



REPUBLIC OF MAURITIUS

FIFTH NATIONAL ASSEMBLY**PARLIAMENTARY
DEBATES
(HANSARD)****FIRST SESSION
WEDNESDAY 07 DECEMBER 2011**

CONTENTS

PAPERS LAID

QUESTION (ORAL)

MOTION

BILL (*Public*)

ADJOURNMENT

Members

Members

THE CABINET**(Formed by Dr. the Hon. Navinchandra Ramgoolam)**

Dr. the Hon. Navinchandra Ramgoolam, GCSK, FRCP	Prime Minister, Minister of Defence, Home Affairs and External Communications
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Dr. the Hon. Abu Twalib Kasenally, FRCS	Minister of Housing and Lands
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Hon. Satya Veyash Faugoo	Minister of Agro-Industry and Food Security
Hon. Devanand Virahsawmy, GOSK	Minister of Environment and Sustainable Development
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Hon. Tassarajen Pillay Chedumbrum	Minister of Information and Communication Technology
Hon. Louis Joseph Von-Mally, GOSK	Minister of Fisheries and Rodrigues
Hon. Satyaprakash Ritoo	Minister of Youth and Sports
Hon. Louis Hervé Aimée	Minister of Local Government and Outer Islands
Hon. Mookhesswur Choonee	Minister of Arts and Culture
Hon. Shakeel Ahmed Yousuf Abdul Razack Mohamed	Minister of Labour, Industrial Relations and Employment
Hon. Yatindra Nath Varma	Attorney General

Hon. John Michaël Tzoun Sao Yeung Sik Yuen	Minister of Tourism and Leisure
Hon. Lormus Bundhoo	Minister of Health and Quality of Life
Hon. Sayyad Abd-Al-Cader Sayed-Hossen	Minister of Industry, Commerce and Consumer Protection
Hon. Surendra Dayal	Minister of Social Integration and Economic Empowerment
Hon. Jangbahadoorsing Iswurdeo Mola Roopchand Seetaram	Minister of Business, Enterprise and Cooperatives
Hon. Mrs Maria Francesca Mireille Martin	Minister of Gender Equality, Child Development and Family Welfare
Hon. Sutyadeo Moutia	Minister of Civil Service and Administrative Reforms

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MAURITIUS

Fifth National Assembly

FIRST SESSION

Debate No. 35 of 2011

Sitting of 07 December 2011

The Assembly met in the Assembly House, Port Louis,

at 11.30 a.m.

The National Anthem was played

(Mr Speaker in the Chair)

PAPERS LAID

The Prime Minister: Sir, the Papers have been laid on the Table –

A. Ministry of Finance and Economic Development –

The Annual Report of the Board of Investment for the period July 2009 to December 2010.

B. Ministry of Social Integration and Economic Empowerment –

The National Economic and Social Council Report 18 – November 2011 – Social Integration of Stigmatised Vulnerable Groups.

ORAL ANSWER TO QUESTION
TRUTH & JUSTICE COMMISSION – RECOMMENDATIONS - ESTIMATED
COST

The Leader of the Opposition (Mr P. Bérenger) (*by Private Notice Question*) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications whether, in regard to the Truth and Justice Commission, he will state the –

- (a) recommendations thereof which Government proposes to implement, including if Government proposes to implement the recommendation for reparation by way of positive discrimination and by way of an integrated rehabilitation plan, in lieu of cash compensation, indicating, in each case –
 - (i) the time frame set out therefor;
 - (ii) the estimated cost thereof, and
 - (iii) how same will be funded, and
- (b) total amount of money spent on the Commission's work.

The Prime Minister: Mr Speaker, Sir, right at the outset, let me remind the House that the intention of Government to set up a Truth and Justice Commission was clearly stated in our Government Programme 2005-2010.

I quote from section 231:

“In order to address issues pertaining to historical grievances, Government will set up a Truth and Justice Commission to establish the facts regarding slavery and indentured labourers and to make recommendations with respect to reparations for the descendants of slaves and indentured labourers.”

Mr Speaker, Sir, during an official visit to South Africa, I met Archbishop Desmond Tutu. I asked him about setting up a Truth and Justice Commission as they have done in South Africa and he suggested a few names of persons who could chair the Truth and Justice Commission. These names included those of Professor Robert SHELL and Dr. Alex Boraine. In addition, I want to thank Archbishop Desmond Tutu for having helped us.

The Truth and Justice Commission was set up in March 2009 following the coming into force of the Truth and Justice Commission Act, No. 28 of 2008. The mandate of the Commission as provided in the Act was to -

- (a) conduct inquiries into slavery and indentured labour in Mauritius during the colonial period and, may, for that purpose, gather information and receive evidence from any person;

- (b) determine appropriate measures to be extended to descendants of slaves and indentured labourers;
- (c) enquire into a complaint other than a frivolous and vexatious complaint, made by any person aggrieved by a dispossession or prescription of any land in which he claims he had an interest, and
- (d) prepare a comprehensive report of its activities and findings, based on factual and objective information and evidence received by it and submit the report to the President.

In accordance with the Act, the Commission was to complete its assignment within a period of two years after a preparatory period of three months.

The initial composition of the Commission was as follows -

Chairperson: Prof Robert Shell

Vice Chairperson: Dr. (Mrs) Vijaya Teelock

Members: Mr Lindsay Morvan

Mr Benjamin Moutou

Prof Parmaseeven Veerapen

During the first months of its coming into operation, the Commission, Mr Speaker, Sir, had experienced functional difficulties in view of the fact that Professor Shell was not in a position to assume full-time the chairmanship of the Commission due to some unforeseen circumstances. He only managed to come on three occasions and set up a task force under his chairmanship.

Given that it was becoming apparent that he would not be able to devote himself full time to the Commission, I spoke to Archbishop Desmond Tutu again when I met him in Brussels and he confirmed then that Dr. Alex Boraine would be an appropriate choice to take over the chair of the Commission.

Dr. Alex Boraine is an eminent Professor of Law, of South African origin, who was one of the main architects of the Truth and Reconciliation Commission in South Africa. He was appointed in November 2009. In April 2010, Mr Lindsay Morvan resigned as Member of the Commission for personal reasons and he was replaced by Mr Jacques David in July 2011.

The Commission invited the public at large, through a public notice, to submit cases in line with its mandate. Subsequently, more than 400 cases were received and during the past two years, the Commission held 230 hearing sessions, including 28 in Rodrigues. Besides, in order to carry out its assignment, the Commission embarked upon a number of Research

projects, assisted by a pool of 90 Researchers/Research Assistants appointed for that purpose.

The projects were as follows -

- (i) Slave Trade and Indentured Immigration
- (ii) The Economics of slavery and indenture
- (iii) Land Issues
- (iv) Culture, Ethnicity and Identity
- (v) Health
- (vi) Education
- (vii) Demographic history and spatial distribution
- (viii) Monitoring and Communication of the Commission
- (ix) Rodrigues, Agalega and Chagos.

The Commission which was initially to complete its assignment in June of this year requested, mostly for administrative reasons, for an extension up to end of September 2011, followed by a further request for an extension up to October 2011 and finally up to 25 November 2011.

The Commission completed its assignment and submitted its report to the President on Friday 25 November 2011. In accordance with Section 13(3) of the Truth and Justice Commission Act, the President has caused the report to be laid before the National Assembly on 28 November 2011 - that is, Monday of last week.

Mr Speaker, Sir, in regard to part (a) of the question, the House will appreciate that procedures and practices need to be followed when such reports are submitted, as they need first and foremost to be studied by Government in all its details and from all angles. I think it is beyond reason to assume that informed decisions could be taken within a week of receipt of a four-volume and two CD's Report which I have in front me so that Members can see the volume that is involved.

Mr Speaker, Sir, the House will recall that as recently as this early morning, we were discussing constitutional amendments relating to "positive" discrimination. It is not realistic to assume that a decision, within such a short time since the report was submitted, the implications of such positive discrimination will have been fully studied and decisions thereon made by the Government.

Mr Speaker, Sir, in regard to part (b) of the question, the total sum spent on the Commission's work stands at Rs59,780,601.88.

Mr Bérenger: Mr Speaker, Sir, the Commission has opted for reparation by way of positive discrimination and an integrated rehabilitation plan in lieu of cash compensation. Can I know whether Government took a stand on the issue of cash compensation before the Commission?

The Prime Minister: No. We left it to the Commission, Mr Speaker, Sir, to decide what they think. All these are very complicated issues, so, we will let the Truth and Justice Commission does its work and makes suggestions to us and then certainly, we will have a look at it.

Mr Bérenger: Mr Speaker, Sir, from what I heard the hon. Prime Minister say, I take it that the Government has not yet decided whether it will go along with this decision of the Commission to say ‘no’ to cash compensation.

The Prime Minister: No, we have not taken a decision, Mr Speaker, Sir. There are many recommendations, I did not have time to read the whole four reports but I have looked to it very carefully and it is very revealing. It does say at some points that we have to look at more equal land distribution which would constitute a form of reparation for loss of land. I think, as it says in the report, it requires profound rethinking of what we should do. We will want to examine it in detail and then come to a conclusion.

Mr Bérenger: The hon. Prime Minister, I am sure, is aware that in the executive summary, at least, the Commission said the following –

“Our appeal to the President and to the Prime Minister is that they take our recommendation seriously and act upon them expeditiously.”

