



**SIXTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**(UNREVISED)**

**FIRST SESSION**

**FRIDAY 14 DECEMBER 2018**

**CONTENTS**

**PAPERS LAID**

**PRIVATE MEMBERS' MOTION**

**END-OF-YEAR MESSAGE**

**ADJOURNMENT**

## THE CABINET

**(Formed by Hon. Pravind Kumar Jugnauth)**

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Mrs Fazila Jeewa-Daureeawoo	Vice-Prime Minister, Minister of Local Government and Outer Islands, Minister of Gender Equality, Child Development and Family Welfare
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport
Hon. Mrs Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Tourism
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Health and Quality of Life
Hon. Prithvirajsing Roopun	Minister of Arts and Culture
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Social Security, National Solidarity, and Environment and Sustainable Development
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Maneesh Gobin	Attorney General, Minister of Justice, Human Rights and Institutional Reforms
Hon. Jean Christophe Stephan Toussaint	Minister of Youth and Sports
Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives

Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Social Integration and Economic Empowerment
Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries and Shipping
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training
Hon. Purmanund Jhugroo	Minister of Housing and Lands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services and Good Governance

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**MAURITIUS**

**Sixth National Assembly**

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**FIRST SESSION**

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**Debate No. 40 of 2018**

**Sitting of Friday 14 December 2018**

The Assembly met in the Assembly House, Port Louis at 3.00 p.m.

**The National Anthem was played**

*(Madam Speaker in the Chair)*

**PAPERS LAID**

**The Prime Minister:** Madam Speaker, the Papers have been laid on the Table.

**Prime Minister's Office**

The Annual Report 2017/2018 of the Procurement Policy Office. (In Original)

**Ministry of Arts and Culture**

The Annual Report and Financial Statements of the Urdu Speaking Union for the period 01 January 2016 to 30 June 2017.

**PRIVATE MEMBERS' MOTION**

**CONSTITUTION – PRIME MINISTER'S TENURE LIMIT, ANTI-DEFECTION,  
ETC - PROVISIONS**

*Order read for resuming adjourned debate on the following motion of the hon. First Member for Savanne and Black River (Mr A. Ganoo) -*

*“This House resolves that, in the context of the celebrations of the 25<sup>th</sup> anniversary of the Mauritian Republic and the attainment of 50 years of independence, the Constitution of the Republic of Mauritius be enacted by the sovereign Parliament of the country and should also consider the introduction therein of the following new provisions –*

- (a) limitation of the tenure of the Prime Minister;*
- (b) anti-defection provisions to deter the practice of crossing the floor;*
- (c) gender quota for fairer representation of women in the National Assembly;*
- (d) review of the powers of the Electoral Boundary Commission with regard to the delimitation of constituencies;*
- (e) recall mechanism for the parliamentarians who are failing in their duties as elected representatives;*
- (f) the introduction of second generation « development and environmental rights », and*

(g) *enhanced process of appointment of the President for institutions designed by the Constitution and the laws of the country to maintain democracy, uphold good governance and the rule of law.*”

*Question again proposed.*

(3.05 p.m.)

**Madam Speaker:** Hon. Dr. Boolell!

**Dr. Boolell:** Thank you, very much, Madam Speaker. I will take it where I left when we last met on this Private Member’s Motion and I am glad that we are debating this very major Motion. As the House is aware, the Motion which stands on the name of the hon. First Member for Savanne & Black River reads as follows –

“This House resolves that, in the context of the celebrations of the 25th anniversary of the Mauritian Republic and the attainment of 50 years of independence, the Constitution of the Republic of Mauritius be enacted by the sovereign Parliament of the country and should also consider the introduction therein of the following new provisions – which I am not going to read.”

Madam Speaker, after 50 years of independence, we have the moral and legitimate right to walk down memory lane and ask basic question which is relevant to the fundamentals of our democracy. I put the question and right from the outset of my intervention, I stated that the time has come to set up a constituent Assembly with the objective of revisiting and reviewing our Constitution, and the time has come also for the nation to have full ownership of the Constitution. To a large extent, many of the issues that have been raised and discussed have been clearly spelt out in the reports which were circulated, namely reports relating to the Electoral Reform and Law Reform Commission.

The time has come for us to ask basic question with respect to, firstly, limitations of the tenure of the Prime Minister should a Prime Minister serves more than two mandates. I do not have to highlight what was spelt out by the African Peer Review Mechanism and despite firm commitment given by many African leaders that the limitation of tenure of Heads of State should not be more than two mandates, unfortunately, not many of them subscribe to the limitation of the tenure.

Mauritius being what it is, some people have put the argument that we are too small, that we cannot narrow the limitation of the tenure of the Prime Minister, but this is a country



where we pride ourselves to say that there is rule of law, that there is democracy, we have to consolidate democracy, that we make sure that we don't undermine the fundamentals of the democracy. I think we should say without fear or favour that the time has come to limit the mandate of a Prime Minister or Head of State for not more than two mandates.

I think we have the people and we have those who have the determination, the acumen and who can deliver performance with a specific purpose. The purpose to reconcile social and economic factors, the purpose to make sure that there is fair representation and that institutions deliver on objectives set when it comes to set objective or, for example, ensuring that there is fair and adequate representation of women in Parliament or in boardroom. I read an interview given by the former Chairperson of PepsiCo, the Indian lady who took the social rung of the ladder, hail from Madras, travel to the States, went to one of the best Universities in America and, of course, because of her acumen, her performance, the way she can change a process and move the process, she was appointed Chairperson of PepsiCo.

In one of the interview, she highlighted the relevance and importance of performing with a purpose. And it is largely due to the values that were inculcated to her by her parents living with an extended family, with limited resources, values which they cherished and which were imparted to others. And then, she came to the States which is a land of opportunity, she was able to transmit those values. Hence, to a large extent, that has enabled her to take the rung of the social and economic ladder. And we have to make sure that boardroom does not become a battle of success, but boardroom should be a boardroom where people meet, share ideas, there is parity of esteem and the process is moved. But we have to do away with stigma, with taboo and with discrimination.

Unfortunately, when there was debate on the Bill to reform our electoral system, I expected the Prime Minister, our friends from the Government bench, at least, to come up to an agreement with our friends sitting on the Opposition, but knowing that the Bill would not go through, at least, they should have brought amendments, unbundle the provisions of the legislation and come up with specific provisions relating to gender quota and anti-defection provisions.

Even the issue of anti-defection is a very difficult issue. It is easier said than done and I will refer to what Shashi Tharoor will say which I stated the last time. If Parliament is the temple of democracy, it has to be a Chamber with the representatives of the Indian people assembled to express their considered opinions and thoughtful disagreements before coming

on to an outcome in the interest not of the party but of a country as a whole, as rightly pointed out by Shashi Tharoor.

On Constitutional matters, routine and non-controversial Bill, Members of Parliament cannot parrot party alliance, and the question was asked: 'Should an MP subordinate his conscience to the party whip on all Bills?' In India, pertinent questions are put and remain unanswered. Mr Shashi Tharoor asked whether the schedule in the anti-defection clause could override the main provision of the Constitution. As of now, the reply is not forthcoming. Madam Speaker, these are very sensitive issues. It is true that we are representatives of the people, but there are issues which have to be heard and decided upon by the people.

Hence, the relevance and importance of making our provisions and our Constitutions for a referendum to be held. Our friends are on the Government bench, stated very clearly on crucial issues of national interest. We need to allow the people to have the voice and the voice should be heard. I will come back again, I will make an appeal. Why is it that after 50 years of independence, why is it that we cannot set up this constituent Assembly to review, to revisit our Constitution? I am not going to refer to excerpts from a book written by Milan Mehtarbhan, but I think there are ample merits and the merits far, far outweigh any of the demerits. We need to set up this Constituent Assembly. Kenya has done it. With its multi-ethnic differences, Kenya has thought it best to come up with a new Constitution which responds to the needs and aspiration of its people in the light of changing circumstances; a Constitution which allows them to adapt to changing circumstances, with respect to war that has to be waged on poverty, with respect to elimination of stigma and discrimination, much needs to be done.

Madam Speaker, it is good also to remind ourselves what Edmond Burke said in his famous speech to the electors of Bristol on 03 November 1774. When we talk of a Constitution, the very essence of that Constitution is separation of power, which is very relevant to justify that we live in a country, where there is rule of law where there is decency. Regarding separation of power, we have to make sure that the demarcation line is wide and not blurred. And I am not going to cite the instances of where there has been blurring of the demarcation line between institutions relevant to separation of power. But let me refer to what Edmond Bruke said to have an inkling of how relevant Government and legislation are -

“Government and Legislation are matters of reason and judgment, and not of inclination; and, what sort of reason is that, (...) in which one set of men deliberate, and another decide; and where those who form the conclusion are perhaps three hundred miles distant from those who hear the arguments.”

And his final point which I consider to be the jewel in the crown.

“Parliament is not a Congress of Ambassadors from different and hostile interests; which interests each must maintain, as an Agent and Advocate, against other Agents and Advocates; but Parliament is a deliberative Assembly of one Nation, with one Interest, that of the whole; where, not local Purposes, not local Prejudices ought to guide, but the general Good, resulting from the general Reason of the whole. You choose a Member indeed; but when you have chosen him, he is not Member of Bristol, but he is a Member of Parliament.”

He is called upon to uphold the dignity of the House and if the Speaker disapproves of his or her conduct, the Member has to be sanctioned and reprimand. A Speaker, the custodian of Parliament, and should not be seen to succumb to the powers of the Leader of the House or of the Executive.

Madam Speaker, the ruling of a Speaker is scrutinised by Members of the public, more so when the proceedings are Parliament, are live and direct. There should be no special or differential treatment. The House remains perplex as to why up to now a hon. Member who has sent indecent photo to another person, with the promise of a job in the Mauritius Telecom, has been reprimanded.

The Chair, Madam Speaker, should not vacillate and what is good for the Opposition should be good for Government. Time has come to update and implement recommendations made by the Committee...

**Madam Speaker:** Hon. Dr. Boolell, I am sorry, I have to interrupt you here. In the motion, I don't see anything against the Speaker. You are speaking about the Speaker. So, what does that have to do at all? I don't think it is at all appropriate to talk about the Speaker's role. Thank you.

**Dr. Boolell:** Madam Speaker, with all due respect, even the rulings given by judges are subject to scrutiny. That does not mean that one agrees or disagrees, but no one is spared from criticism as long as you are not imputing...

**Madam Speaker:** No, hon. Dr. Boolell, this is not what I said. I have given my ruling on this matter and I don't think it is at all appropriate for any Member, be it a Member of the Opposition or a Member of Government to talk on the Speaker's role.

**Dr. Boolell:** I am not confining my speech to the Chair, Madam Speaker. In fact, I am making a strong case for the Chair to be protected and I don't want the Chair to vacillate, Madam Speaker. I am referring to

*“(e) recall mechanism for the parliamentarians who are failing in their duties as elected representatives”.*

That's all, Madam Speaker.

Now, there is reference to review of the powers of the Electoral Boundary Commission with regard to the delimitation of constituencies. Madam Speaker, I am not going to compare like with like or like with unlike, but when there is a Bill of major importance which is being debated in the House, I take it for granted, and it is not because I take it for granted, but it is lawful for Government to lay on the Table of the Assembly all relevant documents.

I am not going to refer to section 41(3) of the Constitution, but when the Electoral Supervisory Commission or the Electoral Boundary Commission which, in my opinion, is a trustworthy body and we trust the acumen of its members. In fact, and rightly so, the Prime Minister and others defend arduously the independence of those members. Now, if we stand by those members and we believe in the acumen, we should also believe that they have a right to circulate the documents, which are relevant and fundamental to a Bill, which will change the destiny of this country, which will have an impact upon demographic changes, upon social ethnic configuration, which will have an impact upon our democracy.

So, I expect the Prime Minister should have laid on the Table of the Assembly the findings of the report submitted by our trustworthy friends from the Electoral Boundaries Commission and the Electoral Supervisory Commission. The findings would have a bearing upon our best endeavour to bring our block to the edifice of nation building, if you believe in fair and adequate representation of communities.

Now, if you remember, Madam Speaker, when the Bill on Brexit was about to be discussed in the House of Commons, on the basis that not all relevant documents were laid on the Table of the House of Commons, a Motion was moved by the Secretary for Brexit, and he made it quite clear that there cannot be debate on an issue which will impact upon the livelihood of one and all, which will have deep repercussion without having access to all the

relevant documents. And, in fact, the Speaker, hon. Bercow, stated very clearly that there is cause for contempt of Parliament. So, if we say that we value what is prescribed in Erskine May, if we say that this is the Bible of Standing Orders of how Parliament should be run effectively, I take it for granted that what is good for the House of Commons should be equally good for our National Assembly. And then...

**The Prime Minister:** May I take point here. The hon. Member is referring to the recent debates on the Bill for amending the Constitution. The point was made there that Government should lay the views of the Electoral Supervisory Commission and the Electoral Boundaries Commission on the Table of the Assembly for the purpose of that Bill. Now, here, what do we have? We have ‘review of the powers of the Electoral Boundaries Commission with regard to the delimitation of Constituencies’, which is totally different. So, I think this is not relevant at all to this debate.

**Madam Speaker:** In fact, I take your point, hon. Prime Minister. I was to intervene on that matter with regard to the speech to hon. Dr. Boolell, but I wanted to see what next he was going to say.

Hon. Dr. Boolell, if you look at part (d) of the Motion, it says –

“review of the powers of the Electoral Boundary Commission with regard to the delimitation of constituencies.”

