



## Mauritius National Assembly

**17.11.2020**

### PARLIAMENTARY QUESTIONS - PROCEDURES

&

### PRIVATE NOTICE QUESTION - NATIONAL ASSEMBLY SITTING - TUESDAY

**10.11.20**

**Mr Speaker:** Hon. Members, I have a second announcement.

I have an announcement to make with regard to Parliamentary Questions which are, in our legislature, in line with what obtains in all legislatures having adopted the Westminster system of parliamentary democracy, in principle and in fact, an important means available to Members of Parliament to ensure that Government is accountable to Parliament for its policies and actions and, through Parliament, to the people.

The Constitution of the Republic of Mauritius provides for the existence of Parliament in its Chapter V and for the National Assembly as one of its constituent. Pursuant to section 48, it also provides, I quote –

“Subject to this Constitution, the Assembly may regulate its own procedure and may, in particular, make rules for the orderly conduct of its proceedings.”

Hence, the establishment, by the Assembly, of Standing Orders and Rules and, in the case of Parliamentary Questions, Standing Orders 21 to 27 of the Standing Orders and Rules of the National Assembly (1995), namely under the heading –

- Questions to Ministers (Standing Order 21);
- Contents of Questions (Standing Order 22);
- Private Notice Question (Standing Order 23);
- Notice of Questions (Standing Order 24);
- Manner of asking and answering Questions (Standing Order 25);
- Supplementary Questions (Standing Order 26), and



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- Admissibility of Questions (Standing Order 27).

At this stage, may I bring to the notice of this Assembly, which stands governed by the Standing Orders and Rules of the National Assembly (1995), that, prior to 1995, over our parliamentary history, the Assembly has been governed by other sets of Standing Orders and Rules.

Hon. Members, I am reiterating the above-mentioned principles, inasmuch as, over the past two weeks, regrettably –

- (i) firstly, this House has witnessed unprecedented and grossly disorderly conduct of its proceedings during Private Notice Question time, which have been the subject matter of adverse comments from several quarters, and
- (ii) secondly, I have received a letter from the Hon. Leader of the Opposition, the tenor of which has been publicly revealed by his good self and which, in my opinion, is highly contemptuous, inasmuch as the Hon. Leader of the Opposition –
  - firstly, commented and criticised the ruling I gave when I ended the Private Notice Question time on 03 November, accusing me of preventing him from discharging his constitutional functions towards the people of this country, amongst others, and
  - secondly, threatening me of raising the matter at the judicial level and/or alert international authorities.

The House would appreciate that it is contrary to the Standing Orders and Rules of the Assembly for a Hon. Member to write to the Speaker to criticise his conduct in the performance of his functions, which he is entitled to do, if any, upon a substantive motion moved for that purpose, pursuant to Standing Order 40(5).

Moreover, the House would also appreciate that, in case of a Member is dissatisfied by a decision/ruling of the Chair, the said Member is entitled to come with a substantive motion for a review of the said decision/ruling, pursuant to Standing Order 41(4).



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As I stated in my ruling, the Private Notice Question time was curtailed for reasons I stated therein.

The House would appreciate that, the combined effect of the provisions of –

- firstly, Standing Order 25(4), wherein an answer cannot be insisted upon if the answer is refused by the Minister;
- secondly, Standing Order 26(1), wherein supplementary questions may only be put for the further elucidation of the information requested, and shall be subject to the ruling of the Speaker, both as to the relevance and number, and
- thirdly, Standing Order 40(5), wherein, the conduct of a Minister can only be criticised upon a substantive motion brought for that purpose.

And these were sufficient for me to rule accordingly.

Hon. Members, I now come to the Private Notice Question of 10 November, wherein I have been criticised for having prevented the Hon. Leader of the Opposition from putting his question in the form and tenor in which he tabled same initially.

As I had ruled, the procedure for the subediting of the Private Notice Question tabled by the Leader of the Opposition was strictly followed. Being dissatisfied by the amended version, the Hon. Leader of the Opposition was entitled to make representations to myself, pursuant to Standing Order 21(4), I quote –

“When a question has been refused or amended, and the Member concerned wishes to make representations to the Speaker on the matter, these must be made privately to the Speaker...”

I did inform the House that the hon. Leader of the Opposition came to my Office, but, unfortunately, he misbehaved and left. In fact, I deem it necessary now for me to qualify the said misbehaviour in the light of the adverse comments generated on the whole incident surrounding the said PNQ. I have to report to the House that, the hon. Leader of the Opposition, instead of making representations with regard to the wording of the PNQ when he came to my Office on that



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day, as he was entitled by the Standing Orders to do, outright accused me of partiality and of bias, amongst others, in the presence of the Clerk, the Deputy Clerk and the Adviser of the National Assembly.

I had no option than to order him out of my Office. Thereafter, he did not give proper instructions to the Clerk as to the wording of the PNQ, except that he maintained his position of not being agreeable with the subedited version. The only option out was to finalise the PNQ, as amended. The hon. Leader of the Opposition refused to put the PNQ, as finalised during the proceedings of the House as attested by the Hansard and the broadcast thereof.

Now, in the light of the above, I am of the view that the hon. Leader of the Opposition has been consistently demonstrating continuing contempt against the Assembly and unduly obstructing the proceedings of the House. I have deemed it fit to bring the above to the attention of the House and wish to state, in no uncertain terms, that such attitude and conduct on the part of the Hon. Leader of the Opposition, or from any other Member for that matter, will henceforth not be tolerated.

I thank you for your attention.