It goes on to say –

“One way forward would be the appointment of a representative task force to examine every recommendation and to formulate a specific plan of action linked with the concrete time line.”

Has the Government taken a decision as recommended by the Commission to set up a representative task force, and, if yes, has the composition of that representative task force been decided upon?

The Prime Minister: Mr Speaker, Sir, I have a quick look at the summary, I prefer to read the whole report to be frank because I don’t know what would be missed out but we do take it seriously. I have set up the Truth and Justice Commission precisely because of this. I think we are already thinking of it. We will have to follow what the Truth and Justice Commission has said because they did a hard work and we intend to set up a task force. I am

sure we will do that, but we have not decided on the details of who the members will be at this point in time.

Mr Bérenger: Amongst the recommendations of the Commission, the first one, and probably the most symbolic one, is the request for an official apology from the President and the Prime Minister and private institutions that have been connected in the past with slavery and indentured labour. They have suggested that a resolution to that effect be passed at a special session of the National Assembly. This is, as I said, a very symbolic gesture. Has Government decided to go ahead with that, if yes, within what time frame?

The Prime Minister: I am not so sure about this, Mr Speaker, Sir, because, first of all, both the President and myself, we are, ourselves, originated from indentured labourers. This is where our origin is, so, we should be the one who should be getting apologies. Unless he meant it in the sense that on behalf of the State that we are doing it, but not myself apologising for something I have been a victim myself and both the President as well has been a victim. Maybe, we should include the hon. Leader of the Opposition as well because he is part of the slave. The Opposition is also the loyal Opposition as I always say. We have to look at it very carefully, Mr Speaker, Sir, because in Mauritius, very often, things get so misinterpreted that next thing you will see that they will say that I am the one responsible for slavery and indentured labourer. I want to be very careful about this, but we will certainly take whatever the report says very seriously, I assure the hon. Leader of the Opposition.

Mr Bérenger: I am sure the hon. Prime Minister will agree with me that what is recommended is for the State to apologise to descendants of slaves and indentured labourers in a symbolic gesture through a resolution here in the House symbolising the State. Can I inform the hon. Prime Minister that if that resolution comes, moved by him, I would be fully prepared, of course, to secondment, to make it clear that it is not a political game, but it concerns the whole nation?

The Prime Minister: Mr Speaker, Sir, I understand what the hon. Leader of the Opposition is saying, but if he remembers, it says in the report itself, from the bits I have read, that the history of Mauritius is viewed as a history, I think it says of the ruling class at that time. We were a colony at that time. When slavery was there, we were a colony; when indentured labourers came, we were a colony. We need to see who should actually apologise because now, today, we are an independent nation, an independent Republic. From 1968, then there were no slaves and no indentured labourers. We have to look at it very carefully.

That is why I am saying that we will have to look in detail what they are saying and who should apologise to whom, Mr Speaker, Sir.

Mr Bérenger: One of the few recommendations that the Commission says should be implemented, I quote –

“As a matter of urgency is the setting up of a Land Monitoring and Research Unit to help those who feel that they have lost their land in the past and that they have a claim to land.”

The recommendation is that this Land Monitoring and Research Unit be set up as a matter of urgency. Will the Government go along with the urgency that is underlined by the Commission and move forward fast on this Land Monitoring and Research Unit?

The Prime Minister: Mr Speaker, Sir, as I have said, it is a very tricky issue that we have to look at. It does say in the report that land ownership is still secured although we have made impressive, it is a social and economic progress, and the land ownership problem is secured. We are, I understand, an *Etat de droit*. We have to look very carefully at what we can do, but recently it does recommend about try to get more equal land redistribution. We have to see how we can do this. Mr Speaker, Sir, as you know when I talked of the democratisation of the economy and the steps that we have taken for equal opportunity, the creation of a Ministry of Social Integration, the recent budgetary measures, all these are concrete evidence of this Government’s commitment to intervene in the economy and in society to positively assist the disadvantage sections of society and try to improve the standard of living. It is in this spirit, I think that we should have to look at the recommendation of the Commission, but as soon as possible, naturally.

Mr Bérenger: The Commission also comes out strongly with the following –

“The Commission further recommends that all national examinations before Form V be abolished.”

That means starting with the abolition of the CPE exams, but their strong recommendation is to the effect that all national examinations before Form V be abolished. Can I ask whether that request which has been made for quite a while and which is the Opposition’s stand, the abolition to start with of the CPE exams will be given additional attention and urgency being given that recommendation from the Commission?

The Prime Minister: I must say, Mr Speaker, Sir, I was planning to brief Cabinet this Friday on the main recommendations that they have made and we have, I think everybody agrees, a very able Minister of Education who will certainly look at this matter. There are

debates about this. I think we should not put this kind of pressure on small children, but we have had debates. There is, at the end of the day, a need to be able to sort them out for the admission in different schools and all those things. At one point in life, we will have to decide who will go where. That is also something that we have to look at very carefully, but I am sure the hon. Minister of Education will look at this very carefully and see what we need to do.

Mr Bérenger: I will not go into the other recommendations. After Cabinet will have examined the Cabinet Paper brought in by the hon. Prime Minister, I hope there will be a statement from the Prime Minister telling us which of the recommendations Government is moving forward urgently with, and others within what time frame. Can I ask whether it is the intention of the Prime Minister therefore, after Cabinet will have looked at the whole issue, to come with a full statement?

The Prime Minister: I must say, Mr Speaker, Sir, frankly I myself have not been able to go through this volume. I do not know whether it is a fault or it is a good thing, but I prefer to read the report than the summary. Very often, in a summary, they might miss out things that I find important but which they do not.

What I am proposing to do this Friday is to give a brief report on the summary itself to the Cabinet, and then hopefully everybody will have time to read the report. Then, I will come with a statement or whatever to Parliament. I think we need to read it very carefully. I do not want to make recommendations or to decide now without actually having read the whole report. There is a report and two CDs as well.

Mr Bérenger: If I can quote another part of the executive summary where the Commission says the following, and I quote -

“The recommendations made by the Truth and Justice Commission, if implemented, will be costly, and it is the view of the Commission that a substantial part of these costs should be borne by Holland, France and the United Kingdom.”

Does the hon. Prime Minister go along with this, especially in the case of France and the UK? As we know, the Dutch left Mauritius - all of them - in 1710. I maintain that they left a number of runaway slaves in the forests in those days, but that is another question. Does the hon. Prime Minister go along with that recommendation that we should approach France and UK for funding?

The Prime Minister: I have reason to believe also that the Dutch left some people behind. I think that, at the end of the day - because this is an official document; we did not write it; they have made their findings and recommendations - perhaps we will have to know how we will approach this subject at some point in time.

Mr Bérenger: On the same issue, do I take it that it is too early for guesstimates if not estimates to be worked out? How much the implementation of those main recommendations will cost? Does the hon. Prime Minister have a rough idea of what he thinks should be funded locally and what we should try and obtain from overseas, be it France, UK, UNESCO or any other organisation?

The Prime Minister: To be absolutely frank with the hon. Leader of the Opposition, I have no idea how much. I do not want to venture to mention a sum when I am not sure myself. I would rather look at it very carefully. I think that we will need to have assistance to decide on the sum involved.

Mr Jugnauth: Mr Speaker, Sir, with regard to land issues, there have been specific cases where deponents have been able, in some cases, to show that they have, at least, a *prima facie* case with regard to allegation of appropriation of their land by other people. These people have suffered a lot of prejudice, and have no means to pursue the matter further. Would the hon. Prime Minister consider, as a matter of emergency, to look into this, so that some kind of assistance can be given to those genuine cases for them to be able, at least, to pursue this matter?

The Prime Minister: That is a good point, and that is the whole idea of why we had this Truth and Justice Commission because we think that there have been grievances. It's not to try to wreak revenge on X, Y, Z, but to get our society into a modern and fairer system. I think that it is a suggestion that I have also seen. I even knew of it while they were deponing. Some people let me know that this is what they said. They wanted me to intervene, but I said no because I would allow the Truth and Justice Commission to do its work. I did not want to go and tell them what to do and what not to do, but, that is something which certainly we will have to look at very carefully.

Mr Lesjongard: Mr Speaker, Sir, among the various recommendations of the Commission, one deals with better representation of minorities and underrepresented groups, and the recommendation reads as follows -

“A review of the present electoral boundaries must be undertaken, in order to ensure the better representation of ethnic minorities.”

We note that the report of the Electoral Boundaries Commission is still in abeyance, and that a report has to be submitted every ten years. Can I know from the hon. Prime Minister whether this specific recommendation will be put in practice and what will be the way forward?

The Prime Minister: Mr Speaker, Sir, we must be very careful. I tend to think of Mauritians as Mauritians. In fact, we have asked for electoral reform because we think that there can be a fairer system where people feel that there is a weight to their participation in the electoral process. If you read the report, it even says that most of the descendants of slaves are totally ignorant of their history. It says that, for example, exclusion of the descendants of slaves prevailing today originated at the time of abolition of slavery. It also says that the perception is that the Indo-Mauritian Hindus and Indo-Mauritian Muslims are better off compared to their counterparts, that is, the descendants of slaves, but the reality is that the treatment was very harsh and that they concentrated on education and all this. I do not know whether we should embark on that kind of argument. What we certainly wish and hope is that the reforms process will come out, and that everybody feels he has a say in our democracy.

Mr Jhugroo: Can the hon. Prime Minister inform the House whether this report could be found on the Government website, if not, can he do the needful for the general public?