So, whatever you are saying on the tabling of the documents is irrelevant, this is the first thing. The second thing is that the procedure is for a hon. Member of the Opposition to bring a Motion to the House if they want the document to be laid. That is the procedure which should be adopted.

So, you may continue, but, please, restrain yourself to what is in front of us in the Motion.

**Dr. Boolell:** It is a fair point, Madam Speaker; I bow to your ruling. Thank you very much. This is the joy of democracy.

Madam Speaker, let me refer to another provision in the Motion moved by my good friend, hon. Ganoo.

“(g) enhanced process of appointment of the President for institutions designed by the Constitution and the laws of the country to maintain democracy, uphold good governance and the rule of law.”

At the outset of my intervention, I made it quite clear about what happened following some of the bitter actions of the former President. I, in fact, said what the powers conferred upon the President should be. Now, having said so, with respect to certain appointments, I think there is fair justification that the powers of the President should stay in certain specific cases as they are. I have in mind, of course, appointment of Chairman of Public Service Commission, Local Government Service Commission and the Electoral Supervisory Commission.

Madam Speaker, there are instances where an Appointments Committee comprising of the President, the Prime Minister and the Leader of the Opposition, the Appointments Committee has not delivered and, in fact, the process has been blocked. I am not going to talk of collusion or collaboration between Prime Minister and President, but I think there are instances where, again, a demarcation line has to be cleared and the powers of the President has to be enhanced in specific matters. But having said so, I expect a President to understand fully what are her duties, what are her privileges, what are her functions and, at the same time, expect when a Prime Minister meets the President on a weekly basis that there is proper exchange of information with respect to matters which have to be discussed and I expect also a President to have a culture of restraint. I will not go any further than to say that a President needs to have a culture of restraint.

Madam Speaker, what is our wish? Our wish is to see to it that there is betterment of our people and this Motion, to a large extent, works towards the betterment of the people because it deals with consolidation of democracy, it is relevant to Separation of Powers, to fair representation of women in boardroom, in Parliament mainly and, of course, there is a call for the reviewing of powers of the Electoral Boundary Commission with respect to delimitation of constituencies. I will make an appeal that with respect to International Covenant on Social, Economic and Cultural Rights, we have to make sure that these Covenants are inscribed in our Constitution that will make provision for the embodiment of these Covenants in our Constitutions. I have in mind the Article 6 of the Covenant which recognises the right to work. Article 8 recognises the right of workers to join trade unions and protect the right to strike. But, of course, I am not going to elaborate because these are quite lengthy. The Covenant recognises the right of everyone to social security, including social insurance and, of course, it requires parties to provide some form of social insurance scheme to protect people against risk of sickness, disability, maternity, employment injury, unemployment or old age. We have to be fair. I am glad that Government, by way of

legislation, has introduced the Minimum Wages and also has come up with Negative Income Support. But, I think the time has come - and I took the matter and discussed it with our friends here - that there should be provision in our Constitution to protect beneficiaries of sole revenues universal pension and bring it at par with minimum wages. I think we can do it, it is relevant. If we want to wage war on poverty, I consider this to be relevant.

Madam Speaker, again, on Article 10 of the Covenant which recognises the family is the natural and fundamental group unit of society the right to family life, we have to make sure that children are protected from economic and social exploitation....

**Madam Speaker:** Hon. Dr. Boolell, I am really sorry, I have to interrupt you. You have been in this august Assembly for long. You know quite well that you have to go according to what is laid in the Motion. I cannot allow you to talk on matters which are not at all related to the Motion. You are an experienced Member, you know that. Thank you.

**Dr. Boolell:** I bow to your ruling, I have no problem, but what I have said I consider it relevant to the Motion although...

**Madam Speaker:** Can the hon. Member tell me specifically to which part of the Motion that is related?

**Dr. Boolell:** Madam Speaker, if you refer to sustainable development, for example, the introduction of second generation “development and environmental Rights”. If you want sustainability, you have to make sure that the process is inclusive, and for the process to be inclusive, you have to protect those who are invulnerable.

**Madam Speaker:** Anyway, hon. Dr. Boolell, it is not at all related to the introduction. The Motion reads as follows –

“the introduction of second generation “development and environmental rights” ;”

I think it is better for you to stick to these provisions. You are a very good debater; you are a very good orator. I think you can do that. Thank you.

**Dr. Boolell:** Madam Speaker, we are in festive moods, I thought you would give us some leeway, because I consider it to be relevant to the Motion. Anyway, I bow to your ruling. When it is a ruling, I cannot argue with you. But let me conclude by saying that the time has come for us to give serious thought to the setting up of a Constituent Assembly. Many of the issues which are relevant to the Motion can be taken up when we set up this Constituent Assembly. And I consider this to be relevant because a Constitution, Madam

Speaker, is sacrosanct. And we have to protect the sacrosanctity of the Constitution by ensuring that the ownership of the Constitution belongs to one and all. This is why I say all the issues which have been spelt out in the Motion are very relevant. When we talk of sustainability, when we talk of waging wage on poverty, of widening the circle of opportunities, of ensuring that the demarcation lines between democratic institutions are wide, we have to make sure that after 50 years of independence, we cannot simply live on a Constitution which has served us well, but which remains a Constitution which has been bequeathed to us by an Order in Council. And the time has come, as a country which is fighting tooth and nail for its territorial integrity and we are happy that following the outcome of the judgement on the International Arbitration Court, the Rt. hon. Minister Mentor, then Prime Minister did forcefully raise the matter at the United Nations General Assembly.

Again, this is an issue that we are all proud of and in the name of nationhood the time has come and I appeal to all Members on both sides of the House, let us have a Constitution which is ours, pride of the nation, in the spirit and zeal and our best endeavour to build a Mauritian nationhood.

Thank you very much.

(3.37 p.m.)

**Madam Speaker:** Hon. Mrs Boygah!

**Mrs D. Boygah (Second Member for Vieux Grand Port & Rose Belle):** Thank you, Madam Speaker. Madam Speaker, I would not be long because I have a sore throat. Just bear with me, it is very difficult for me to speak.

Madam Speaker, it is my privilege to rise to intervene in the debate on the Motion of the hon. First Member for Savanne and Black River, hon. Alan Ganoo, a Barrister-at-law and Parliamentarian of longstanding and to observe, right at the outset, that particularly parts (b), (c) and (d) of his Motion have been overtaken and overshadowed by the debates in this august Assembly on the Constitution (Amendment) Bill on the electoral reform, Madam Speaker.

But I honestly believe and feel that I need to remind the hon. Member of what was so recently debated in this august Assembly on the Constitution (Amendment) Bill particularly on anti-defection provision to deter the practice of crossing the floor, part (b) of his Motion; on the gender quota for fairer representation of women in the National Assembly, part (c) of



his Motion, and on the review of the powers of the Electoral Boundaries Commission with regard to the limitation of Constituencies, part (d) of his Motion.

Madam Speaker, though we may all agree that the limitation of the tenure of the Prime Minister will be beneficial to young and bright talents in the political class of our country, we must ask ourselves if it is today a necessity for us to legally oblige Prime Ministers to give up powers after 2 terms, Madam Speaker. There are some questions that need to be asked. We have to ask ourselves. There are some questions that need to be reflected on –

- (i) is this necessary that all, knowing how vibrant our democratic system is, to put a limit on Prime Minister's terms, and
- (ii) will this piece of legislation, if adopted - I repeat, if adopted - by this House, benefit the country and improve the lives and the well-being of our people?

Madam Speaker, hon. Ganoo, in his speech to this House to introduce the Bill spoke of *mauricianisme*, repatriation of our Constitution. Though he has brought forward very good points, Madam Speaker, we first need to see if it is necessary for this House to intervene and vote a law that will, in any way, disturb the process which Mauritians decide who want to lead them. I am sorry, Madam Speaker, my voice is very bad, but I am trying my best.

50 years back, our country inherited a number of institutions from the British that allowed us to resiliate in times of crisis. This will not, I am sure, be denied by hon. Ganoo. Being a seasoned politician, he knows that the Westminster system has gifted our country with the political stability it needed in the most difficult time, Madam Speaker, to enable Government to meet common objectives despite of all odds and achieve prosperity.

With 2014 electoral results, it is now clear that all the Mauritian people are mature enough to vote for a Government, a Prime Minister seeking a third term and also a presidential term. Madam Speaker, to remind the House, Dr. Navin Ramgoolam was about to complete 2 mandates of Prime ministership in 2014. He was in alliance with the MMM, not only to secure his position as next Prime Minister because he would have been Prime Minister anyway while awaiting for Parliament to come up with amendments to the Constitution, giving executive powers to the President. And then he would have stepped down and present himself as a candidate to the Presidency. Madam Speaker, the people rejected this massively simply because they decided. They collectively decided and came to the conclusion that Dr. Navin Ramgoolam would not have another mandate.

Madam Speaker, today, if we limit the tenure of the Prime Minister, I believe, we will be voting against this 2014 spirit. I interpret the spirit as a collective wish to be free to decide of our own common faith, Madam Speaker. This wish will be free to decide what is good for ourselves and not to be told what is good for us. The general election 2014, Madam Speaker, in fact, tell us that the Mauritian people will stand against its political elites if it feels like the right to choose, who is to lead them and under what condition it is being taken away from them. My point, Madam Speaker, is that the Mauritian people are mature enough to choose its Prime Minister. There is no need for this House to intervene on this particular case to force the people's vote in a different direction. We know the code *vox populi, vox dei*.

Secondly, Madam Speaker, I believe that it is linked to the first point since hon. Ganoo referred to the African countries. We need to ask ourselves before going forward. If we will limit the Prime Ministership, will it enable the Mauritians to enjoy better living conditions?

Madam Speaker, my question is: 50 years ago, under the colonial rules, many African countries were doing far better than we did afterwards. When we gain independence, we were unable to decide collectively in which way we wanted to go. The departure of the British Gateway from this country which in itself lead to civil strife. Here, in Mauritius, Madam Speaker, very fortunately for us, leaders from all backgrounds ethics, religion, political, social and economic agreed that violence will not help any of us to live better. So, if there are any personal differences, let us take it to Court or if we differ on how best to run the country, let the people decide.

Madam Speaker, very often, the Westminster system which we have adopted as ours is described as the winner takes all system, but this, I believe is a part of the social contract which has been sealed in 1968 when modern Mauritius was founded. This is our legacy as a nation. Madam Speaker, Members of this House need to remind themselves that Mauritians tend to be conservative about legacy. It is good that it is so, Madam Speaker. To renegotiate a social contract that will guarantee peace and prosperity is not easy to achieve. Members of this House know very well how communal demons still haunt our country.

To come back to the point I made, Madam Speaker, is that a system of governance based on rules and laws that ensure justice and fairness for all citizens has been at the basis of the progress we made in the last 50 years. It is because we were able to maintain and further strengthen where necessary a check and balance system against possible abuses of power that

we made it this level. What is happening today, Madam Speaker, with this Bill is that we are asking ourselves to question the trust that ourselves, as politicians and the people have so hardly imparted in each other. I speak about trust, Madam Speaker. If the people cannot have trust in the impartiality of our institutions, then we should prepare ourselves to face serious social problems. Trust in a fair and just system of governance is at the basis of the social economic progress made by this country and this is where African countries and their institutions failed to connect with their people and to reflect their values and aspirations.

Over the years, Madam Speaker, in order to put an end to the rule of incompetent dictators, military groups, international institutions have pressured a number of them to add up term limits. Today, however, with election being organised on a regular basis, a number of African countries with which Mauritius has been built solid socio-economic ties like Senegal and Ghana, with whom we have partnered to build special economic zone for our mutual benefits, are doing very well. For sure, we have limited presidential mandates and it is certainly partly because we have to adopt limitation of tenure that we will have to become a striving nation. It was a precondition to grow in their cases because they had incompetent leaders. I am sorry, Madam Speaker, give me five minutes, I try to end because of my voice, I cannot go further than this.

**Madam Speaker:** Yes, but would you, please, be relevant to the Motion as I insisted to hon. Dr. Boolell. You have to be relevant to the Motion. I am saying that not only for you or for hon. Dr. Boolell, but for all the other orators on the list also. I have to remind them that they have to be within the precincts of the Motion which is in front of us, please.

**Mrs Boygah:** Thank you, Madam Speaker. Madam Speaker, it is a different story while we compare ourselves to the African countries. We have achieved growth with several good leaders especially with one namely Sir Anerood Jugnauth at the head of our country without the tenure of the prime ministership. Just a few years ago, we rank ourselves 29<sup>th</sup> in the Prosperity Index 2018, ahead of Italy and Southern Korea and not far away from Japan, Madam Speaker, all of them fully industrialised and high-income countries. This is another evidence that our economic class is competent and that the achievement of our young, hardworking Prime Minister has been acknowledged in international community. It is not necessary for the time being for us to legislate in such a way as to force them to give up their responsibility as long as they have vision and the leadership needed for the position they hold.

Madam Speaker, I believe...

*(Interruptions)*

Sorry?

**Madam Speaker:** Please, do not engage in any conversation with any other Member!

**Mrs Boygah:** I am sorry, Madam Speaker.

**Madam Speaker:** Hon. Mrs Boygah, you cannot engage in any conversation with any other Member. You have to address the Chair.

**Mrs Boygah:** Excuse me, Madam Speaker, I have been interrupted. Madam Speaker, I believe that anti-defection had been covered long enough in the debates of the Constitution (Amendment) Bill. Unfortunately, Madam Speaker, some Members of the House differ on the matter. The main concerns for most parties are MPs issued for Best Loser System; its present form of PR seat in the case of the future electoral reform that may eventually become a threat to political stability inside this House when defecting to the opposing side.

