not to get rid of Mrs Sibartie at the time, but never mind, this is behind us. As I said, I will be speaking to her either in the afternoon or in the evening and I will keep all the avenues pursuant to her request. As I said, the previous post has been abolished by law, but I know, for example, that she was an Associate Professor and that post is vacant.

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