The Prime Minister: I think it is a huge report. I think they were planning to put it on website. Whether they have or not, frankly I do not know, but I think we should have it available for all people who want to have a look at it.

Mr Obeegadoo: One of the harshest criticisms levelled concerns housing policy. There is a recommendation that we should initiate a complete audit of the housing conditions of the most disadvantaged, including addressing the issue raised many times by hon. Ganoo and hon. Mrs Radegonde, namely asbestos in habitations of Mauritians today. Given that this audit is likely to be a drawn-out affair and time consuming, will the hon. Prime Minister be agreeable to initiating such an audit as a matter of urgency?

The Prime Minister: Asbestos has even been found in Government buildings. This is something that pertains to health issues, and we have to address it. As the hon. Member might know, we have taken a fresh approach as far as housing is concerned and we are, in fact, accelerating the housing projects for people who need to have houses. We have a high percentage of people who are owners of their houses, but still we need to do more than we have done so far. That is why the hon. Vice-Prime Minister, Minister of Finance and

Economic Development and the hon. Minister of Housing and Lands have put their heads together to see how we can accelerate things.

Mr Ganoo: Does not the hon. Prime Minister think that, to do justice to the Truth and Justice Commission, especially in view of the several, multiple and diverse issues raised in the report and in the recommendations, he should come with a motion before this House, for the Assembly to take note of the report and it be the subject matter of debates in the House, so that the population at large might be sensitised about the recommendations and the issues that are raised in the report?

The Prime Minister: As I said, Mr Speaker, Sir, the President has already made the report available to the National Assembly. I do not know whether it would be possible to give everyone these reports. We have to be very careful. I set up the Truth and Justice Commission. I set it up. Do not now make it as if I have to answer questions. I set it up, precisely, for the reasons I gave. Don't try to play politics with it and try now, as if Government - this is what the hon. Member is trying to do. I know at what angle the hon. Member is coming at. Everybody will have a chance to have a look at it. It says very clearly at the beginning of the report - I don't know if you have had a chance to have a look at it - that the history of Mauritius is viewed as the history of the ruling class at the time, that most of the descendants of ex-slaves are still in total ignorance of the history and there are lots of false conceptions. The reason is, when there are wounds like this - slavery is a terrible wound; indentured labourers as well as, but slavery especially.

We looked at what South Africa did; nobody can say that President Nelson Mandela is somebody who was trying to take revenge on people and all this, but that's why he did it. I talked to Archbishop Desmond Tutu. It is precisely because we need to close those wounds. There must be closure of those wounds and that is why we have done this. Let us look at it patriotically, not try to make party politics out of it. I think that is what the hon. Member was trying to do.

Mr Bodha: As the hon. Prime Minister is speaking about the healing process, we have also heard about dissenting voices as regard to apology. May I ask the hon. Prime Minister whether the report addresses the issues of some examples in South Africa and in countries like United States, which could inspire Mauritius in this complex healing process?

The Prime Minister: I can't say whether they are the examples in this report. As I have said, I have not read the full report yet. I will look at it very carefully.

Mr Bhagwan: *Les rapports sont très critiques, plus critiques envers la justice, and if I can quote the Commissioner –*

“There is no justice in Mauritius for those who cannot afford lawyers, notaries, land surveyors and attorneys ...”

La Commission réclame des amendements à la loi pour assurer une plus grande protection à des Mauriciens face à des spécialistes fonciers, notaires et hommes de loi.

It goes on -

“...who are a disgrace to their profession and unscrupulous in their dealings with those who seek their assistance.”

Can the hon. Prime Minister inform the House whether this recommendation will be taken in line as a matter of priority as there are many cases of people suffering injustice?

The Prime Minister: This is not just to Mauritius, you know, even in America, we have seen that. There are other countries in Europe, those who can afford the top lawyers always do and we can see the results; top lawyers are top lawyers. This is the way the world is, unfortunately, but what we try to do is to correct as far as we can. I must say something in all fairness, but I know that not all hon. Members will agree with me. The hon. Chief Justice is doing his best and, I must say that I have never seen so much being done. Maybe, there are some things that can be criticised, I don't know. Last time, hon. Baloomoody was saying about a few things that are occurring, but he is trying his best to get things done much more quickly. We have now agreed that there should be more judges. The budgetary measures have been passed. Last week, the Bail Act was voted by this Assembly. A lot of things are being done. We will naturally do our best because we all agree that delayed justice is an injustice and that we have to try to correct as much as we can.

Mr Speaker: Any further questions from the hon. Leader of the Opposition?

Mr Bérenger: The hon. Prime Minister has informed us that the working of the total sums spent on the Commission's work is Rs59 m. I am sure the hon. Prime Minister will agree with me that this is money well spent, but Rs59 m. is still Rs59 m. Will the hon. Prime Minister agree with me that this is an additional reason for the Commission's recommendations be taken seriously and be acted upon expeditiously? Can the hon. Prime Minister reassure the House that this will be the case?

The Prime Minister: As I have explained, Mr Speaker, Sir, I also agree that it's a sum well spent but, as I said, I set up the Truth and Justice Commission precisely for that; not to have this four reports and then, do nothing. We want to act on the report and that is our

intention. That is what we wanted to do and that is what we said it in our programme. That is why I went to see Archbishop Desmond Tutu, not once, but twice and also, when he came to Mauritius and that is why all this has been done. When with Professor Shell we have found unforeseen circumstances - I don't want to go into the details – could not really be able to continue, I, again, asked for advice precisely because I wanted things to move quickly that's why precisely we set it up.

Mr Speaker: Time is over!

MOTION
SUSPENSION OF S.O. 10 (2)

The Prime Minister: Mr Speaker, Sir, I beg to move that all the business on today's Order Paper be exempted from the provisions of paragraph (2) of Standing Order 10.

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

(12.06 p.m.)

PUBLIC BILL
Second Reading
THE LOCAL GOVERNMENT BILL
(No. XXX of 2011)

Order read for resuming adjourned debate on the Second Reading of the Local Government Bill (No. XXX of 2011).

Question again proposed.

Mr N. Bodha (First Member for Vacoas & Floreal): Mr Speaker, Sir, when we adjourned at almost 4 o'clock in the morning, in fact, about 16 hon. Members had already taken the floor, a lot had been said, but I think there was an absence of clarity as regard to some specific points. I am not going to be long, I am going to, in fact, address those specific points.

Mr Speaker, Sir, before addressing those specific points, allow me, to say that in the Budget of 2011, for facilitation to local authorities, we had voted Rs1.9 billion and for the Budget of 2012, we have forecast Rs2.2 billion. In fact, when we are voting this legislation today, it's a legislation which should address the accountability and the expense of Rs2.2

billion throughout the country, in the municipalities and in the district councils. At the same time, it addresses the issue of local democracy in the whole of the island with about 700,000 voters for the municipal elections, the village council elections and the district council elections.

This is a very important piece of legislation from that point of view, Mr Speaker, Sir. We know that we would not go on history about when the Bill was presented, the amendments of 2003. I am going to come to some specific points. What I would like to say, is that, first of all, the most important issue addressed has been the changes in local authority or electoral wards. When we had the Committee of Supply, there were the questions and replies' session with the hon. Prime Minister and it rolled on over almost an hour. There were, at least, five or six instances, from five or six hon. Members, who asked how the present exercise had been carried out. Who had carried out the exercise? Who had initiated the action? Who were the institutions which were involved? When I say that there is an absence of clarity, it is because of the answers which the hon. Prime Minister himself gave: Electoral Commissioner. At some point he said: Electoral Supervisory Commission. At some other point, we mentioned the Electoral Boundaries Commission during the replies. In the replies at the Committee of Supply, again, the hon. Prime Minister had some answers involving the Electoral Commissioner or the Electoral Commissioner's Office. Now, for the sake of clarity, we should know exactly what happened to address the issue of legality, which has been the most important question, which has been put so far, as regards this very sensible exercise regarding the wards and the delimitation of the wards in the new geographical parameters.

Mr Speaker, Sir, before reading what the hon. Minister said yesterday in his Second Reading, I would like to say that the hon. Prime Minister, at one point in time, he said that the Labour party had not been consulted and that there will be consultations with other political parties, it was when hon. Bhagwan has said that he does not trust the Ministry but he trusts the Electoral Boundaries Commission and the Prime Minister said: "I am giving you the assurance that it will be done in the proper manner and that there will be consultations." That was on 21 November and the First Reading of the Bill was a few days later which means that there was no consultation with the Labour party, with the PMSD or with the Opposition parties.

So, what had happened exactly in that process? How was this First Schedule drafted? What were the criteria? This question was put by the hon. Leader of the Opposition. Who did it? In his Second Reading, the hon. Minister said –

“On the 8th of June 2011, my Ministry sent a letter to the Electoral Commissioner’s Office with proposals for the delimitation of the five municipal councils and their wards for the benefits of its views, the creation of new villages and the splitting of District Councils”.

So, the initial proposals for the wards come from the Ministry of Local Government. This is the first issue, Mr Speaker, Sir. Then he said –

“You had the draft proposals, the Electoral Commissioner’s Office considered the matter, made new proposals and then his Ministry received the new proposals of the Electoral Commissioner’s Office”.