Madam Speaker, this has been desired since long by vast majorities of political parties who have seen their members elected in this House and so anti-defection was included in the Constitution (Amendment) Bill in order to bring more fairness. We all know the story of how the Opposition refused to back this bill, but this is not the end of the story yet.

Coming on the gender quota for fair representation, Madam Speaker, since elected I have times and again stood up for the cause for a fairer representation of women in our political system. I must remind the House that the Constitution (Electoral Reform) (Amendment) Bill will have enabled us to have at least one-third of our elected Members composed of women or more and there is no opposition.

This would have been truly a milestone in the history of this country for women representation in our political system and this would have been a sign of maturity of the Members of the political class of the opposite side, towards a fairer sex representation.

**Madam Speaker:** Hon. Mrs Boygah, I will have to interrupt you. I am sorry, I will leave the Chair to the Deputy Speaker.

*At this stage, the Deputy Speaker took the Chair.*

**The Deputy Speaker:** Please be seated! You can resume your speech.

**Mrs Boygah:** Thank you, Mr Deputy Speaker, Sir. I do not believe that it is necessary for me to have a long list of women who were in the front line of the political battle throughout the history of our country.

For the dark days of slavery to unrest the first part of the 20<sup>th</sup> Century whether immigrant population came to pose a serious threat to abuse of power from the part of colonial authority or land owners or even in more recent events. Mauritian women are equal to their male counterparts. Success rate in education, our education system have proved it. Nevertheless, it is a shame that even to this date, we still need to fight for gender balance. The fight will go on. We can trust our Prime Minister on this issue. He will not leave any quest to transform Mauritius into a new vibrant, technological advanced country. Certainly, women will play a more important role, an active role in the decision-making of a new Mauritius.

Mr Deputy Speaker, Sir, coming to the gender quota again, on this issue we have heard the hon. Prime Minister who has stated in the Constitution Amendment Bill to be read a second time. I quote him the first and foremost in relation to gender quota -

“After careful reflection and examination, over several months, Government is ready in its resolve to fulfil its commitment taken in 2014 vis-à-vis the nation, by implementing certain important measures to reform and modernise our electoral system. Our aim is to consolidate and widen the contours of our democracy, provide for greater participation of women in the political life of the country and promote nation building and consolidate national unity.”

And in his summing up address, Mr Deputy Speaker, Sir, the hon. Prime Minister stated and I quote –

“With regard to representation of women I also wish to emphasize that paragraph 3 of the Schedule provides that every party shall ensure that not more than two-thirds of its total number of candidates should be of the same sex. This means that it is open to a political party to field up to two-thirds of women. So, it is not limited to 30%.”

Mr Deputy Speaker, Sir, referring to the number of women in this National Assembly, we compare the African countries to the countries nearby. The figures are very less, but with this new law coming up and if it is voted, we women, will get the chance to be either two-thirds or one-third representatives of this National Assembly.

Dealing with part (d) of the Motion of the hon. Member, that is, review of the powers of the Electoral Boundary Commission with regard to the delimitation of constituencies, certainly, we have seen a number of political actors voicing out against the present set up, arguing at times from an ethnic point of view. Mr Deputy Speaker, Sir, I am sure that the Electoral Boundary Commission will take into account all the concerns of the Members of this House or even outside this House. Members of the political parties who are primarily worried of the discrepancies emerging from changing demography in time and due course, the Commission will come up with its report. Mr Deputy Speaker, Sir, I am sure that the Commission, as it concerns all the Members of this House, with this existing discrepancies, for the time being let the Commission do its work.

Mr Deputy Speaker, Sir, regarding issue (e) of the Motion of the hon. Member, that is, recall mechanism for the Parliamentarians who are failing in their duties as elected representatives, as I stated earlier, on this above made Motion, Africans or even Caribbean Islands are not the right models. These countries have serious governance issues with their political class that have systematically, over the past 50 years or so, failed to deliver to the standard, that the people of these countries aspire for. They have had weak institutions and weak public administrations. It is not the case of Mauritius. Of course, we do not have a perfect system of governance, but we do not face the same problem of these countries.

Mr Deputy Speaker, Sir, in his book *State-Building: Governance and World Order in the 21st Century*, American Political Scientist, Francis Fukuyama, shows that in the course of the years, 1980s and 1990s, the Stabilisation and Structural Adjustment Programs of the World Bank and the International Monetary Fund had a counterproductive effect in the number of African States because of the fact that the Government there used a program to cut back spending on education, roads and public health while increasing expenditures for military or the size of powers of Executive Office to reinforce their own control over their countries and this why the International Community pressured these Governments in adopting certain law that checks cases of abuse of power.

Mr Deputy Speaker, Sir, we are certainly not in the same situation. Of course, we can discuss and disagree on the performance of how disrespectful a Member of Parliament can be. Generally, Mauritian Parliamentarians have not been an obstacle in economic growth like in certain parts of the world where it is necessary to pass such law.

Mr Deputy Speaker, Sir, coming again to the Motion, recall mechanism for Parliamentarians who are failing in their duties as elected representatives, I think, if I am not mistaken, that it was Sir Winston Churchill who stated that democracy is not the best form of Government, but that no better form of Government is known who objectively judges that Parliamentarians are failing in their duties as elected Member representatives. The Standing Orders do empower the Speaker to recall Parliamentarians to order. Political party leaders can and should call such Parliamentarians to order unless it may be forgotten Parliamentarians do swear or take an oath before taking their rightful seats.

But true, Mr Deputy Speaker, Sir, it is that political party leaders in their sagacity should make sure that fit and proper citizens are admitted to their party and are given tickets to stand as candidates for the election. Thus, the onus is already there. Therefore, on political party leaders to prompt any Parliamentarians failing in their duties of service constituency-wise and to the country.

Mr Deputy Speaker, Sir, the introduction of this second generation development and environmental rights, this Government, in our rapid modern country, is already very much aware of and alive in the imperative needs to modernise what the hon. Member referred to as development and environmental rights, but what does not require from the Constitution to enact for this purpose. In fact, such rights will not only be modernised, but will also be in perfect evolution, changes occurring in our transformed countries, enhanced process of appointment, Mr Deputy Speaker.

Mr Deputy Speaker, Sir, concerning the introduction of the second generation development and environmental rights, I will take over where hon. Etienne Sinatambou stopped last time, regarding the introduction of the second development and environmental rights. With regard to the proposal of the introduction of the second generation development and environmental rights in the Constitution of the Republic of Mauritius, the MSM Government, in 1991, under the leadership of the then Prime Minister, the Rt. hon. Sir Anerood Jugnauth, had fundamental rights and principles for the environmental protection and conservation in the Environment Protection Act (EPA) of 1991 repealed and re-enacted in 2002.

At this point in time, the same Government as an *avant-gardiste* and responsible one, has passed new legislation to tackle third generation issue and to respond to global emerging challenges which are having serious impact on the environment. Pre-generation, Mr Deputy

Speaker, Sir, the Independence Constitution of Mauritius were established, as we all know in 1968. Although the environment was not mentioned as *per se*, several laws have been proclaimed prior to 1968, pertaining to the environmental issue.

Mr Deputy Speaker Sir, Mauritius is one of the rare countries that have a dual set of laws. There is the Code Napoléon, a legacy of the French occupation of the island, together with the statute law passed by the Legislative Assembly, inspired by the British period. The Code Napoléon, itself makes provision for several environmental issues, for instance, chapter one, section 640 mentions –

*«Les fonds inférieurs sont assujettis envers ceux qui sont plus élevés, à recevoir les eaux qui en découlent naturellement, sans que la main de l'homme y ait contribué.»*

Mr Deputy Speaker, Sir, the basic content of the part of the Mauritian law is to be derived from the French Code, the Civil Code which has been amended over the years to adapt to the local context, the Penal Code which has been re-enacted as the Criminal Code and the Code of Commerce have been included to lesser extent. On the other hand, Mr Deputy Speaker, Sir, the law of procedure and evidence are from the English law. Provision of the *Code Procédure Civile* are still in force. It is of a common knowledge that the Mauritian Constitution follows the Westminster model. Mauritian legislation, legal system has borrowed law related to trade and commerce, shipping, finance, banking, company law, negotiable and bankruptcy instrument.

The legislation and statutory interpretation has been largely inspired by English law. Mr Deputy Speaker, Sir, the common law was incorporated in the Mauritian law because when the British took possession of Mauritius, the Code Napoléon which constituted the *droit commun* of the inhabitants had already been proclaimed. However, Mr Deputy Speaker, Sir, some of the common laws have been adjusted by the legislation into our law system such as –

1. The rules are relating to the contempt of Court;
2. The rules regarding judicial review of decisions of Public Authorities, the rules were incorporated by the provision of Ordinance No. 2 of 1850 which vested the Supreme Court with the same power as the Court in England.
3. A third area where the common law has been introduced to our system is the law of evidence, section 62 of the Courts Act.



Mr Deputy Speaker, Sir, there, it is mentioned about any law which is in constant with the Constitution shall the extent of the constituency to avoid. As mentioned in section 42 of the Constitution, the Parliament may, with the support of a clarify majority, amend the provision of the Constitution.

Coming to rivers and canals, Mr Deputy Speaker, Sir, Act 1863 section 25 'No one to stop or alter river or stream'. Section 26: "control of activities near rivers'. Mr Deputy Speaker, Sir, we have many sections concerning path to be left along canals and rivers. If I take section 67, 'Canals may be stopped in order to be cleaned'. The *riverains* are corporation of any other body administrating a canal may cause the water of the canal to stop for such a time as they may determine in order that the canal may be cleaned and every occupant of the canal shall, during the stoppage, clean and clear the opening parts in its course though the path, the ground is occupied by him.

Mr Deputy Speaker, Sir, we have sections 65, 67, 80, 87, 88, 98 and 99, etc., regarding canals and rivers which affect our natural environment.

Mr Deputy Speaker, Sir, regarding the same motion, regarding environment, we have Ground Water Act 1969 section 4 'The licence to abstract ground water and prohibition of pollution'. We have also the Public Health Act 1925, the 'Interpretation of nuisance' and we have the section of Notice to remove nuisance'.

Mr Deputy Speaker, Sir, the list is very long. I wish to conclude by saying that the motion presented by the hon. First Member of Savanne and Black River does not really coincide with what we want right now.

If the Reform Institutions (Amendment) Bill had been passed, I would have congratulated the hon. Member for bringing, at least, the motion to this House, but for the time being, we have to wait and see. We also have to take our own responsibility why this Motion has not been passed. I am sorry, Mr Deputy Speaker, Sir, I cannot go further than this.

Thank you.

(4.13 p.m.)

**Mr G. Lepoigneur (Fifth Member for Beau Bassin & Petite Rivière):** *Merci, M. le président.* Mr Deputy Speaker, Sir, thank you for giving me the opportunity to intervene on the debates of the Motion of hon. Ganoo, led in the House since 03 August 2018.

My intervention is due to the Motion because it covers some aspects for the good fate of our democracy. I am not going to be long like hon. Rutnah and hon. Sinatambou, who were acting like two clowns without showing any importance to the Motion or any respect to the National Assembly. I would have expected them, at least, to intervene with goodwill on the gender quota representation of women in the National Assembly, just like they did in their speeches on the Electoral Reform, instead of losing the time of the House.

Mr Deputy Speaker, Sir, we know they did so because they were hiding through this law to pass another law without a referendum to hear the voice of the population. Mr Deputy Speaker, Sir, I will now start my intervention with the gender quota for the representation of women in the National Assembly. In fact, with regard to this issue, in my humble opinion, instead of having brought this law together with the Electoral Reform, it should have been brought separately and I am sure that it would have been voted at 100% in the Assembly.

Mr Deputy Speaker, Sir, in many countries around the world, women have shown their capacity to contribute to the progress of their countries, be it *dans le social ou en politique*. I would name some of them: Angela Merkel, Hillary Clinton, Sonia Gandhi, Michelle Obama, Catlyn Serious, Janet Napolitano, Cristina Fernandez, Margaret Humble, Queen Elizabeth, Mother Teresa, amongst others. Mr Deputy Speaker, Sir, in Mauritius also there are lots of women who have proven their capacity to serve the country as a politician, like hon. Mrs Aurore Perraud. She was elected for the first time as Best Loser and second time on top of the list of elected Members for her constituency which has proven that, as a woman, she did a great a job in politics. There are also other women, like Ms Nita Deerpalsing, Mrs Maunick Oshan Bellepeau, Radha Poonoosamy, Mrs Shirin Aumeeruddy-Cziffra, Mrs Sheila Bappoo, Mrs Hanoomanjee as former Minister, Mrs Ghislaine Henry, Mrs Tania Diolle who is a new comer, Mrs Arianne Navarre-Marie and so on. We also got our former President of the Republic, Mrs Gurib-Fakim, who, unfortunately got involved in the Sobrinho saga, but I consider her as a victim in this affair, because the ML party left her on her own. The Members of the ML party dissociated themselves from the saga Sobrinho; the leader of the ML party even evaluated Mr Sobrinho to be someone ‘with an eye to eye communication’, Mr Deputy Speaker, Sir.

There are also a lot of women who serve the country, Mr Deputy Speaker, Sir. Yesterday on the radio I listened to an interview of Ms Murielle Ravina, a young lady of 23 years old, who, I believe can also have a bright future in politics. After listening to her, I realise that she really deserves to be among the ten best in the Miss World contest, not only

because she is very beautiful, but she has at heart the social politics. In future, she may be a brilliant woman in politics. Personally, I cannot understand why we need to have a law so that women can be represented in Parliament. We already have some who got the courage to present themselves as candidates in the last General Elections, like hon. Ms Sewocksingh, hon. Mrs Perraud, hon. Mrs Boygag, hon. Mrs Monty, hon. Mrs Jeewa-Daureeawoo, hon. Mrs Dookun-Luchoomun, hon. Mrs Jadoo-Jaunbocus, and the Speaker of the National Assembly, who, unfortunately, was not elected. I also think that women are a bit scared to be involved in politics because of non-respect of women from some male politicians during the electoral campaign. Mr Deputy Speaker, had that come separately so that women can have a better representation in the National Assembly, I would have voted for a quota of 50%, Mr Deputy Speaker, Sir.

Now, let us come to the limitation of tenure of Prime Minister. Mr Deputy Speaker, Sir, I think it would be a good proposition that a Minister cannot cumulate more than two consecutive mandates as this will prevent the country from being at the mercy of only two families, and this will give the chance to other people who have the potential of becoming Prime Minister. *Et cela, M. le président, éviterait une tentative de corruption, car dans beaucoup de pays d'Afrique où un Président et un Premier ministre ont eu un long mandat, c'est là où il y a eu plus de corruption.* Also in the future a former Prime Minister will have the opportunity to come after an interruption of his two consecutive mandates with the wish of the population.

Mr Deputy Speaker, Sir, I would like to say a few words with regard to the anti-defection provision - to better practice of crossing the floor. Mr Deputy Speaker, Sir, according to me, this is a good proposition because it is very important to have a law to protect political parties. A political party invests a lot in a candidate before the election; the party also puts its faith in him/her in presenting him/her as a candidate. During the campaign, the candidate has impressed the opinion of an electorate or programme of his/her original party and gives all his/her support to his/her leader. So, how can he/she change his/her mind after having been elected? When somebody is no more in line or *en accord* with his/her party or leader, he/she can stay as an independent Member in the opposition, but not if he/she is going to join the Government for a personal interest. Mr Deputy Speaker, Sir, if I was a leader of a party before giving a ticket to a candidate, I would have requested my candidate to produce a registered security bond at a level of Rs10 m. if he wishes to leave the party. It was announced in some daily newspapers that some have been offered a certain sum of money to

join the Government, and at least the party would have benefited something in return due to the offer. I do not know if that is true, because I cannot confirm it, but it should be considered in new rules.

I heard hon. Wong Yen Cheong who said in his speech on the electoral reform that he did not consider himself as a *transfuge* because he never left the Government and that it was us, the rest of the PMSD, who left the Government to join the Opposition. Mr Deputy Speaker, Sir, let me remind him, on 20 December 2016, when we went together at Le Réduit to remit to the President of the Republic our resignation letters to leave the Government, he also was with us. I have a photo that we took together on that day which can prove it. Mr Deputy Speaker, Sir, it is also because of this kind of attitude that we must have a law to prevent political parties not to destabilise a party by an anti-defection.

Mr Deputy Speaker, Sir, I think that it has become a must to review the power of the Electoral Boundaries Commission with regard to the delimitation of Constituencies. The law should be amended so that the report of the Electoral Boundaries Commission is directly submitted to the National Assembly without having to get the approval of the Government. The system could even be enhanced by having the report directly submitted to the President for ascent. The Electoral Boundaries Commission, in the nomination of members, shall be changed so that it is being nominated by a Parliamentary Committee, instead of what it is actually.

Furthermore, it shall be an offence in non-compliance to the delimitation of the constituencies. The EBC law is amended so that maximum allowance variation from population is specified to about plus or minus 20% in order to avoid the actual situation, or a variation of 300% between the smallest constituencies and the biggest ones.

Mr Deputy Speaker, Sir, I have contributed to some items of the Motion. I will conclude here as time is limited for Private Motion and will give the floor to other orators.

Thank you, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** Hon. Members, I suspend the sitting for half an hour.

*At 4.23 p.m. the sitting was suspended.*

*On resuming at 5.14 p.m. with the Deputy Speaker in the Chair.*

**The Deputy Speaker:** Hon. Mohamed!

**Mr S. Mohamed (First Member for Port Louis Maritime & Port Louis East):**

Thank you, Mr Deputy Speaker, Sir. I am very grateful, Mr Deputy Speaker, Sir, to have the opportunity to share a bit of my views with regard to this particular Motion. And I find the Motion very fitting and in spite of the fact that this is a Motion that has been on the agenda for quite a while, I find it even more interesting because it is, as we say it in French *d'actualités*. Only recently, we have had a very interesting debate in relation to the electoral reform, in relation to the Constitution (Amendment) Bill. We have had interesting views that have been shared. So, the fact is that each and every time that people talk to me about the Constitution, it is always relevant. I mean, even more relevant to me because when I read the Motion and I see here the attainment of 50 years of independence, it makes me cringe because I do every time have to remember that I was born in 68. So, I go along with the 50 years as well.

*(Interruptions)*

The truth had to come out.

The very interesting issues that sometimes one has to admit, you have to question after 50 years what exactly you have in your Constitution and there is a debate that a lot of us will always have, be it at home, amongst our friends and family, be it amongst political colleagues, on the streets, even at the beach, we may have conversations about issues that may seem *banal* at first instance, but a lot of the issues we would be discussing in situations I have just described would have *connexité* and a direct relation with the Constitution.

Have we not heard recently a lot of people talk about limitation of tenure for the Prime Minister? We have heard a lot of people emitting their views, stating that it is important, and then the question is why is the limitation of a tenure so important? And what exactly has brought about this idea that one has to limit the tenure? And I think Mauritius is such a unique example in many aspects that it is worth talking about it without in any way casting offence against anyone. The fact is, I mean, we have gained independence in 68 and prior to 1968, there was the Premier, who was already Ramgoolam and later on became Sir Seewoosagur Ramgoolam. And then afterwards he was the Prime Minister and after Sir Seewoosagur Ramgoolam, there was Sir Anerood Jugnauth, and after Sir Anerood Jugnauth, it was Dr. Navin Ramgoolam and then it was Sir Anerood Jugnauth, and then it was hon. Bérenger and then it was Dr. Ramgoolam again, and then it was Sir Anerood Jugnauth and it is hon. Pravind Jugnauth.

So, when you think about this long history that we have had and there are only 3 names that come up for people who have been Prime Minister, you have Ramgoolam, Jugnauth and Bérenger that seems to be one of the events that happened, which is a very important event. Let us not forget at the time when he was about to become Prime Minister, a lot of people in Mauritius thought that Sir Anerood Jugnauth would not go ahead with it and he would not become Prime Minister, but *à l'honneur de* Sir Anerood Jugnauth and the MSM, they kept their word and he did become Prime Minister, which is another proof that we are indeed a living democracy and the transition was very smooth indeed.

But the fact remains, Mr Deputy Speaker, Sir, that everyone in Mauritius wonders and the youths nowadays - and allow me to express some of the views of the youth of this country, those born much after the 80s and the 90s and some even born as from year 2000, when we changed the century, and the youths wonder, they do not understand why is it that we keep on having the same names that come up. Very often, they also turn around and say but why is it that we have the same names, not only as Prime Ministers but also as Members of Parliament? We also have Boolell, we have Mohamed, we have Duval, we have names that keep coming up and then they wonder but what exactly is going on. Is it people saying dynasty? And this is the feeling that is going on in the country at the moment where people are wondering and are condemning and would like to see new blood, would like to see new vision, would like to see a change in that we all don't always have the same repetition. And that is the feeling of the people outside this Assembly, where a lot of them would like to see regeneration. That is why we have this whole debate about limiting the number of years, of terms that someone can be Prime Minister.

It is, as we all know, Mr Deputy Speaker, Sir, in the United States of America, we have the President with two terms, and no more. We have the situation in Russia where you also have two terms but not consecutive. In other words, then you have the situation with - and then you are put in where one will become no longer President and one becomes Prime Minister and then back to President. Interesting! But it exists and it is working. But then, in the United Kingdom, you do not have this limitation of tenure. Let us analyse the situation in the United Kingdom! You do not have a limitation in tenure but you do not have someone who is Prime Minister for 15 years or 20 years. It does not exist. It cannot happen. And then the question we have to ask ourselves is why is it that in the country, upon who or once upon a time, our colonial masters, who we based our Parliamentary system on the system of Westminster, we have a written Constitution and they do not have a written Constitution, and

how is it that when they do not have it in any written law, that there should be a limitation of tenure for their Prime Minister. But how is it, therefore, for example, in the case of Margaret Thatcher, let us all remember, she had the courage to step down when she knew she longer had the favour of the majority of the electorate. She just stepped down and that is, in my humble view, a simple issue about culture. We have the situation in Africa where once upon a time after the colonial days, you had this wave whereby a lot of African States adopted this limitation of tenure. But all of a sudden, you are seeing a lot of African States are having the people calling back the people to elections in order to amend their Constitution in order to remove limitation of tenure and we have examples, such as in Rwanda. You have had other Heads of States who have tried to stay for longer periods, more terms, indefinite, but who have not managed to convince their people that they should vote for it, for instance, Nigeria.

So, what exactly is the right system for Mauritius? And that is, I believe, a very important question. If we are to ask - and I was reading the intervention of hon. Rutnah on this particular Motion - and if I am to summarise what he basically said on the limitation of tenure, he basically was not in agreement with the whole concept. He said that we should not go for that because limitation of tenure would mean that hon. Pravind Jugnauth would only have one term left. But then, the other issue is if ever we do come up with a system of this nature, before even bringing it to Mauritius, let us look at the advantage of it. For one thing is that when you have a limitation of tenure, the feeling is that the Leader of the House, whoever it may be, after 2 terms, will no longer have the right to present himself as candidate to the supreme position, that of Prime Minister. He will no longer have that right and he will have to move aside.

This, in my humble view, would cause a situation where you would have new blood coming up, becoming leaders of political parties and they are the ones that will have to lead that party into election. In my view, this is very good for democracy. This is very good for governance. Because whether we like it or not, after two terms, most Prime Ministers are naturally eliminated through the course of things. This is the natural event. When you are to analyse the history of Mauritius as well, two terms on average are what suffices; it is sufficient for the people and the electorate and they say: 'Let us do away, *il y a l'usure du pouvoir* and they changed Government. This is what happened. It happened to Sir Anerood Jugnauth. It happened to Sir Seewoosagur Ramgoolam. It happened to Dr. Navin Ramgoolam. This is what happened. So, if the electorate acts in such a way as for them the time limit is already imposed by them in spite of the fact that this is not in the law and they

eliminate those who should no longer be in power. Not in any way saying that they have done anything wrong, my analysis only goes to the fact that two terms is the norm where you see the electorate wants a change in Government. Exceptionally you have situations where one term, they throw Government out. It happened to the Government 2000 to 2005. They have been eliminated after that one term. We also had the Government from 1995 to 2000. This was a one term Government. So, those two Governments successively were a one term Government. So, you have those exceptions otherwise it goes on an average of two terms – 10years, 12 years depending on whether elections are called earlier or not. So, is it a system that would be good for Mauritius?

As it stands right now another question also crops up and it is the following. In order for a system of this nature to work, Mr Deputy Speaker, Sir, there needs to be democracy in the administration of political parties themselves. Now, this system can never work if political parties do not have a transparent democratic system. For example, we have heard in the recent debate where you have primaries for the election of leaders. This is a notion that does not exist in Mauritius. For instance, you have in the United Kingdom be it the Conservative Party or be it the Labour Party or even in France, if you are centrist on the left or on the right, all parties there have primaries in the sense that you have an election as to who is going to lead that party into election. This does not exist in Mauritius. Unfortunately, I am of the view that the laws in Mauritius do not permit us to amend the law as to impose such transparency or democratisation of a political party. Maybe you could do it through an amendment of a specific law as far as associations are concerned or otherwise, but this is something that you require in order for the rest to be able to work. Imagine, you have a situation like this in Mauritius where you have a limitation of ten-year, yes it is going to cause a lot of problems because whether we like it or not when it comes to the actual Prime Minister, his followers and his supporters will say why does it have to be now when it is only recently that Pravind Jugnauth has become Prime Minister. I understand their point. I may not agree with them, but I understand. This would be a normal reaction. Others with regard to Dr. Navin Ramgoolam, would say: ‘Why do we have limit a ten-year when it comes to Dr. Navin Ramgoolam?’ Some would say: ‘Why not because he had already been Prime Minister for so long, maybe he would not be Prime Minister again?’ But then again others would say: ‘No, the limitation of ten-year should start not retroactively, but from the moment such a law is voted.’ Then we would still have to make do with the situation of Ramgoolam or Pravind Jugnauth, the two names coming again. Why not as long as the majority of the people want



this in such a way? But, the issue is: at some time in our history, I hope - maybe I will not be a Member of Parliament when it happens - that I will be able to look back and say: 'One day we talked about this in a Motion brought about by hon. Ganoo about the limitation of ten-year and I hope that one day it happens in Mauritius because it will be very, very good for a democracy and for governance'. Because a leader that stays in power a long time, whether he likes it or not, has to have a lot of self-control upon himself because he is human at the end of the day, because every often we think that those who are Prime Ministers are superhuman, they are simple human beings with frailties and very often people forget that they have got a difficult job and they have to face a lot of stress which people sometimes forget. Yes, after two terms in office or more, I am of the view that a normal human being would start acting in such a way as the country is his, whether he has got good intentions or bad intentions or otherwise. It is a normal human behaviour for him to act or, at least, the perception of people will be as though this person is acting as though the country is his. Have we not heard, at the time when the Labour Party was in Government, as though the country belongs to the party and now that the MSM is in power, they are behaving as though this country is theirs. We have heard that. When we were in power, we were having our people placed in important positions. The Prime Minister was nominating them, but then we hear, at the same time, when they were in power, they were the ones nominating the boys and the girls to jobs of important positions. This creates a perception in the public that the one who is in power for too long creates a scenario where he acts as such that the country is his and belongs to those who are close to the party in power. That is why I am of the view that there needs to be a regeneration of those who are to lead us and become Prime Minister and lead the country. A maximum of two terms is something which I believe would be a huge step for our democracy.