Mr Speaker, Sir, there has been an absence of clarity with regard to what the Prime Minister said and what the hon. Minister said. He sets the record straight in the Second Reading of the Bill. Now, Mr Speaker, Sir, was this legal? That is the question and hon. Faugoo who I think was the voice of the majority after the speech of the hon. Leader of the Opposition said - if I sum up:

“Parliament is supreme; it can make and unmake law. There is a law, we, as majority we come to Parliament and we repeal that law and we bring in a new piece of legislation.”

That is, I would say to sum up the thinking of the hon. Minister. The Leader of the Opposition said on his side that we have the law as it stands today which is section 4 of the 2003 Act which says that –

“The President shall determine every ward and he will do it in consultation with the Electoral Boundaries Commission.”

Now, Mr Speaker, Sir, I would like the House to follow me. We have a process which is valid today because the law is in force; it is the President who determines. If this new legislation is going to be voted, it provides for the President to proclaim the new wards. Parliament has given powers to the President in the law of 2003 and Parliament will give powers to the President in the law up to 2011. Then, who gave the powers in between these two processors to the Minister to do what he has done? Where does he derive those powers? Why is it that you have one process where powers lay in the hands of the President and the powers have been removed from the President by the fact that the Minister has done the Schedule and he is

going to surrender the powers again to the President? Why has he done this? What was the mission of the Minister? What was the design of the Minister? The fact that the President can determine today and can proclaim tomorrow; why didn't he in-between bring the First Schedule himself? What was the aim behind it? What was the political design behind it? This is the question that the House should answer because, as I said, we have three different instances.

In the Bill today we have a First Schedule and the First Schedule has been, as we said, drafted by the hon. Minister with the Electoral Commissioner's Office. Once this becomes law, the President will again be given the powers to proclaim. Why in between has he done this exercise? My question is: "Was there any machiavelic design in this Schedule?"

(Interruptions)

That is the question: "What was the design behind because if the President can determine and the President can proclaim, why in between you intervene?" Now, when we see the First Schedule - and I have heard some of the hon. Members on this side of the House, they mentioned a number of cases where they cannot understand. Hon. Barbier was asking questions: "Why, in certain wards, we have split Pailles and Cité Vallijee? Why we have split Roche Bois and Ste Croix? Why we have split Plaine Verte and Camp Yoloff in Port Louis? Why in Quatre Bornes, one ward has been split into two in the region of Palma and La Source? Why in Vacoas the ward number one has been split into two up to Diolle? Why in Curepipe the first ward has been split into two? What was the rationale behind it? What were the criteria?" It was the proposal of the Minister. That is why my issue is: Parliament can make and unmake, but in the three processes where the President can determine and the President will proclaim, there is this exercise in between where the Minister *s'est arrogé de certains pouvoirs pour justement venir avec une délimitation géographique qui pourrait éventuellement être bénéfique politiquement à la majorité*. In-between these two processes, he has usurped the powers of the Electoral Boundaries Commission.

Today, according to the law, the whole process should start with the President; tomorrow, according to the law, the whole process will start with the President, but the Schedule starts with the Minister. This is my question to the hon. Minister: Why did he take on himself to start the process and what were the criteria, why was the Electoral Boundaries Commission not involved in the whole process? Because the Constitution provides for the Electoral Boundaries Commission which has the expertise, which has the authority, which has the experience to work out the geographical boundaries of wards. Why was the Electoral

Boundaries Commission not involved? I would like the hon. Minister to reply to this. This is the issue as regards the legality of what has been done. On this side of the House we have said that what has been done has been flouting the laws that are valid today. The laws that are valid today, that is, section 4 of the law of 2003, have been flouted. The hon. Leader of the Opposition has set his points right. We, Members on this side of the House, have joined in the same process and we believe that the law has been flouted.

The other issue, Mr Speaker, Sir, as I said: why is it that the hon. Minister just comes in the middle without having the expertise and the experience of the Electoral Boundaries Commission? Mr Speaker, Sir, the new law says -

“9. Changes in local authority or electoral ward

(1) The President may, after consultation with the Electoral Commissioner, the local authority concerned and such other person as he thinks fit, by Proclamation, alter the boundaries of a local authority or an electoral ward.”

When we see what the law was before, it was a process. There was the possibility for the public to make a representation. The President had to publish; the boundaries had to be determined by the President after consultation with the Electoral Boundaries Commission; the President shall cause a draft Order. It had to be published by the Minister in two or more daily newspapers and one section which is interesting is section 4 of 2003. Section 5 says -

“Every person who wishes to make any representations on the boundaries proposed in the draft Order may do so within 6 weeks, in such manner and at such place as may be specified.”

This has disappeared in this one. There is no consultation and there is no representation in the new Bill. Mr Speaker, Sir, what I wanted to point out is first, there was no clarity. The hon. Prime Minister himself was not aware whether it was the Commission, the Supervisory Commission, the Boundaries Commission. He, himself, was not aware whether there had been consultations with the other political parties. He said his own party had not been consulted and, here, we see one very important section for our democratic set up. It is that -

“Every person who wishes to make any representations on the boundaries proposed in the draft Order may do so within 6 weeks, in such manner and at such place as may be specified.”

This has totally disappeared in the new Bill, Mr Speaker, Sir.

Alors, le ministre nous a donné l'assurance qu'il n'y a pas eu de - il a utilisé un mot - tripotage et que ça a été fait dans les meilleures conditions. Premièrement, je me suis posé la

question: pourquoi il a usurpé ces pouvoirs? Pourquoi a-t-il initié cette action? Deuxièmement, quels étaient les objectifs derrière ce qu'il a fait et troisièmement, je voulais savoir pourquoi the Electoral Boundaries Commission has not been involved?

Let me come to the date, Mr Speaker, Sir. I think that there was one calendar in the mind of the hon. Minister as Minister of Local Government and there was a political calendar in the mind of the hon. Prime Minister and that those two calendars never met. Being in Government in 2010, I stood up and voted for the amendment to postpone the elections to 2011 and I read my own speech. I thought that somebody would mention what I had said. What I had said was very simple. It was very complex. We had just come in and we are to have the Budget in November for the first time and the hon. Minister said that it was a very complex legislation. We said to give him the time to come up with a well-drafted consensual piece of legislation. I stood up and I said:

‘We, on both sides of the House, wanted a Local Government Bill which would be a reflection of modern Mauritius.’

I said –

‘Let us give the Minister a year.’

What happened in 2011, Mr Speaker, Sir? Hon. Jugnauth will address this chronology later, but what I wanted to say is that, as the Minister of Education, hon. Dr. Bunwaree, mentioned, we reached upon a point *où il y avait des points de litige. C'est le mot qu'il a utilisé et je pense qu'il avait raison. Et les points litigieux étaient justement, les points les plus importants : le financement, le nombre de wards, qui pouvait être candidat. Est-ce qu'on allait faire la municipalisation ? Est-ce qu'on allait faire le* splitting of the District Council? I think that the hon. Minister was more or less sure that he could present his Bill just after June/July; *qu'il avait déjà peaufiné sa dernière monture.* That is why he made all the statements that my friend has been referring to, that is, *c'est un projet de loi révolutionnaire; c'est pour 50 ans et les élections vont se tenir.* He was of good faith. How many times he has said in front of us and in public: ‘Hon. Prime Minister, I am ready. We are waiting for you.’

What has happened is that, in the mind of the hon. Prime Minister, there was a political calendar and these two calendars never matched. That's how the hon. Minister has been in a difficult position trying to justify that the law is coming, that the law is going to be presented, it is going to be ventilated, we are going to have elections. In the end, *de dépit, il a dit que 'élection n'a pas rempli vente' parce qu'il ne voyait toujours pas la date venir.*

The hon. Prime Minister had a political date in his mind and it did not correspond when was the Bill was presented. That is why, Mr Speaker, Sir, on this side of the House, as regards the postponement of elections to 2012 - I am not going to address the issue of postponement, about the PMSD and the Labour Party; in the past many people have talked about it. What I would just say is that in 1982, Sir Anerood Jugnauth, as an MMM Prime Minister, set it on record that elections should be held in this country regularly for the safeguard of democracy.

What I would like also to say is that there is going to be a postponement and we are going to move for an amendment for the first quarter of 2012. Why? It is because the hon. Prime Minister has a political calendar in his mind, but we can say, as regards the Opposition, that time has come for the people of Mauritius to vote for their District Council, for their Municipality and that there should be elections within the first quarter of 2012. This is going to be our position and we are going to move the amendment. The hon. Leader of the Opposition will do that.

Having said that, Mr Speaker, Sir, there are some interesting clauses in the Bill as regard to the representation of women and we all agree to it; there is no matter for debate. The only thing is as regards the qualification to be a candidate. There has been a big debate about it.

M. le président, ce que je pense c'est qu'au niveau de la démocratie locale, au lieu d'être restrictif, on devrait élargir la famille. C'est le contraire qu'on devrait faire; permettre à plus de gens d'être au service de leurs villes, de leurs municipalités, de leurs villages que, par exemple, pour être député et le cumul de mandat est une chose très connue dans les grandes démocraties. Jacques Chirac était le Maire de la ville de Paris et était aussi sénateur. On a eu des cas de sénateur-maire, de ministre-maire, de représentant du conseil général et je crois que c'était l'honorable Mme Ribot qui avait dit qu'au fait beaucoup de ceux qui étaient conseillers participaient pleinement à la fois à la vie municipale et assumaient totalement leurs responsabilités en ce qui concerne leurs responsabilités comme députés. Nous n'avons pas eu de ministre-maire. Je pense que ce n'est pas possible mais député-maire, c'est tout à fait possible. Je pense qu'on devrait élargir l'éventail de ceux qui pourraient offrir leur compétence, leur expertise et leur volonté de servir une collectivité locale. *All the clauses, that is, the qualification, if you are a Member of the National Assembly, you cannot. I think that if you want to have women participating in these elections, there was a good suggestion made by our hon. friend on this side saying that some ladies are prominent people at the*

University with very interesting calibre and who can serve their Municipality, their city and their village.