Now, will Mauritius be able to take that step? In order for me to say yes, I would have had a lot of confidence in the political maturity of our country. Let us not forget that when we look at our scenario from 1968 until today and we come back to those who have led our country, the parties who have been in power apart from this little blip in history when hon. Bérenger became Prime Minister, it is clear that it will be very difficult indeed for any of those two political parties - be it the Labour Party or the MSM - to come forward with such a proposition and most importantly because it was also a constitutional issue. There will need to be consensus. The three quarters! This magic figure! Otherwise whoever brings such a Bill in the House and sees that it has no majority, will have to backtrack again as you had seen the

hon. Prime Minister do on the electoral reform issue. This will not be something which is good for democracy. So, how do we achieve such a thing? How do we attain such a thing? It brings me to another very important issue which is that of referendum. You see, very often, Mr Deputy Speaker, Sir, we have situations in Mauritius when important decisions have to be taken. Here I am referring specifically to the paragraph (g) of the Motion that talks about –

“enhanced process of appointment of the President for institutions designed by the Constitution and the laws of the country to maintain democracy, uphold good governance and the rule of law.”

I interpret this particular section of the Motion, for me, at least, or part of it, as the importance of the people of Mauritius. Very often, we are going to see us in this Assembly pass laws. I believe that any Government is mandated to pass laws as we have been doing. However, there are exceptions; exceptions when it comes to major projects. Does our Constitution, first of all, cater for referendum only in one particular situation as provided for in our Constitution but not when we have to amend specific sections of the Constitution thereby you have to call for a referendum?

But the referendum for major decisions does not exist in our laws and I believe that good governance requires that the referendum should be brought in our Constitution. I will explain myself. I went to Geneva to attend some conferences and I passed by the WTO, *L'Organisation mondiale du commerce*. I saw that there was a huge banner up for many, many years. Each year I was going there, I saw the banner that they intended to build something in the yard of the World Trade Organisation in Geneva. I was wondering and asked around: “Why is it that this banner is still there? Does the WTO have some financial difficulties and that is why they cannot build it or planning permission?” But then the answer was very simple. There needs, according to the laws there, to be a referendum asking the people of Geneva whether they are agreeable that the new building of a modern nature be placed within the precincts of the WTO. They needed the permission in order for the authorities to give building permission. I believe this is extreme, but it is interesting. This is basically called democracy to its extreme where people need to express their views as regards such a simple issue for us, but for them it is not a simple issue in Geneva as to putting up a new building for the World Trade Organisation.

Now, in Mauritius recently, this matter was also addressed. I put a question to the hon. Prime Minister about the manifesto of *l'Alliance Lepep* where the issue of referendum

was referred to in this particular document and the hon. Prime Minister was right in that he knew - and I am sure he knows - the difference between the referendum as opposed to consultation. In my humble view, there cannot be any amount of consultation that can replace a referendum. That is most important. How many consultations can you really have in order for it to be equivalent to a referendum? A referendum, Mr Deputy Speaker, Sir, is where we ask the people to express their views on a specific issue. Consultation is not that and can never be that by any extension of one's imagination. A consultation process is the exactly what it is, consultation. In other words, consultation is simply calling people, listening to what they have to say, but not necessarily doing what they say you should do. This is what consultation is. Consultation, for instance appointing people after the leader of the House would consult with the Leader of the Opposition and the President does not mean they have to appoint according to what their views are, those protagonists. That is the limitation pertaining to consultation whereas referendum is something much more democratic. This is something which I personally prefer.

Now, in what situations are we, in the name of governance, to ask for a referendum? I am of the view that major projects require the permission of the people, be it infrastructure projects or constitutional issues. This is the system of Government that I would like to see come into Mauritius. This is a system of Government I would like to see implemented in our laws, in our Constitution, in our daily practice and running of a Government in the future.

I hope that one day, being in this House, I will be able to see it, see the light of day that it would be able to be born out of our efforts in this august Assembly. Why is such a measure so different that we do not really comprehend how it is going to work? Some will say that a referendum will stop the process and the good work of Government. Perhaps that is instinct since we have been used to a system where there is no referendum. We have been used to a system since 1968, where we have Governments that have operated without a referendum. So, yes, whatever is new, the knee jerk reaction is let us stay away from whatever is new because we do not know exactly what it entails and what the devil is going to be found in such detail which we are not really acquainted with.

But why is it important to have a referendum? Infrastructure projects, for example Government brought a very interesting project, which is the Metro Project. Now, let us not get into the debate as to who started it and who did not start it, who did it, who talked about it first or who is responsible for it. That is not the point. I do recall le *Métro léger* was being discussed when hon. Sir Anerood Jugnauth was Prime Minister in the 80s. I recall it was

being discussed in those days. So, it is not a question as to who fathered the whole idea. It is a question of all of us, at one point in time, thought it was a good idea and some of us decided along the way that they should not proceed with such an idea and then changed their mind. Fair enough! But let us look forward. Did the people of Mauritius agree that we should have a *Métro léger*? No! Government is going to turn around, whatever Government it maybe, if it were the Labour Party in Government, they would also come up with the same argument, saying we don't need to ask for a referendum, for *Métro léger*. Even the Labour Party would have said that. Even the MMM would have said that. Even the MSM would have said that. I understand and funnily enough, very often we are opponents when it comes to politics. We are on different sides of the House when it comes to politics, but very often we react the same way when we are in Government. Interestingly enough!

What I am trying to get out here is, I think, that it is important for projects of such a nature which affect the lives of most Mauritians, if not all, since it will go through most of the important towns of Mauritius, since it will impact upon the daily lives of people, since it goes to their towns, in front of their Houses, they will have to live with it, they will have to breath with it. In all projects, there are advantages and disadvantages. In Mauritius, this Metro project, the disadvantages, they will have to live with it. Not all of us. Some of us don't live *sur le tracé*. Some of us live far away from *le tracé* and we do not know what difficulties people go through because we are not the ones living there, going through it on a daily basis. Therefore because of that, and simply because of that, I think, it is sufficient to admit that it is a good case for there to be a referendum.

Now, what would have been this whole process? Democracy alive, explaining to the people this is the project, this is how much is going to cost you, this is how much it is going to impact on your daily lives, this is how much it is going to affect you financially and this is how much environmentally is going to be the impact. At least, when the people of the country are to decide, they will have decided *en toute connaissance de cause* what are the impacts of such a project. They would also want to know how financially it would impact upon not only them but on the future generations. They would want to know not only the financial aspect, but the environmental impact of such a project, not today, not tomorrow but in 10 years' time or in 20 years' time. Not for them, not for their children but for their grandchildren. Those are issues, in my humble view, that merit the concept of governance. The concept of governance is relevant here, Mr Deputy Speaker, Sir. In my view, I am someone who is a full supporter of the concept of amending our Constitution, amending it in order to give the

people of this country the power to decide and the power to order us what they want and for us to do what they tell us to do and not for us to impose upon them what we believe is right for them because this is arrogance, in my humble view.

Imagine a Government, and we have been part of that Government at some stage, the Labour Party, we also talked about *Métro Léger* and then, we have now Metro Express; the common denominator being the rails, the common denominator being the metro, the common denominator being a great project. But have any of us, be it the Labour Party, be it the MSM, ever consulted the people of this country to ask them whether they are agreeable or not? We have never consulted them. The MSM, at some stage, in their political manifesto, said they would not go ahead with the project. So, for them, it was clear that was their policy, no *Métro Léger*. But, for us, in the Labour Party, when we were in power, we never consulted them and we have to admit where we were wrong, in my humble view. I can speak only for myself here. This is a motion where I speak in my name. I believe the Labour Party also should consider consulting, not only consulting, but asking for the opinions and the views of the people, and they have to vote for it when it comes to the project of this particular nature.

Imagine another project, once upon a time, I remember in the old days, we used to talk about a new airport in Plaines des Roches in those days. Imagine what impact a new airport would have upon the lives of people, not only in the vicinity, but since it is an airport, the pollution, the environmental impact, the traffic impact, their whole lives would change. But every single Government that has come to Mauritius, since the Constitution is such that it makes no provision for a referendum, we have, all of us, dealt with the affairs of the country in such a way as to believe that we have the power and the right to decide what we think is good for the people of Mauritius and to impose upon them, and then, we expect them to be happy with what we have done, and then, we are going to just keep on marketing what we have done and how good we are politically, we want to gain from it. But, at no time, we would have consulted them and obtained their permission to do it.

This is why I think the whole concept of referendum should be included in our Constitution or, at least, enlarged so as to make us responsible, but not only us, as politicians, but to make the people of Mauritius responsible. Because, very often, you could have the people of Mauritius who are going to say: 'Oh, well, this should not have been done, this Government should not have done it, it was a bad project.' But, at the end of the day, the people, when they vote a Government, they have to be responsible in their choice. And if the people want a project, they have to pronounce themselves on it.

If they want such a huge project - not every project - a huge project like Métro Léger, if had the opportunity of saying what their views are in a referendum, they would have known as well that there would have been consequences during the construction, such as possible dangers with sewerage, possible dangers with the traffic congestion, possible dangers with vibration, possible issues where work is going on for 24 hours and you need, therefore, to understand that you can't sleep. But you can't complain, because you would have had the chance to give your views in a referendum and the majority would win. This is a democracy that I would really appreciate to live in.

I hope that one day, we would have consensus on such a matter and that we will be able to come up with such a proposal and really grow up as a democracy. This takes lot of courage to be able to do it, but I hope that we would all one day to be able to master such a courage.

Now, with regard to another issue in the motion, in its paragraph (e) –

*“(e) recall mechanism for the parliamentarians who are failing in their duties as elected representatives”.*

As it stands today, I recall, I, myself, under the Privilege and Immunities Act, reported a matter against the Chief Whip, hon. Hurreeram. They, themselves - hon. Rutnah, I believe, had a report against me. There have been reports and issues that Madam Speaker has had to deal with, with regard to hon. Tarolah recently. It has not been very easy. But what we do understand is that, and once again, let us not get into the blame game - maybe it is in the festive spirit, we are all going towards Christmas and New Year – let us not get into the issue as to who is liable, who is responsible. But the only thing is, we have all to agree that there are limitations as to what the Speaker can do, in regard to situations of such a nature where there are Parliamentarians who behave badly. Because as it stands right now, question: can, Madam Speaker intervene and do anything against a Parliamentarian who behaves badly outside the House? My answer to that is no she can't. For instance, can, Madam Speaker, do anything outside *de l'hémicycle*. My answer to that is no she can't.

Whereas in the United Kingdom, when you look at the House of Commons - my good friend, the Chief Whip, has had the honour and pleasure of visiting the House of Commons and maybe he could confirm - in the House of Commons, there are rules that have been instilled in their system, whereby a Parliamentarian has got to have a code of behaviour, not only when he is within the precinct of the House of Commons, but even when he is outside

the House of Commons, he has to behave in such a manner which befits his title of being hon. Member. This is what I believe, in my humble view, this particular paragraph (e) is about -

“(e) (...) *mechanism for the parliamentarians who are failing in their duties as elected representatives*”.

It is not only as their duties as elected representatives in their constituency, because that is another aspect of it, but it is also failing in their duties to act as hon. Members of Parliament should act. So, are we not, therefore, to amend the law in order, be it the Constitution or any other specific legislation? But I think it is also a constitutional issue because the issue is as follows: should a Parliamentarian be allowed to continue remaining Parliamentarian if the majority of his constituency have come up with a petition that says he should leave? That is the question!

Let us imagine this scenario. Imagine a parliamentarian, he is being elected and he is not even bothered with his constituency Members, he does not even go to his constituency, he does not even do anything for his constituents and, on top of it, he has been found to be doing things which are in violation of simple ethics or he has been found to be in violation of the law or there are reports against him that make him clearly out as someone who is not honourable in what he does and how he lives. Is it that this whole situation with our rules today, the Speaker cannot do anything about that? Because everything may have happen outside this august Assembly, but this, in itself, is wrong.

What I believe should happen is that there should be some change in the law that gives the power to the people of his constituency to come up with a petition, a petition that can perhaps be sent to the President of the Republic and the President of the Republic, therefore, can advise, based on a petition, carried out within strict parameters, whereby we do not have fake petitions just for political issues, but proper petition, whereby it is done in line with the new law that allows the President of the Republic to say yes or no, does this person have to be called to answer for this act and, most importantly, not a question of finding him only, not a question of rebuking him only, but of finding out whether or not this Member of Parliament should be disqualified as such and an election should be called anew in a constituency. At the end of the day, who chooses a Member of Parliament? It is the electorate in a specific constituency. But if there are a set parameters of behaviour that is written out and written down that we all adhere to.

If we all agree that not only are we to be honourable here, but we have to be honourable out there as well, and if there is, at any stage a violation of this code of honour, is it not therefore logical and fair that the electorate can, within strict parameters, come up with a petition sent to the President and where this hon. Member should be called to order into such an extent as he can even lose his seat in Parliament? I say, yes, this is what it should be like. Have we not seen in the United Kingdom where Members of Parliament, even Ministers have done things which are not honourable outside Parliament and have been called to order? Why is it, therefore, that we cannot extend this particular principle to this House? In the Republic of France, recently with the election of President Macron, we heard about this concept of *la moralisation de la vie publique*.

*La moralisation de la vie publique, M. le président*, is not only a slogan but it has to become real. In Mauritius, since recent years people have lost faith in politicians. I am not saying politicians on which side; I am saying politicians, full stop. People in Mauritius have to be able to gain confidence once again in us, politicians, and the new generation of politicians that are going to come forward. They should not be placed in a position where they have to choose by default, but they have to be placed in a situation where they choose who are going to be their elected Members and representatives because they believe not only in the programme, but in the honesty and the honour of the men and women who are representing them or, at least, purporting to represent them. How do we do that? We can only do that if we are to bring back honour within our precinct. How do we bring back honour? We can only bring back honour if all of us adhere to a set of rules and agree by consensus that we should change our Constitution, that we should amend our laws to make us responsible, not only responsible, Mr Deputy Speaker, Sir, but accountable, and accountability should not simply be a slogan as well. We should be accountable not only to the Speaker of the House, to the Deputy Speaker, but we should be accountable, most importantly, to those who have voted for us. Governance also means that it cannot be only after five years that they will have the chance to cast their vote and say whether they are agreeable or not with what we have done. Imagine something goes wrong in the first year of someone's mandate! It will be totally unfair for people in this constituency to have to wait four years in order to punish him for what he has done by not returning him again to the House. Four years of a long wait, four years of trauma, four years of biting the bullet! This is not what democracy should be like; democracy should be, if someone has done something wrong of such a nature, which is specific in the rules of conduct which we should adhere to,



this person can be called to order by a specific process which is set in the law. When we say the voice of the people is the voice of God, it is beautiful to say it! The voice of the people is the voice of God, but who really means it? Or, do we tell them like hon. Rutnah did recently? We saw him. He said: 'listen, I did not come and see you for four days, because had I come the rain would not have stopped'. He said that! He said: 'if I had come earlier, the rain would still not stop, would it? So, what's the point?' So, this is not how we should treat *les électeurs*. When we are saying that the voice of the people is the voice of God, it is that we have to be accountable, not at the end of five years' term, but each and every day that we are Members of Parliament, we have to face the music if ever our constituents are not happy with us on major issues. Obviously, not simple little matters where differences of opinion and ways of doing things, but not even on the issue of hon. Rutnah not going to his Constituency for three days or whatever, this is not a major issue honestly. Okay, he had to come out of this tight spot by coming up with an explanation. But the issue is, the electors have a right, and should be given that right by calling for a petition or some other mechanism. I am not saying that I have the solution to all those problems, I am not saying this is the only way and there is no other way. I am sure other Members in this House can find better mechanism in order to give really a meaning to the word 'accountability'.

Now, as far as gender quota for fairer representation of women in the National Assembly is concerned, I mean, we will not have this debate again, but you will recall at some stage the hon. Prime Minister said that I was mistaken and other Members said because I did not understand that the proposal made by the hon. Prime Minister in the Constitution (Amendment) Bill was for a minimum of 30% of women and, therefore, parties could put more. But, my point is - I understood that - that even when the Labour Party had proposed a minimum of 30%, it is the same as proposed by this Government, a minimum of 30%. But my question is: why is it a minimum of 30%? That was only my question. I am not saying that this is exactly what should be done, but, I think we should really be honest enough to say that we are a country that is far cry from the country where we would all like to live, what is in our Constitution, equality between man and woman, this equality is not there.

Suffice it to say, just look at the civil service, how many Permanent Secretaries are men and how many Permanent Secretaries are women. Let us look at that! I mean, the answer is there. Clearly, there is no equality in the potential to move forward and to be able to be at the heads of Ministries. That is a fact. Now, whether we like it or not, and sometimes it really hurts our pride as patriots, but as patriots we have to admit if there is something wrong,

it is only beautiful in books that there is equality between man and woman, but in actual fact we owe a lot more to women than we have even started to even deliver. We owe women so much because without them none of us would be here. So, I take this opportunity to pay homage to the women of our country, to pay homage to the mothers of our country, to the sisters of our country. But then, again, I believe in the whole idea that paradise lays beneath the feet of our mother. When I say this minimum of 30%, it is nice for the arena; it is nice for everyone to listen to it because this is the norm in Africa. This is the norm put forward by SADC Parliamentary Forum. Very nice! But will that be sufficient for it to jumpstart the whole process to have 40% women elected next time. I hope so! But watch my lips; parties are going to calculate exactly 30%, and not more. Watch my lips, this is what is going to happen, they are going to stop at 30%. They are not going to be really bothered that you cannot divide someone by three. Believe me, this is what is going to happen. I think we are far cry away from this equality that we have to give sexes in Mauritius.

Mr Deputy Speaker, Sir, I will not take more time of the House on this particular issue, but I must say that I totally agree with my good friend, hon. Dr. Boolell when he said you need to have a constituent Assembly. Is it not time for us, after 50 years, to all sit down, not at the end of a mandate only on electoral reform, because amending the Constitution, Mr Deputy Speaker, Sir, does not boil down to only when the Supreme Court tells us that we got an issue, it does not boil down simply to an issue of elections. The Constitution, as such, I think is very important because there are rights of citizens that need to be put in a Constitution. We have our Constitution that basically talks about those different rights, and I have a copy here in my hand, and we have the Constitution - as hon. Rutnah went through it himself during his speech - that talks about the protection of the fundamental rights and freedoms of the individual.

Fair enough! That talks about all the protection from the provision of property, protection from inhuman treatment, protection from freedom of conscience, all the protection issues and the fundamental rights in the Constitution. But, in my humble view, the rights of a citizen, you can really separate it into civil rights, as is in our Constitution. You can have political rights, the right to be a candidate, the right to be elected. You can have, for example, issues pertaining to elections as in our Constitution. But you also have economic rights. Economic rights of the citizen are not really expatiated upon as such in our Constitution apart from, for instance, the protection from deprivation of property. You have the Supreme Court Judgment, the case of Hung Ming Shipping. I remember this Supreme Court Judgment where

Judge Bernard Sik Yuen equated property with the right to do business, the right to trade, the right to carry on a business, the right to be able to make money, the right to be able to earn a living. That is what he equated this particular section of the Constitution with.

However, we have been discussing with us here in the Labour Party, amongst our friends from the Labour Party, we have discussed the economic rights. There is another aspect of economic right that needs to be included in our Constitution. And why I believe it is of utmost relevance, because, once again, I believe it is also under paragraph (g) of this particular Motion that talks about the laws of the country to maintain democracy and uphold good governance and the rule of law. Now, for governance purposes, I am of the view that there are certain rights that are not expatiated upon enough in our Constitution that our Supreme Courts have not touched upon as such at all on certain issues that we need to include in our Constitution, and those are new rights altogether. For example, the right to social security, that is something that needs to be included, in my humble view, in our Constitution; the right to a minimum salary is a right that needs to be included in the Constitution. And I believe it is such an important right that is connected to one of the fundamental rights. It needs to be included in the Constitution; the right to social security, the right to be able to earn a minimum wage should be included within our Constitution.

That is why hon. Dr. Boolell at some stage was talking our views in the Labour Party, that at all - and our plea to Government is the following, we pray that Government would listen to us on this particular issue, is that the pension rights of our old age pensioners, that it should be at par with the minimum wage. This should be a right which is protected, and we say including in economic rights for governance purposes, economic rights, it should include the right to a minimum wage, it should include the right to social security. It is important for us to expatiate upon that and to explain that for us, and we pray that Government would listen to us on this, it is very important that the pension of old age pensioners should be equated to the minimum wage. And this is something which we would like to be able to bring in as soon as we take command of the helm of power. We want to be able to equate it because it is of utmost importance.

*(Interruptions)*

I said that because I wanted to have some reactions and I am happy that I did have some reactions. I am sure Members of Government would agree with me that this is a request which is a very fair request. I am sure that they will also agree and I am looking here at the

smile of my good friend, hon. Callichurn, Minister of Labour, and I am sure that he also maybe has not thought about but if he has not, I am sure now that he will give some thought to it and that this Government would think about equating it because in the Labour Party we think that - and this is what our pledge is - this should be equal to the minimum wage.

*(Interruptions)*

It is not free advice, it is basically telling you what we are going to do when we come in soon.

I think also that it is time that all of us should sit down and I totally agree with hon. Ganoo. It is his right. After 50 years of independence, to believe for instance, that we are going not to sit down and see how we could revamp our Constitution. What is to be revamped? There is a particular issue here, on governance issue that is also important. Hon. Bérenger used to talk about that a lot, where he said the Prime Minister has too much power. Can you imagine? Let's talk about the Public Service Commission and the Local Government Service Commission, or even the FSC, all those are institutions within our Constitution. How are the power people nominated to the Public Service Commission? How are people nominated to the Local Government Service Commission? Can you imagine the method of nominating people there has been in our Constitution from the time I was born! From the time I was born, the same system prevails. The Electoral Supervisory Commission, same issue. From the moment I was born, 50 years ago, the system is the same. We have seen so much development in our country; we have seen changes in Government. We have not seen many changes as far as Prime Ministers are concerned, it is being back and forth, almost the same. But don't we need to have at least a revamping of the method by which the LGSC, the PSC, the ESC, DFSC, and all other 'SC' for that matter. I mean, if we could at least revamp it, why is it important to revamp it? I will tell you why. We talk about governance, and hon. Ganoo is right to bring this issue of governance up. Can you imagine that people today do not trust the way by which people are getting jobs, through the manner in which the PSC works. Let's talk about this famous delegated power issue; the PSC delegates power to Ministers. We were in Government, we know what delegated power is. We "benefited" from it. This Government is "benefitting" from delegated powers. But does it mean it is the right thing to do? Why is it that each of us, when it comes to the time to change, we are in the Opposition, we say it should change but when in Government, we pretend everything is normal and it is the best system in the world. This is not how we should react 50 years on.

If friends on the other side will have the impression that I am in any way giving them lessons, this is not what I am doing. And if it is coming out that way, I apologise. This is not my intention today. I am not here to even criticise them. I am here to only say that all of us have to be able to get together to see for the good of the country, not for the good of each other's party, not only for the good of each of our *partisans* but for the good of Mauritius, as a country. We should be able to be big enough to see how we should sit down and see how can we have more transparency in regard to issues happening within the PSC, LGSC, FSC, ESC; how can we have more accountability. Because, right now, where is the accountability? Where is it? There is no way of verification. When we were in Government, the leader of the Labour Party came up with a very good idea of having the Public Bodies Appeals Tribunal. That is the only thing. And then we have the Equal Opportunities Act that came with the Equal Opportunity Commission. Those are the two instances where we can at least ask for accounts. They are accountable but the powers of those organisations and institutions should be extended in order for people not to have this perception anymore; that things that go on in those institutions provided for in the Constitution, as I say all those 'SC' institutions, that it is in darkness and there is no transparency therein.

And, most important, and I would like to conclude on that, any of those very good ideas brought about through this particular motion, any of those interesting mechanisms that can be put into place in order for us to become this mature democracy that we should aspire to become, will never ever work if you do not have, in the name of governance, a Freedom of Information legislation. Can you imagine? I mean, countries around the world have already embarked upon this very important part of freedom of information. We talked about the constitutional issues, how would those institutions, in spite of the fact that we want to bring improvements to their mechanism, really function if the people out there do not have, what we call, a freedom of information legislation that allows them to have access to information to know how things are decided in their name? Let us not forget, everything we decide is in the name of the people of Mauritius. Everything we vote, everything it is not in the name of political parties. When we affix our vote, when we say Aye or we say Noes, it is not for the Labour Party, the MSM, the PMSD or the other parties; it is not for our party that we vote. We vote for the people of Mauritius. Isn't it, therefore, logical and fair for the people of Mauritius to be able to have access to information to know what exactly is happening within and they should not anymore be kept outside the parameters fixed by the Constitution? As it stands today, Mr Deputy Speaker, Sir, my humble view, is that we have a Constitution that is

indeed a masterpiece. But 50 years on, I am convinced that this Constitution also creates a prison. If it has put parameters, which I call a fence around our Government, a fence that does not let the people of Mauritius in within the fence, it is only those who are the elected few that run the show, that run the country, who are inside those parameters which the fence around them. The people of Mauritius, not only do they want to look in, but they want to come in and they want accountability. They really want to test the real meaning of the word 'accountability'.

Let us hope in this festive season that one day we do get there. Let us hope that one day we do achieve those great changes that we want to bring in our Constitution and that it is not limited only to a Motion brought about and argued upon by many hon. Members of this House. Let us hope that our dreams will one day become true.

So, I would like to end by saying: since most probably I presume it is our last session this year here, I would like to wish all Members of the House and you, Mr Deputy Speaker, Sir and through you, Madam Speaker, Merry Christmas and a Happy New Year.

Thank you.

**The Deputy Speaker:** Hon. Fowdar!

(6.16 p.m.)

**Mr S. Fowdar (Third Member for Grand' Baie & Poudre D'or):** Thank you, Mr Deputy Speaker, Sir. Mr Deputy Speaker, Sir, I usually do not comment on what previous orators say about any subject matter, but here I feel very obliged to comment on what hon. Mohamed had been saying. The first thing is a general observation. I think we have all seen it. When we are in Opposition, it is very easy to say a lot of things. We will do that. We would do that. We can do that. But when we are in Government, it is totally different. It does not happen. They were in Government, Mr Deputy Speaker, Sir, and they had the opportunity to do quite a lot of things and they did not do it. Now, when this Government is trying to rectify things, they are coming with comments. Recently, I heard the ex-Prime Minister who was promising the public: 'When I will come back, I am going to give pension to those who are handicapped plus old age pension.' So, he is not going to stick to one pension, but he was in power for 14 years. More so, Mr Deputy Speaker, Sir, these laws were brought in by his father, '*mo pa*' and they did not have not find time to change this. Now, when the elections are coming closer, again, they are trying to bring in promises.