M. le président, je voudrais dire un mot en tant qu'urbaniste. L'honorable Aimée a évoqué la possibilité que ce projet de loi puisse offrir le cadre législatif pour l'aménagement territoire et le développement urbain pour les cinquante prochaines années. Je ne le crois pas, parce que dans cinquante ans Maurice aura été transformée de manière extraordinaire et tout le monde est d'accord que la municipalisation reste la solution pour nous tous pour que où qu'on soit on ait les mêmes conditions de vie, le même cadre de vie et la même qualité de vie et qu'on puisse se dire qu'on est citoyen d'une ville dans le nord ou dans le sud.

Ce que nous voyons aujourd'hui, M. le président, c'est que la grande majorité du budget que nous avons aux collectivités est dépensée avec le personnel et les services de base mais pour le développement réel de la ville, pour que Port Louis soit l'image de l'île Maurice *as a knowledge hub and a duty free paradise*, pour que Vacoas-Phoenix et Beau Bassin-Rose Hill soient l'image de ce que l'île a l'ambition d'être, je crois qu'il y a un gros problème à ce niveau, c'est que nous n'avons pas de budget de développement pour donner à nos villes pour que nos villes soient le vitrine de tout ce que l'île Maurice veut être. Alors, c'est un autre débat. *I think we have to address this issue. I am just mentioning this.*

I will end on one issue as regards the powers of the Minister and the powers of the Local Government Authorities. Ce projet de loi est une négation et un rétrécissement de l'espace démocratique. C'est un rétrécissement des pouvoirs des maires et des présidents de conseil. Mes amis ont parlé longuement des permis. *How can you have, Mr Speaker, Sir, a Minister who will have on his table all those files where the Executive Committee has said 'no' and the Business Monitoring Committee has said 'yes'. From all the District Councils and Municipalities, he will have that on his table. He will also have on his table stores that are going to be renewed. These people are not happy. This will come to him.*

When it comes to 'le droit de regard', mais il va passer sa vie à avoir un droit de regard sur les municipalités, M. le président. Mais ce n'est pas cela l'image que nous avons d'un ministre des collectivités locales en 2012 à Maurice qui aspire à mettre en place un cadre législatif pour les cinquante ans. Il faut qu'il y ait un ministre qui donne les grandes lignes de sa politique de collectivités locales et *we have to empower the local authorities to do their own business, to have their priorities and to do it in the best interest of their citizens and of the country. This is what I wanted to say, Mr Speaker, Sir. Thank you for giving me the floor.*

(12.34 p.m.)

Mr V. Baloomoody (Third Member for GRNW and Port Louis West): Thank you, Mr Speaker, Sir. Mr Speaker, Sir, we are called upon to vote a new Local Government Bill. I have gone through the speech of the hon. Minister at Second Reading. It is clear that the hon. Minister, in his speech, did not clarify one important issue. Before I come to that important issue which is of much concern for us when it comes to democracy and institution, let me briefly say what has already been said in this House but, of course, we have to strongly condemned the way that this Bill has been prepared and the way we have been playing with local democracy. We are against the postponement of elections and remember the hon. Minister in his speech did not even mention that this Bill would ask for a postponement of election. He is ashamed to say so. Postponement of elections, we are dead against and this is why the hon. Leader of the Opposition will come with an amendment that we have it in the first quarter next year. Facing the municipalities, as related by hon. Members who have intervened before, is a shame. It is disgusting of what is happening in our Municipalities and we need an early election at the Local Government level. We are against the abolition of by-election. This, he did not mentioned again that he is abolishing. He just said that there will be a reserved list but we know that whenever the PMSD and the Labour Party join hands, it is only abolition of election. Now we have abolition of by-election by the supposed reserved list which again the hon. Minister will have a control upon. We are against the fact that Members of Parliament are not allowed to stand as candidates because we feel from our experience, in the MMM especially, we have had great Mayors. We have done wonderful job in most of the Municipalities by Mayors who were Members of Parliament and, at the same time, Councillors. We have, on this side of the House, many of us who have served as Councillors; many of them have also been Members of Parliament and they have addressed on this issue. We are against the fact that somebody cannot stand as candidate in another town. He has to reside in that town because we know the principle of no taxation without consultation. If I am a tenant and I pay the tenant tax, I must have a control of how my money is being spent. I should have my say and I should be able to stand as candidate if I want to. Although I reside in another town, we believe that this should be open to those who have an economic activity, at least, in another town and they should be allowed to stand as candidate.

We are against all these powers given to the hon. Minister or taken by the hon. Minister himself. In his law, he gives himself more powers so as to have control, *la mainmise*, on all

these Municipalities. The most important thing, Mr Speaker, Sir, when I am standing here today, is that we have to look at the law of the land. We are very much concerned and we feel not only procedure has not been followed, but there are things which I hope that the hon. Minister will clarify in his summing up. We are not blaming any other institution, but we are saying that we want to know exactly what has been the role of the Electoral Boundaries Commission, if ever they have had a role and why is it that we are doing away with what the law says today. The law is clear today, hon. Minister Faugoo has intervened, he wanted us to believe that there is a confusion between the two Acts of Parliament, but we know that if there is confusion between two Acts or there is *contradiction entre deux lois*, the one which was last voted prevails if there have been inconsistencies. We know that in regard to the boundaries, it is the 2003 Act which applies. The 2003 Act, Mr Speaker, Sir, made it clear that politicians will have neither their say nor their way in the way boundaries are drafted.

It is only the Electoral Boundaries Commission at the request of the President, of course, once this exercise has started, there will be a draft report and members of the public are allowed six weeks to come and give their suggestions. Every person who wishes to make any representation on the boundaries proposed in the draft order may do so within six weeks, as I said, in such manner and at such place as has been specified. This is a democratic, transparent exercise, where each and every party has the opportunity to give their opinion and this is why the hon. Prime Minister, when we asked him questions at Committee Stage and let me quote myself -

‘We are going to reshape the village, can we make an appeal for the hon. Prime Minister to ensure that, at least, we are consulted when it comes to the boundaries for the Local Government Election’.

This is a question we put to him at Committee Stage at the sitting of 21 November 2011 and let me quote his reply -

‘I think it is very fair, especially if they have in mind, something might be so. Somebody might have said something. I think it is very fair, in a democratic system that all the parties are consulted and that prevent people from saying “Oh! I lost election because of this. It is better that they are consulted”.

The hon. Prime Minister confirmed that the procedure will be followed and all the parties will be consulted. In another question put by my friend hon. Bhagwan, he did say that he wants the Labour Party to be consulted. He wants the PMSD to be consulted. He wants everybody to be consulted, because he knows that if we have doubt on institutions with regard to

election and democratic exercise, this is very dangerous in a democratic country. This is why I say that this law, not only having brought the *mainmise* on the Local Government, but it is a very dangerous law with regard to local democracy.

Procedure, as the law said, has not been followed, but what have they done? The new law says okay, you go in consultation with the Boundaries Commission; you don't have to go to the President. This is the new law which has not been voted yet. It is not an Act of Parliament. It is not on our statute book. Whatever process we are doing in amending the ward should go with what the law says now. We want to know why this process has not been followed and we don't have any reason. My friend hon. Barbier has listed so many cases where there have been mergers of wards, streets and of schools without any explanation given and without consultation. We feel that the hon. Minister owe this House an explanation to tell us exactly how this process was done, whether he with his advisers work something and submit it to the Boundaries Commission or was it the Boundaries Commission which worked on the boundaries and submitted it to him. If so, why the President was not involved as the law says? Why there has been no consultation with other stakeholders?

These are important questions that we need to know because Mr Speaker, Sir, democracy does not mean only election, it means free and fair election. Democracy means that there should be no gerrymandering and we know how this is unfair, how in certain countries there has been revolution when people start to have doubt on institutions and we don't want this to happen here.

It is very important for the people to be clear. There are many questions asked when we go around and meet our people. Why has this school gone there? Why they have merged two villages like Pailles and Camp Chapelon together? Why has it been removed from this area?

When you look at it, it seems that there has been a calculated work done. There has been an agenda set by somebody which we don't know yet. We hope the hon. Minister when summing up will tell us, who set that agenda? Who wanted all these exercises, to be at the advantage of certain politicians? Who was the mastermind behind the whole process? Why is there no transparency?

These are questions we are asking today and they are important questions in a democratic society. Like I said, after having said all that we have said regarding the other issues which I have raised and all my friends had canvassed, we want to know why, how and who work on these boundaries? It is very rare, as the defence council, I say, they want to find him guilty, but who is the guilty party in this exercise? Who? There is somebody and it is

important to know because like I say we don't want to blame and we don't want any doubt on our institutions, especially on our constitutional institution.

In respect to these institutions et *par respect au président, par respect à l'Electoral* Commissioner, in respect to the Boundaries Commission, the Minister must come to this House and tell us what has happened in the preparation of these boundaries. We don't want any doubt, any reasonable doubt or any doubt whatsoever on any of these institutions.