I listened very carefully to my good friend, hon. Mohamed. There are two things which I think are totally unsound. First is what he is saying - we need to bring a referendum in Mauritius for everything we do like it is being done in Switzerland, Geneva. Do you know what it implies? It is a hell lot of costs and you will be governed, not by us - we are mandated by people to govern. We will be governed by the public directly, every single motion, every single decision will be taken by the public. This is impossible. I was in Geneva last week. I can tell you there were many decisions hanging, waiting for a referendum to come, for the Government to take decisions. But why are we being paid for as Ministers and MPs? This is impossible. We cannot do that in Mauritius. I do agree that there could be some issues of national importance where we cannot take a decision, once in a blue moon, we can do a referendum, but we cannot govern by referendum. So, this is impossible. Now, there is a big disadvantage when we talk of referendum. You know I am trying to downgrade the public. Not all people have got the same intelligence that we need for some technical decision that we take. Like *Métro Léger*, I cannot tell a labourer, would you vote for a *Metro Léger*. How would he assess? This has to be in a very informed decision. It is a very complex and we cannot leave it to the public. Some decisions we have to take it at Government level.

Now, the second thing he said is, I today disagree, during the term of a Minister or a MP if there is anything wrong, we go back for petition. We look at a petition from the public. We cannot govern like this. We are changing the whole world. I have never heard this anywhere. Nowhere around the world have I heard that a MP has been dismissed because there were petitions from his mandate. How can you do that? It means we are simply going to do election again.

*(Interruptions)*

It is very nice when we are talking to the public, people are watching me. You can say whatever comes to your mind and try to convince people: 'I am a very good democrat'.

*(Interruptions)*

If there are I don't disagree but this is not a general rule.

**The Deputy Speaker:** Hon. Fowdar, address the Chair!

*(Interruptions)*

**Mr Fowdar:** This is not a general rule. Now, you can imagine, my good friend, hon. Mohamed, we are a multi religious country here. If we are going to go for referendum or

petition, we are going to have a civil war in this country. It is going to be very difficult. It has never come to a decision table that we have to take with regard to petition or to referendum. Why now? Why, why? Because we have come up with this *Métro Léger* and this is giving a little bit of pain to some people why we are making progress in this country.

*(Interruptions)*

We are in a democracy. *Maurice est un État de droit*. We are used to that. Once you are elected; you will wait for five years. It is not during the mandate, you go to Court, you go to poll again for voting, for petition. This is impossible.

*(Interruptions)*

**The Deputy Speaker:** Silence, please!

**Mr Fowdar:** There is one more thing, Mr Deputy Speaker, Sir. I am a backbench of the Government. I am in Government. I am not in Opposition. I have the courage. I say lot of things to my friends in Government which I disagree. One other thing which I say, I keep repeating, that we have to do away with this delegation of powers by PSC to the Ministries. I am in the Government, I am saying this. This person was a Minister. He is in the Opposition and it is now that he is saying that. He does not have the same courage that I have. He should have said so when he was in Government. More so when he was in Cabinet, he should have discussed this with his Prime Minister.

Mr Deputy Speaker, Sir, the Prime Minister is not here, but the Prime Minister knows, I have told him – my good friends on this side know that I have raised this issue in our group meetings. This is my personal conviction. But it is not his personal conviction, Mr Deputy Speaker, Sir. It is just a political sort of tool he is throwing. He is trying to tell people that he does not like this, this is wrong. He should have rectified this when he was in Government, not now. Regarding the appointment of commissioners in PSC, in DFSC and LGSC, he is making a war out of it. They have been there for a long time, Mr Deputy Speaker, Sir. The ex-Prime Minister knows all about this. He was appointing his people. They were all in Cabinet at that time, so, why they did not take the bold decision of putting the right people at the right place?

Mr Deputy Speaker, Sir, concerning the code of ethics for MPs, I think, we all agree that we should have a code of ethics, but it cannot be a rule of law for MPs. We already have a Constitution in Mauritius and we are governed by this. I am not trying to defend anyone in this House, those in the previous mandate or after, but I am not against that. We can work out



on a code of ethics for MPs, but there is one thing we need to understand, we need to agree that allegations are allegations and until they are not proved in a Court of Law, people are innocent. This applies to everybody and even the ex-Prime Minister also. It applies to him. There are allegations against him, there are matters in the Court, he is not condemned yet, so, he is innocent. It applies to the people on this side of the House as well. There are allegations until they are proved in a Court of Law. They are not condemned, so they are innocent.

Mr Deputy Speaker, Sir, these are the issues which I wanted to comment on what hon. Mohamed has said regarding referendum and petitions. One more thing which he mentioned is the Freedom of Information Act which, I think, the Government is going to come up with. It all depends. The hon. Member has seen and the public has seen that this Government, - never seen before – we have been working in the Parliament till the next morning, from 11.30 to 2 o'clock, 3 o'clock the next morning. So, we are trying to do whatever we can, maximum Bills are going through and we are doing our best. So, I think, the Freedom of Information Act will come at its time.

Now, Mr Deputy Speaker, Sir, I wanted to also comment on the issues raised by my good friend, hon. Alan Ganoo. He has made some very good propositions. The first one is limitation of the tenure of the Prime Minister, to make it to two years, three years or four years and whether this is a valid argument. Well, let us see what is happening in the whole world. First of all, we have to understand that Presidents and Prime Ministers, in some cases, are the same, they have the same power. In some countries, the President is like the Prime Minister, we don't have President and Prime Minister and in others we have only the Prime Minister. So, here we have a Prime Minister who is equal to the President. In some countries, like in Africa in particular, what is happening? If you look at the statistics in Africa in particular, they have on paper the term is limited, 2 terms, 3 terms, everywhere. In Europe, it is unlimited, there is no term. In America, it is mixed. So, it is a mixture, the whole world. Well, I don't know why we, in Mauritius, we have to put a term to it. Now, if you want to put a term to it, the main argument like hon. Mohamed was saying is democracy, we have to be democratic, we have to give chance to others. But what about democracy when it applies to we, voters we want to vote for a Prime Minister for a third term and if you limit it to the second term, where is democracy here? And what about the person who wants to be candidate for Prime Ministership for a third term? Are we not depriving him of his rights, his human rights and his democracy? So, it is a debate. We can't say yes or no, it is a debate we have to study, we have to analyse before we come up with any sort of decision.

Now what we have seen in some countries like in Burundi and in Rwanda, what we have in Rwanda today? The President is Paul Kagame. He is on his third term, although the Constitution says there should only two terms. Now, after the two terms the people are very happy with the President. He was doing so well. The economic progress prompted people to ask him to come for a third term and he has been elected for a third term. It is the same in Burundi where they made it by force and they crossed over the second term. It was for two terms and they wanted to have a third term. Now, what happens is westerners, Barack Obama and people from Europe use to teach lessons to Africans: 'look guys, you need to have two terms as Prime Minister but we can cross two times.' The Africans are not happy with it. I will quote what President Mugabe of Zimbabwe said about this.

President Mugabe of Zimbabwe has characterised terms limit as a western attempt to place a yoke around the neck of African leaders. Mugabe argues that it is hypocritical to hold leaders in African countries to standards to which leaders do not necessarily adhere to, themselves. Similarly the President in Uganda responded to Obama's recent speech by saying Ugandans have rejected this business of term limits. I am there by the will of the people. So, it is very difficult because we are encroaching democracy when we are imposing two terms rather than unlimited terms. I think it should be left to the people or if we come to a term we need to have consensus on that. In fact, if we go to statistics around Africa, three-quarters of Africans are for a limited terms and they want two mandates at the most.

Now, Mr Deputy Speaker, Sir, debate over the term limits is not a new one, it has been there for a long time. In the US, some politicians favour scraping term limits for State legislation. Opponents of the limits argue that they are anti-democratic because they constrain voters' choices, but in reality they do the opposite by lowering barriers to political participation which is a key stone to democracy. So, the issue of limiting the mandate to two or three is something which needs to be debated.

Now, what is happening in other countries must teach us a lesson of what we need to do. We have seen - I am sure hon. Ganoo should have read about this - what is happening in China. The Chinese people are so happy with the Chinese leader that they have agreed to give him the seat of leader for life. He is going for life and China is progressing. China is not an underdeveloped country, but they are progressing. This cannot be an example for us that we have to give our President or our Prime Minister a term for life.

Mr Deputy Speaker, Sir, the second issue I wanted to raise is the anti-defection legislation. In 1985 - this came in India - soon after the election, the Prime Minister at the time, Rajiv Gandhi, passed the anti-defection law. He brought in the anti-defection law in India. Now, what is anti-defection? Anti-defection means you are changing your loyalty from your leader to another person. You are no more loyal to your leader. You do that for your own advantage. In India, it is a practice. The MPs are being bribed, they are given money or they are given seats, ministerial position, they change the place from Government to Opposition or from Opposition to Government, depending on what they get in return. Anybody who defies a party leadership on a vote would be seen as a defector and disqualified. Now, up to now in India, it is more than 25 MPs who have been disqualified under the anti-defection law and many other democracies also have similar problems, but their solution or punishment is not as drastic as that in India.

In the UK, for instance, an MP who defies a three-line Whip - now, what is a three line whip? It is if the Whip sends an order to you underlined three times means it is very urgent and you need to attend to it. In UK, if you defy a three-line Whip which has been underlined three times, you could be expelled from the party, but you can retain your seat, you do not use your seat in the Parliament.

In Australia, you lose some of the party resources if you defy the party, you will not be dismissed from the party, but you lose a lot of benefits which you derive from the party, whereas in US, it is different, Members cannot be expelled from political parties and, therefore, the question of punishment does not arise.

So, India, Mr Deputy Speaker, Sir, is the only major democracy where casting a vote against the party directives results in an extreme action. It has been said that the anti-defection law seeks to recognise the practical need to place the proprieties of political and personal conduct above certain theoretical assumption. One needs not agree with this, but even if one does, some serious questions remain unanswered.

Now, what happens if the party joins a post-poll alliance with another party whose ideology the MP is opposed to? Should he let down his voters merely because his party leadership has taken a decision in that direction? It is very sensible. You ask your MP who is being elected under a particular programme within your party and after the election, the party goes into alliance with another party, then you have to move from what you have been voted to some other ideology. So, this anti-defection law becomes a reality in periods where MPs

change their party after being bribed with offers for Ministries, like in India, it happens very often.

Mr Deputy Speaker, Sir, punishing those anti-defectors, somewhere it is against democracy, it is against the human rights. However, the question arises where an MP defied the party on which he was voted, merely because of personal gain. What should we do with that person? Should he be dismissed from the party, if the country has got anti-defection rule? Of course, he would be. So, the anti-defection rule, in my opinion, Mr Deputy Speaker, Sir, we come up sometime in Mauritius, I am not sure whether we are ready yet to come up with this legislation.

Mr Deputy Speaker, Sir, we talk about gender. I think we all agree that we need to bring more women in the Parliament, more women in the administration. 30% may not be enough for some people but, at least, if we attain to have 30%, that will be good. There is one thing. The fact that we put 30% means that we have to put women at all costs. Does it mean that those women, who are not willing to be in politics, are those women who are not ready to be in politics - ready means they are not capable to be politicians - do we drag them into politics at the expense of having people who are not happy, the MPs are not happy themselves? There are cases where there are women who are very good at politics but they are prevented by their husbands to go into politics. There is a sort of barrier. So, what we would need to do here, Mr Deputy Speaker, Sir, think this is coming up. It was in our agenda to bring this 30% of women in politics. This should come, but the problem remains - I am sure, hon. Ms Sewocksingh will agree with me that we need to find 30% of women to stand as candidate which is not easy.

Now, women have been, if we take the example of New Zealand, which is one of the countries where we have a lot of women in power, the Prime Minister, the President, the Chief Justice, most of the head position, they are taken up by women. So, this is why, I don't have any problem with having women into politics. We don't have any problem on this side of the House, that we need to have more women to come with us and to come into this House to be Ministers, to be MPs and to head Government Departments wherever they are suitable for.

So, Mr Deputy Speaker, Sir, the motion brought by my good friend, talks also about Electoral Boundary Commission. Now I don't know whether this is correct, when we say that "review of the powers of the Electoral Boundary Commission with regard to the delimitation

of constituencies". I do agree that in some places, in some constituencies, we have a number of voters, if you compare it with other constituencies, it is very minimal, like if you look at Constituencies No. 2, No. 3, people get elected with 6,000-8,000 votes, whereas, I, myself, need 20,000 votes to be elected. So, there could be an imbalance and this has to be rectified. But I don't think we have to limit, to review the powers of the Electoral Boundary Commission. I think they are fully aware that they have to do it, they will come to it. When they need to, they will come to it. I am for it that we have to review the Electoral Boundary Commission. But, Mr Deputy Speaker, Sir, we need to also take into account the sensitivity that we have in the population. We must not distort the electoral

system in such a way that it creates havoc in the country. We have to keep the balance as it was before. Despite the fact we correct, it must be in such a way that it does not frustrate some people, they don't see MPs of their religion or of their community to be in Government, to be in the Parliament. So we have to look at some sort of solution so that it doesn't distort the whole electoral system and it does not bring frustration to people.

So, regarding Electoral Boundary Commission, I think, there are professionals there, they should know what they are doing. I don't think that we need to guide them, to give them instructions and review the mechanism, but we can urge them, I don't think the Government has the right to do that also, to tell them what to do. They need to be independent and they need to know what they have to do.