Thank you, Mr Speaker, Sir.

At 12:47p.m. the sitting was suspended.

On resuming at 2.22 p.m. with the Deputy Speaker in the Chair.

The Minister of Labour, Industrial Relations and Employment (Mr S. Mohamed):

It is interesting, Mr Deputy Speaker, Sir, to participate in this debate, precisely on this Local Government Bill. Why? I didn't expect it to be so interesting, to be honest, because there has been an interesting point of law that has been raised by the hon. Leader of the Opposition and various other Members of the Opposition. It has been addressed as well by means of rebuttal in order to clarify those who were, in my humble opinion, wrong, as far as the appreciation of the law went by hon. Faugoo.

I think it is very important that we take this opportunity, Mr Deputy Speaker, Sir, to go further into our analysis as to what the law does provide for. As legislators, we have a responsibility; a responsibility of not only debating laws that are presented before this august Assembly. As legislators, there is a presumption that we know exactly what we are doing. That presumption, I hope, is not merely a presumption, and I hope it's true.

I was quite taken aback myself when I heard the hon. Leader of the Opposition raise this issue about the illegality of part of the Bill, namely that the boundaries forming part of the Bill have been changed and that it required somehow the intervention of the President at some place at some time. That took me aback. It took me aback because I could be wrong but, for me, the fact that I am a lawyer by profession - so are you, Mr Deputy Speaker, Sir - I thought that the ABC of the law should be understood by one and all, and that it would be superfluous to come to this august Assembly to explain that the meaning of one and one is equal to two. When one listens to the formula and the explanations put forward by the hon. Leader of the Opposition, he is literally saying that one and one is not equal to two, that one and one is eleven or another figure altogether. It may be that it is not his fault. It is possible that he has been ill advised. It is possible that he has been wrongly advised by people. That he

is himself not a person who has got any legal training would make me believe that true he may have been ill advised and let us, therefore, give him the benefit of the doubt on this matter.

Be that as it may, as it stands today, there are two pieces of legislation on our law books: the Local Government Act of 1989 and the Local Government Act of 2003. As it stands today, when you go outside in the streets, you go to the Municipal Councils, to the District Councils, you go to see the lawyers - all the lawyers and all the solicitors - you go and see the officers in the local authorities, what they tell you is as follows: what a mess is the fact that there are two laws on our books - that of 1989 and that of 2003. Literally and in practice, what does it mean? This has not existed, in my humble view, *dans les annales de l'Assemblée législative, dans l'Assemblée nationale de notre République et de notre pays indépendant*. It is impossible for any reasonable person to conceive this state of affairs: two pieces of legislation of 1989 and 2003 existing in our law books. When you ask them in practice, they say that, whenever they have to exercise their duties, their powers, their responsibilities in the local councils, whenever lawyers have to interpret what is in the law, they have to go through gymnastics of one minute looking at the 1989 law and at the 2003 law.

Why is it that we are in this state of affairs today? Why is it that we have two pieces of legislation? Why is it that we have two statutes pertaining to local government, one of 1989 and another one of 2003? It's *impensable*. It would tantamount to having two Leaders of the Opposition; to having two Prime Ministers; two Presidents. I am tempted to say having two wives, when some people would say 'well that's not a bad idea.' It's problematic. It is problematic because it is illegal under our laws. You cannot have two Speakers. You have one Speaker and one Deputy Speaker. You cannot have two truths; there is only one truth. If that is so simple for everyone to understand, how, therefore, in the name of the Almighty, we end up with two legislations - 1989 and 2003. The answer for that is very simple: incompetence. I put it mildly: incompetence.

When, in 2003, the previous Government came and brought in a piece of legislation for it to be voted in this Assembly, it was up to them to logically - and that you can ask any child, any non parliamentarian, any stranger, anyone who has a mind. If you want to really bring in a new piece of legislation, you have to repeal the old one. In other words, if you come up with a piece of legislation in 2003 and you are in Government until 2005, you haven't had

time to even repeal it and have not repealed the previous one *in toto*, this means you've been caught with your pants down! It is not a very comfortable position to be caught...

The Deputy Speaker: No, please, don't use any provocative language.

Mr Mohamed: That is not provocative. It is normal English language, it is in the dictionary and it is not inflammatory in any way. On the contrary, it is ventilating when it is done.

The Deputy Speaker: Let us debate this Bill and not use any provocative language.

Mr Mohamed: I shall raise the pants that I just dropped for a minute. Let's raise their pants and say: 'OK, they were not caught with their pants down', but they were caught. In other words, what it means: ill-prepared, not at all ready, not knowing what they are doing. That is the mess that precisely the hon. Minister of Local Government is trying to correct. How? By consolidating! It is better to take even 10 years to do something right than not knowing what one is doing. You see, it is better to take any amount of time to do something as long as you know what you are doing as opposed to doing something in such a messy manner that it leads to a total havoc in practice in Local Government by lawyers; as I said, by all legal trained people, all people who are *les usagers* of Local Government Service. This is the mess that is created.

That is why I commend the hon. Minister of Local Government for having had the courage, the stamina, the time, the knowledge – I would not say what you have said – but it is taken a lot of guts on his part and a lot of work to come forward with this piece of legislation.

Now, let me address, Mr Deputy Speaker, Sir, the criticisms put forward by the hon. Leader of the Opposition. Before we are to go into the merits or demerits of his criticisms, one should really assess whether the ideas put forward by the hon. Leader of the Opposition bear any credibility whatsoever. This is how you assess whether you should really pay heed to what he says or whether it should simply be discounted and thrown away, since it has no merit whatsoever. You assess the credibility and let us assess it. He has, in his address to this august Assembly, made certain very interesting statements. He has commented upon the fact that English and French, for instance, are now being forced upon our local Councillors. He has said that they are mature, that they need not have English and French being forced upon them; he has said that we have all decided now that Creole shall form part of the medium, the language in this National Assembly. All what he has said is interesting, at the same time untrue. That is how you assess someone's credibility as far as his arguments go. He gives the impression that, it is this Government, this hon. Minister of Local Government, hon. Aimée,

who is doing something that he would qualify as being *rétrograde*, but what is most shocking and that is where one, as I said, and as I repeat it, assesses the credibility of those arguments. One should really be careful and look very carefully. What is said here is the following:

“We put in the law rather that only French and English can be used in the municipalities, in the Local Government and this is called *révolutionnaires*.”

What he seems to forget, if he goes to his own piece of legislation which is the Local Government Act of 2003 to paragraph 5 of the Fourth Schedule, and he goes to the Fourth Schedule of that 2003 Act which was an Act of Parliament that was voted when he was in Government, that paragraph says –

“The proceedings and debates of the Council or of any Committee thereof shall be conducted in English or French.”

So, why does he really start criticising as if throwing all the blame on hon. Minister Aimée and this Government, that we are forgetting about Creole when in his own piece of legislation it is said here that -

“The proceeding and debates of the Council or of any Committee thereof shall be conducted in English or French.”

In other words, ever since 2003, the MMM and the MSM had already brought it in here that English and French shall mandatorily be used in local councils. Is it, therefore, that the hon. Leader of the Opposition does not remember what he has, himself, voted for in 2003? Is it that the hon. Leader of the Opposition chooses not to remember what he voted in 2003 or is it that he does not know at all what he voted in 2003? You have three options and all three options are very serious in consequences when it comes to the acts and doings of a Member of Parliament. We have to be serious. What did he not say here about the issue of six years! I quote here the hon. Leader of the Opposition –

“Another point with which I disagree totally....”

To what does he not disagree here? Let us listen –

“Why six years? It is Parliament. The National Assembly is elected for five years.

In countries like Australia, Parliament and other administrative organisations are elected for three years.”

He goes on –

“Mr Speaker, Sir, so, because we want mayors to have two years, therefore, it must be $2 \times 3 = 6$.”

He even went as far as to make a mockery of this proposal in this Bill of six years. We have to be very careful and we have to analyse once more. Let us go, therefore, to section 11 of his own piece of legislation of the Local Government Act of 2003, and I shall repeat myself, because it is important for us to remember it, Sir. This Local Government Act of 2003 was voted when he together with the MSM were in Government. That section 11 says –

“Subject to the representation of People Act, any election of municipal councillors shall be held in the year 2011 and thereafter every six years on such day as shall be fixed by the President after consultation (...)"

I ask the question again: is it, therefore, Mr Deputy Speaker, Sir, that the hon. Leader of the Opposition forgot what was provided for in his own piece of legislation? Why did he criticise so much? *Pourquoi s'est-il moqué d'une façon vraiment dégoutante de la proposition faite par l'honorable ministre Aimée? Pourquoi s'est-il même permis, M. le président, d'aller aussi loin que de dire 2x 3= 6. Pourquoi a-t-il essayé de minimiser, de ridiculiser the proposal of hon. Aimée's Bill, when, in his own piece of legislation, it was there?* My question is: what is the problem? Surely, there is a serious problem! If he can ridicule, criticise, comment and attack such a proposal of six years, it seems that he is attacking himself in the process. If he is attacking himself in the process, has he forgotten that he, himself, brought that suggestion, voted for it or is he voluntarily, wilfully forgetting that he had it, himself, in his own piece legislation? Those two examples, Mr Deputy Speaker, Sir, demonstrate one thing very clearly. The person, who made those attacks, in the person of the hon. Leader of the Opposition came forward, in his turn, as though he was indeed in a theatre and I ascribe to that because it made it entertaining, but apart from entertainment value, there was no substance. There was no substance apart *le style théâtral qui a été adopté* because substance there was not. Why do I say there was no substance? I say the credibility of his arguments has been nullified. How have they been nullified? By those very two simple examples that he himself criticises, proposes that he himself made and voted when he was in Government.

To make matters worse, Mr Deputy Speaker, Sir - I have heard lawyers, hon. Uteem, from a sitting position - not in any way criticise or insult anyone. I would like to assure the hon. Member, Mr Deputy Speaker, Sir, that I am not here to accuse him of anything, but what he has done is worse. He has basically ascribed to the position that since we have two pieces of legislation - allow me Mr Deputy Speaker, Sir, to now get to the crux of the argument - those proposals and the propositions of hon. Bérenger, I believe, will be demolished in a few

minutes. Why is it? It is not me, it's the truth and there is only one truth. There is the law and there is only one law. There is one interpretation and there can be only one interpretation and I shall start on this now.

Both hon. Uteem and hon. Baloomoody, but I heard hon. Uteem say that the 2003 piece of legislation has priority. It is this piece of legislation *qui a force de loi. Pourquoi? Par rapport au* Interpretation and General Clauses Act!

(Interruptions)

The Deputy Speaker: May I just remind the hon. Minister that hon. Uteem has not yet...

Mr Mohamed: From a sitting position. I was very careful, Mr Deputy Speaker, Sir.

The Deputy Speaker: Yes. The hon. Minister can make his point without referring to hon. Uteem because he has not yet participated in the debate.

(Interruptions)

The hon. Minister can make his point!

Mr Mohamed: At least there is consensus on the law. We agree with one another, there are facts that have been spoken. There is no need to worry about it. Everyone heard and everyone understood. As far as I am concerned, they did not understand the law. Let's listen to this very carefully! Where is it in the Interpretation and General Clauses Act? Quelle section, quelle sous-section, quelle *subsidiary legislation qui existe* under the Interpretation and General Clauses Act *qui dit que c'est la loi de 2003 qui va prévaloir sur la loi de 1989*? It is nowhere. There is no section of the Interpretation and General Clauses Act that makes any such provision. None! Therefore, I ask myself, Sir, why did he say? Maybe he was convinced.

(Interruptions)

The Deputy Speaker: Please!

Mr Mohamed: Again, let me come to one thing. There are other arguments - this is very important - they will skip from the Interpretation and General Clauses Act as solid ground to stand upon in order to put forward their argument and go to another ground because they have already discovered, through this simple exercise, that they were wrong with regard to the Interpretation and General Clauses Act. What will they now stand on? They must be asking themselves. They will now say statutory interpretation. That's what they will say. They will say that the manner in which a statute must be interpreted is that the recent law has got *force de loi* as opposed to the previous law. They are wrong. Now, I am

going to say why they are wrong. I shall not say it because I am just saying it they are wrong. Let us refer to what judgments of the Supreme Court say. Let's go for it! Here, I am quoting from New Mauritius Digest precisely on Interpretation. I read at paragraph 76 –

“Though there may be two laws on the same subject, it is not necessarily to be inferred that the old law is abrogated by the posterior law unless the two laws cannot stand together in the case as pronounced in the case of Rayah vs The Queen [SCJ 1871].”

Let me explain for those who cannot understand that why is it that we cannot say that those laws cannot stand together. The 2003 Local Government Act cannot be applied with regard to elections. Why is it that they did not apply the 2003 Act? It is because the Municipalities, as provided for in this 2003 Act, were never finalised. They were never proclaimed. Why were they never proclaimed? Precisely they, themselves, realised in the process that they could not go ahead with the proclamation of those Municipalities for whatever political or other gimmick reasons they may be privy to, which thank God we do not share. The gimmick only belongs to the other side of the House, but as far as we are concerned, you cannot therefore say that the 2003 legislation has priority precisely because the relevant sections pertaining to elections in Municipalities in the 2003 Act cannot be proceeded with. They cannot therefore decide: I am going to eat the cake, and I am not going to have the cream or I am just going to have the cream and I am going to eat the cake. They have to decide what they want; they have to decide on which limb they are going to dance.

Again, what makes matters worse is the following. What I have explained at the very outset has shocked me. When one analyses the law, one has a duty not only to this National Assembly, but one has the duty to the country outside that we are not in any way going to deform the law simply for political motivations. This is the responsibility that we hold and maybe what hon. Members should understand here is that: I am, in saying so, putting more responsibility on the shoulders of lawyers of this National Assembly as opposed to other friends. Why? It's because we have had the possibility of being trained as lawyers. As such, we shoulder a heavier responsibility in that we cannot, in any way, distort the law and interpret it in such a way as to obtain benefit therefrom which would be of political gain. One cannot do that. One should not do that.

What I will say now is very simple. Let us therefore go to the Constitution. Everyone talks about what the President has, what the President should be doing and should not be doing, but no one has gone to the Constitution. It is important as legislators that we do go to

the Constitution. Let us not forget that when we swore allegiance to the Republic of Mauritius, when we took our oath, when we entered this Parliament, we swore allegiance also to this Constitution. We cannot therefore interestingly, purposefully forget what the Constitution provides for because it suits us. Let us go to this Constitution and it very clearly says - maybe many people here may be surprised - but section 31(1) of the Constitution, Chapter 5 clearly provides for the following -

“31 (1) there shall be a Parliament for Mauritius which shall consist of the President and a National Assembly.”

Le Président de la République ne forme pas parti de L'exécutif. Le Président de la République ne forme pas parti of the Judiciary. The President of the Republic, when it comes to *la séparation des pouvoirs, souvent des fois on entend dire*, this is *un état de droit* and there are separation of powers. Separation of powers precisely means, Mr Deputy Speaker, Sir, that you have a Legislative, an Executive and a Judiciary. Those are three important components. One has to know what the Constitution says as to where is the President in this whole format. He is with the Legislature and not with the Executive, and the Constitution goes on to provide exactly what is the role of the President of the Republic when it comes to his role as forming part of the Parliament of Mauritius. What is his role? I go on therefore with regard to his role. It is very simple under the same chapter. It goes on to explain that the President of the Republic has only one role: once this Parliament has voted a law, it is sent to him and he has to simply assent or he sends it back, and it is sent back to him and he has to assent. That is the role of the President of the Republic when it comes to him forming part of the Parliament of Mauritius.

I am going to say something that is very simple. Hon. Aimée, the Minister of Local Government, did not base himself on the 1989 law or the 2003 law when he came to this august Assembly with this Bill as far as the delimitation of boundaries is concerned. I shall explain after I make the statement. Hon. Hervé Aimée, the Minister of Local Government, needs not have to consult anyone to come up with the boundaries as provided for in this Bill. There is no law that in any way can destroy parliamentary sovereignty. Parliamentary sovereignty is not just an empty word, an empty concept; one has to understand what it means. The question that must be answered is as follows and that is where the subtle distinction lies: one has to be very careful and one has to empty oneself of political motivation in order to understand it. One has to fill oneself with the wish to serve the Republic and its people in order to understand it. One should remove from oneself any ego, a

huge problem with one's ego, in order to understand that we are all servants of the people of the Republic, in order to understand what this one truth is. That one truth is as follows: what the hon. Minister of Local Government is doing is bringing a Bill to Parliament; in that Bill there is a particular section that talks about repeal of the Local Government Act of 1989 and that up 2003. Is he asking the President to change the boundary? No! Are we in logic of changing of boundaries away from elections? No! Had he had the wish to change the boundaries and that there were no elections near us at the horizon, he would have had to comply with the provisions of either the 1989 law or the 2003 law. It is simple. What he is doing here is not in the normal course of things a wish to change the boundaries; he is going for a change of legislation. When there needs to be a change of legislation and included in that legislation there are the schedules that provide for the boundaries, there is no need to consult be it the Electoral Commissioner, the Electoral Supervisory Commission, the Electoral Boundaries Commission or the President. No one needs to be consulted because Parliament is sovereign; we bring this to this House and the House precisely has to debate on it and has to vote on it. Why is there confusion in the minds of the Members of the Opposition? It is because they fail to understand that the provision where repeal is provided for of the two previous legislations should not be read or taken disjunctively with the main Bill that is provided for. It should be read together. It should not be read disjunctively. If they read it disjunctively, they are acting in a disjunctive manner and they are acting contrary to the wish and the will of the people that their representatives should represent them not in a disjunctive manner, but in a constructive manner. *Zot pe fini par disjoncté tout à fait!*

What is most important here, if that is the case, if we are to believe what the hon. Leader of the Opposition is saying as true when, in fact, there is nothing further from the truth, that is *quelque chose de scandaleux que l'honorable Leader de l'Opposition a eu l'audace de venir nous dire qu'il est nécessaire qu'on ait l'approbation du Président de la République avant que l'honorable Aimée puisse insérer* that Schedule in his Bill.

(Interruptions)

That would mean therefore that Parliament is no longer sovereign.

(Interruptions)

Kan li pas coné qui li pe faire li bizin dimandé.

The Deputy Speaker: Please order!

Mr Mohamed: What is shocking here is that if we listen to the hon. Leader of the Opposition, it means...

(*Interruptions*)

The Deputy Speaker: I do not want any interruption from either side of the House and no cross talking please!