Mr Deputy Speaker, Sir, the issue of ethics, code of conduct for Parliamentarians, as I said before, is not a bad thing, but it should not be conflicting with what we already have in the Constitution. We should not be doing things that conflict with the law that we have in the country as at now. Mr Deputy Speaker, Sir, I do not think that we are ready for the limitation of the tenure of Prime Minister immediately; we have to take time to consider. This is my personal opinion; I am not talking on behalf of the Government. I also do not think that we can come up with the anti-defection law now because, I think, it hurts democracy and it also encroaches human rights if ever we are to bring it in. As for the gender quota, I am all for the 30%.

**The Deputy Speaker:** Hon. Fowdar, I shall have to interrupt you as Madam Speaker will now resume her seat. Thank you.

*At this stage, Madam Speaker took the Chair.*

**Madam Speaker:** Please, be seated. Hon. Fowdar!

**Mr Fowdar:** Thank you, Madam Speaker. Madam Speaker, with regard to the Motion laid by hon. Ganoo about the limitation of the tenure of the Prime Minister, I think this is definitely something which is going to happen soon – it is my personal view. It is a big debate, probably yes, probably no, but I am not for it now. There is one thing which I heard; it is that the ex-Prime Minister said he is going to come up with a law to limit the term of the Prime Minister for two terms. Am I right, hon. Dr. Boolell?

Does he mean that it is going to be retrospective?

**Madam Speaker:** Please! Hon. Fowdar, please! I have said several times that hon. Members cannot in the course of a debate engage in a conversation.

**Mr Fowdar:** Thank you, Madam Speaker. I am sorry about that. It is because the hon. Member is the one who knows about it. I wanted to make sure that the ex-Prime Minister really said so.

*(Interruptions)*

**Madam Speaker:** Please!

**Mr Fowdar:** Madam Speaker, it is very easy to say we are going to limit the term to two terms when we have already covered three terms, then, we say, okay, next time, as from now, we will start and do only two terms. So, it comes to three plus two, which makes five terms for some and others are stuck with two terms. This is very unfair. If we have to come to up with this limitation, we have to put it retrospective, and if we put it retrospective, the one who is saying that he going to bring it to two terms, he is not qualify to stand as Prime Minister next time. So, this is something that is not going to happen soon, Madam Speaker. Of course, *ce n'est que de la démagogie pure et simple*. They are pulling the legs of people.

*(Interruptions)*

I am pretty much sure.

*(Interruptions)*

Of course, the hon. Member is in total agreement with me, because he will have his chance for two terms.

Madam Speaker, as I said, the only one jurisdiction where the anti-defection law is working is India, whereas in other places *ça n'a pas marché*. In India, I think 24 or 25 MPs have been dismissed; they have been removed as MPs from the Parliament only because they

have changed loyalty. Those MPs were no more loyal to their leader, they were loyal to the leader of the opposition or to some other leaders and, according to the anti-defection law, which was brought by the Prime Minister Rajiv Gandhi, and those MPs were dismissed.

Madam Speaker, some people are very sharp at it; they know how to do it. In 2010, we have seen that. They bought MPs, they made them become Ministers or promised them this and that, and then afterwards they left those people on the ground and you see them nowhere. I remember one of the MPs were given a seat as Minister before 2010, but, later on, in 2010, he was not given a ticket for the election; he did not stand as candidate, he was not suitable for that, but he was suitable to become Minister in that Government only because they wanted to increase their numbers. So, the anti-defection law, as I said, it encroaches human rights and it also encroaches democracy. We are talking of democracy, let the people decide what they want to do, let them choose, and let us see what happens afterwards.

Madam Speaker, I just want to resume the debate. We are all for the gender quota. I think everybody is agreeable to a gender quota; we want more women, like yourself, Madam Speaker. This is a big achievement for this Government. For the first time ever in the history of Mauritius, we have got a woman as Speaker. For gender quota, *nous n'avons pas à rougir*. We have made what needed to be done. We even had a lady as President; first time ever President of Mauritius was a lady. So, we have made the move.

*(Interruptions)*

Whatever has happened, whatever can happen, the sincerity of this Government *dans ses propos* has happened, we have made it.

*(Interruptions)*

No! We have not unmade it, we made it; this counts. This is what the Government has done. The Government has brought a lady as Speaker and has brought a lady as President of the Republic and Vice-Prime Minister, Mrs Fazila Jeewa-Daureeawoo.

*(Interruptions)*

If ever, I am not sure. I am really sorry for the hon. Member; there will not be any change in Government. He should not dream about it. If ever he will come, I do not know when, of course, he will try to do the same, he will try to *faire mieux*. *But who started it*, it is this Government which started it, you have to agree with me.

*(Interruptions)*

Reshuffling?

**Madam Speaker:** Please! Do not interrupt the hon. Member!

**Mr Fowdar:** Madam Speaker, I wanted to reply to the hon. Member, but I will not, I will be a good boy.

Madam Speaker, I was saying earlier that when you are in the Opposition, you do not need to make effort for words, any word can come from your mouth, whatever you think you can, but to do it in practice, to realise it, it is not easy. Hon. Shakeel Mohamed was saying that he will bring referendum, he will bring petition, he will bring this or that. And his leader, what is he not saying in the Press these days! We listen to all this. How dare he say he is going to give double pension to those people who are physically handicapped? What did he do for the last 14 years he was in power? These pensions were brought by his father. Why did not he give them the double pension? Now he is not in power, *quand mo vini mo pou donne double pension*. This is demagogy, Madam Speaker, and this is what the representative of the Labour Party has been saying earlier. A lot of promises! And what they want to do is they want to bring referendum in this country; they want to create chaos in this country. This is a multi-religious country. We have lots of religions here. You do a referendum; it is going to create havoc.

*(Interruptions)*

**Madam Speaker:** Hon. Dr. Boolell!

**Mr Fowdar:** Referendum, Madam Speaker, will come for those cases, I think, I do not know, the Prime Minister will decide, the Government will decide where we really need to do a referendum. We are not going to be Switzerland, Madam Speaker. Switzerland, they do referendum every day, every week, every decision goes to the public. It costs money and we do not have money to do that. It costs money for referendum, and why do we have a Cabinet here? Why do we have Ministers? Why do we have a Parliament? Why do we have officers?

*(Interruptions)*

Say it again!

*(Interruptions)*



**Madam Speaker:** Now, I have said everything is going on well, everybody is good humoured. We are nearly finishing. We have got only some few minutes left. I don't think that now I have to give ruling. Please proceed!

*(Interruptions)*

**Mr Fowdar:** Madam Speaker, I am not stupid. If he thinks I am buying time, I am buying time. Happy! This is what they do also. It is normal. We are in a battlefield, my friend. If you are buying time, I am buying time.

So, Madam Speaker, I know my friend, hon. Ganoo, has got some good motives, but I do not understand some of the points here which not really seem correct, like review the power of the Electoral Boundaries Commission. I do not know what is in his mind. I understand that the Electoral Boundaries Commission...

*(Interruptions)*

You did explain! I sorry if I did not listen to him, but to my mind I think that why should we review the powers when they already have powers? They are professionals, they are doing their job. Why should we give them orders? If we give orders, we are becoming dictators, if we do not give orders, we have to give orders. I do not understand, Madam Speaker. Here we need to review the powers, and if we do not review the powers, we are lazy, we are not giving orders, we are not doing our work, and when you give powers, then, you are dictators. But Electoral Boundaries Commission, it is very sensible, it is very sensitive because we have to comply with their ruling, Opposition and Government. We cannot give them orders on this side of the House.

*(Interruptions)*

With regard to the Code of Ethics, Madam Speaker, you were not here I just want to recap on that.

*(Interruptions)*

The Code of Ethics, of course, this is something good for the Code of Ethics to come for the MPs, but we have to...

*(Interruptions)*

Say it again!

*(Interruptions)*

The Code of Ethics, Madam Speaker, is going to come for everybody if we have to bring the Code of Ethics, the Code of Practice for Good Governance. But we cannot conflict with the Constitution. The Constitution of Mauritius already has got rules for MPs, it has got rules for the Parliament, it has got rules for Cabinet, for Ministers, we cannot bring additional rules and who are we to bring laws for ourselves, MPs? We need to have a mandate for that. I do not think we have got a mandate to bring the Code of Ethics for...

*(Interruptions)*

This would be all, Madam Speaker. I think I have done it. I am done.

*(Interruptions)*

I take this opportunity, Madam Speaker, to wish all my friends in this House, and their families, and whole Mauritius a Merry Christmas and a Happy New Year. And I expect to see you all next year. The Prime Minister will announce the date.

Thank you, Madam Speaker.

**Madam Speaker:** We have got one minute to go. Hon. A. Duval, you have got one minute.

(6.59 p.m.)

**Mr A. Duval (First Member for Curepipe & Midlands):** I would adjourn, Madam Speaker.

**Madam Speaker:** No.

**Mr A. Duval:** In the one minute that I have, I will say that listening to hon. Fowdar...

**Madam Speaker:** I have to stop the hon. Member.

**Mr A. Duval:** Well, for next time. I adjourn the debate.

**Madam Speaker:** I am really sorry, but I have to stop the hon. Member. I am going according to the clock. So, the business of the House is interrupted.

*Debate adjourned accordingly.*

**END-OF-YEAR MESSAGE**

**The Prime Minister:** Madam Speaker, keeping with the tradition of the House, I wish to say a few words before I move for the adjournment of the House as this is the last sitting for this year.

As at date, we have had 40 sittings. Government has introduced 26 Bills, out of which 24 have been passed. I wish here to highlight, Madam Speaker, that the House has spent long hours debating the Constitution (Amendment) Bill (No. XXII of 2018). Government has replied to 846 Parliamentary Questions requiring oral answers and 12 requiring written answers. In addition, Government has replied to 27 Private Notice Questions from the hon. Leader of the Opposition and answered several queries during the Committee of Supply of the Appropriation (2018-2019) Bill and 2 Supplementary Appropriation Bills.

The House has also debated a Motion of No Confidence in the hon. Attorney General, Minister of Justice and Institutional Reforms.

Madam Speaker, may I congratulate you for having undertaken the initiative of launching the First Edition of the National Youth Parliament, which provided our youths with the unique opportunity to express their opinions and to learn for themselves the benefits of operating in a democratic framework.

Madam Speaker, I thank you for presiding over the deliberations of the House as well as the Deputy Speakers whenever they were called upon to take the Chair. I also thank hon. Members for their participation in the debates. My thanks are also extended to the Clerk, the Deputy Clerk, the two Clerk Assistants, all the staff of the National Assembly, including the staff of the Library, the Office Care Attendants, the Serjeant-at-Arms and all officers for their good work.

Madam Speaker, may I request you to present the Season's Greetings to his Excellency, the Ag. President of the Republic and Mrs Vyapoory and his family. I also convey to you, Madam Speaker, and to Mr Hanoomanjee and to your family our best wishes for a Merry Christmas 2018 and a Happy New Year 2019. Our best wishes also go to the hon. Leader of the Opposition, if he is listening to me, and to all hon. Members of this House and their families.

Madam Speaker, our best wishes are also extended to the Clerk and all the staff of the National Assembly, the Serjeant-at-Arms and his officers and their families.

Thank you.

**Mrs Perraud:** Madam Speaker, it has been a very fruitful year for the Opposition this year and also for the democracy. The Leader of the Opposition put several PNQs which were *resultats lor resultats*. And on behalf of the Leader of the Opposition, myself and the PMSD, I would like to associate myself with the hon. Prime Minister and present our Season's Greetings and best wishes to the Vice-President of the Republic, to the Leader of the House, to you, Madam Speaker, to all Members of this august Assembly, to the Clerk and her staff, to the staff of the National Assembly and to the country at large.

We wish you and your family peace, health, happiness and love. Merry Christmas and Happy New Year to everyone.

Thank you.

**Madam Speaker:** Hon. Members, I wish to associate myself with the Season's Greetings expressed by the hon. Prime Minister and Mrs Perraud, to his Excellency the Ag. President of the Republic and Mrs Vyapoory and his family. I will, with great pleasure, convey the message to him.

In my own name and on behalf of all the staff of the National Assembly, I thank the hon. Prime Minister for his kind words and good wishes.

I am pleased to extend my best wishes for a Merry Christmas and a Happy New Year to the hon. Prime Minister and Mrs Kobita Jugnauth, the hon. Deputy Prime Minister and Mrs Collendavelloo, the Rt. hon. Minister Mentor and Lady Jugnauth, and to all hon. Members and their families. As the Leader of the Opposition is not present, I would request hon. Mrs Perraud to convey to him and his family our good wishes.

I wish also to extend my appreciation and thanks to all the hon. Members for their participation in the different activities of the Committees of the House.

I join myself with the hon. Prime Minister to thank the Clerk, the Deputy Clerk, the two Clerk Assistants, all the members of the staff of the National Assembly, including the staff of the Library, the Office Care Attendants who are here, the Sergeant-at-Arms and his officers and all the civil servants, including the officers of the Solicitor General's Office, who have assisted in the work of the Assembly, and convey to them and their families my Season's Greetings.

Thank you.

**ADJOURNMENT**

**The Prime Minister:** Madam Speaker, I beg to move that this Assembly do now adjourn to Tuesday 26 March 2019 at 11.30 a.m.

**The Deputy Prime Minister rose and seconded.**

*Question put and agreed to.*

**Madam Speaker:** The House stands adjourned.

*At 7.06 p.m., the Assembly was, on its rising, adjourned to Tuesday 26 March 2019 at 11.30 a.m.*