Mr Mohamed: Even the hon. Deputy Speaker is interested in what I am saying, please let us listen. If we are to listen and believe what the hon. Leader of the Opposition...

The Deputy Speaker: I think that if the hon. Minister said it as a joke, it is alright.

Mr Mohamed: It was.

The Deputy Speaker: Alright! I will take it as a joke.

(*Interruptions*)

Mr Mohamed: For God's sake they do not have a sense of humour. *Trop facile dire sa arrogant!*

The Deputy Speaker: Please, no cross talking! The hon. Member should make his point! Hon. Bhagwan, please!

(*Interruptions*)

Mr Mohamed: If we are to listen to ...

The Deputy Speaker: Hon. Bhagwan, please!

(*Interruptions*)

Mr Mohamed: I am talking to those making noise behind me, for God's sake!

The Deputy Speaker: No, the hon. Minister should talk to the House and he should address the Chair.

Mr Mohamed: I am trying to, Sir. If we are to listen to what the hon. Leader of the Opposition is saying and we are to say that it is true, this means that Parliament is no longer sovereign. It is very simple. It means that we need the permission of the President of the Republic in order to bring part of this Bill which is the Schedule into a Bill...

(*Interruptions*)

The Deputy Speaker: Please, no cross talking!

Mr Mohamed: Constitution only provides that you shall require his assent after the Bill is voted and not before. Therefore, in other words, what the Opposition is telling us and saying it with such a straight face, and that is what is shocking, saying it with such a straight face, as though this is the truth when they know that it is wrong, that people out there, all lawyers, senior lawyers, QC's, SC's know that this is not the truth and what we are saying here is true.

Mr Uteem: Mr Deputy Speaker, Sir, on a point of order, the hon. Minister is imputing motives. He is saying that all lawyers know that it is not true, therefore, we are lying. Can he reframe because there are important lawyers on this side of the House....

(Interruptions)

Better lawyers than on that side of the House!

(Interruptions)

The Deputy Speaker: Order! Hon. Ms Deerpalsing, what is the problem?

Ms Deerpalsing: He is interpreting.

The Deputy Speaker: Why did you intervene? He made his point of order and he has the right to make his point. Hon. Ms Deerpalsing! I am calling you to order! When I am on my feet, you please remain silent, especially when I am addressing myself to you.

(Interruptions)

No, please!

(Interruptions)

Hon. Ms Deerpalsing! I am talking to you.

Ms Deerpalsing: I listen to you.

The Deputy Speaker: I am not convinced that you are listening to me.

Ms Deerpalsing: I am listening to you, Sir, and not her.

(Interruptions)

The Deputy Speaker: Please! Hon. Assirvaden, what is the problem? We are not in a classroom here, as if I have to put order to school kids. I try to be very patient. I'll listen to your point of order and I request the hon. Minister to make his point on that issue.

Mr Mohamed: If I understand your ruling is that I can proceed.

The Deputy Speaker: No, I could not specifically hear what the hon. Member stated.

Mr Mohamed: Maybe if he could say it again.

The Deputy Speaker: Yes, please.

Mr Uteem: The point of order is the following: I heard the hon. Minister saying that all senior lawyers outside this House know what we are saying, all senior lawyers is not correct and, therefore, he is imputing motive by saying that we also don't believe in the point that we are advancing. I would like the hon. Minister to withdraw about what he said about all lawyers because we also have QC's and Senior Counsels that advise this side of the House.

Mr Mohamed: Sorry, Mr Deputy Speaker. I fail to understand once again. Not only I don't understand them with regard to their interpretation of the law, but, as far as I am

concerned, Mr Deputy Speaker is here, the record will prove it, I never at all said what he said when he stood up for the first time that I allegedly said that he lied. I never said that. If he takes it for himself that this is the case, I am not saying it. I am not saying it.

The Deputy Speaker: Both hon. Members are members of the legal profession. We know how issues of law are. One may have his opinion and very often others may be of different opinions. I think, if the hon. Minister just can state that he didn't mean what the hon. Member understood, then we continue.

Mr Mohamed: I never meant that the hon. Member is lying. I never said that he was lying.

The Deputy Speaker: No, the problem is that, as if, every member of the legal profession is of the same opinion, but he is pretending to be of a different opinion here. This is what I understand.

Mr Mohamed: Maybe I'll explain what I meant. What I meant was that there is one way of interpreting statutes. What I am saying is that, when we hear the hon. Members of the Opposition, on the other side, they interpret statutes, but for me there is a political connotation to the interpretation. That's what I said. I don't think it is in any way objectionable.

The Deputy Speaker: Hon. Uteem will be able to intervene just after and make his point. I urge all hon. Members, I don't want any undue interference and whoever is making his point should be able to do it in all serenity and without being disturbed in any manner, whatsoever. Yes, hon. Mohamed!

Mr Mohamed: Thank you, Mr Deputy Speaker, Sir. What I was talking about was precisely parliamentary sovereignty. I'll go back on that since, unfortunately, I was interrupted again on a point of order which the hon. friend is entitled to raise. The issue of parliamentary sovereignty is very important. If we are to listen to the views of the Opposition and, most importantly, to the views of the hon. Leader of the Opposition, it would mean, therefore, that in order to come up with a new law and any part of that law, in this particular context, the schedule that contains the delimitation of boundaries, one would necessarily have to get the permission of the President of the Republic in all its details as it provided for under the Local Government Act of 2003. That would not make sense. Why it would make sense is because that would tantamount to saying that the Local Government Act of 2003 has got more values than even the Constitution of Mauritius and that we cannot even repeal it or change the law. It would, therefore, also mean that Parliament is no longer sovereign, it

would have to depend on le *bon vouloir du président de la république pour faire un travail de délimitation des frontières* of the wards and boundaries and only then that we will be able to come to Parliament in order to come up with a Bill.

So, when you take the rule of law, when you take separation of powers, when you take the fact that the President of the Republic has got a function under the Constitution, under the Parliament of Mauritius and that the Constitution specifically provides for what he does as his function of President under the chapter of Parliament and the National Assembly, one cannot extrapolate and, thereby, ascribe to him a new role that of being superior to parliamentary sovereignty; that does not make any sense. What I am also saying here is that there was no need for hon. Minister Aimée to contact the Electoral Commissioner, but he did. We have heard him very carefully. He did contact the Electoral Commissioner, when in law there was no need to contact him. The Electoral Commissioner even went with his officers on site. The Electoral Commissioner even contacted the Electoral Supervisory Commission, but I go back again, there was no need for even that. In spite of the fact that in law there was no need to that, he did it simply because he wanted things to be done morally correct and in a right manner. Legally there was no imposition upon him. There was no obligation upon him. What we should be very careful with, Mr Deputy Speaker, Sir, is to avoid this confusion. We cannot say that we are in the normal course of things, asking for a change of the delimitation of our boundaries of the wards, for the municipals and district councils because this is not what is being done. What is being done is coming up with a new Bill altogether, a new Bill altogether that contains a schedule where the delimitation of boundaries is. There is another section of that law that talks about repeal and when we vote for it, we don't vote for part of the law, we vote for the whole law. What happens once it is voted? That is why this whole argument not only does not make sense as far as the argument of the Opposition goes in law, it does not make any sense whatsoever, but also it is a storm in a teacup. *On parle de* having usurped the rights *de la présidence*. The President has no right to intervene in the presentation of the Bill. When is it that a President of the Republic has the right to come and intervene in the presentation of a Bill? Which part of the constitution says that? He can only intervene after it is sent to him, as I have said earlier on. That would be reinventing and rewriting the Constitution, that does not make sense and this should not be allowed. This is what should not be sent outside there, to the members of the public for them to start believing, in what they should not believe in. This is the responsibility we hold upon our shoulders. This is responsibility we hold in our hearts and this is the danger that we should avoid. What is most

important again, let us not forget in the Bill what I read, article 8 of the Bill - Creation of new local authority -

“The President may, by Proclamation, create a new local authority and extend this Act to that authority.”

Article 9 - Changes in local authority or electoral ward -

“The President may, after consultation with the Electoral Commissioner, the local authority concerned and such other person as he thinks fit, by Proclamation, alter the boundaries of the local authority or an electoral ward”.

In other words, in this Bill, there is a schedule - and I say it again - a schedule that contains the delimitation of the boundaries. This is the first time that this is being done and that is why people are not used to it, at least, those of the Opposition are not used to this novelty, but they have adapt with time. They have to get use to it. This is here and there is nothing illegal about it. If, this law is voted and when this law is voted, finally, it is sent to the President of the Republic. He has the choice as provided for under the Constitution of what he may do or what he may choose not to do, but he also has a choice under this legislation. What is that choice? That choice is to create new local authorities and to bring changes in local authority or electoral ward so far and have consultations with the Electoral Commissioner. He may even do it after it is sent to him and as far as consultations go, there was no need for any consultation whatsoever for the Minister Aimée to come here with this Bill included therein the schedule on delimitation. I am saying it over and over again because it is important for people to understand that we cannot rewrite the principles of administrative law, we cannot rewrite the principles of our Constitution, we cannot re-interpret the principles of Constitution and give it a political connotation to serve our political needs and requirements. This is not what, on this side of the House, we ascribe to and we will never do because we believe in the independence of institutions and we believe that we should interpret the law correctly because, Sir, we owe a duty to the people out there. It is easy to come and tell them something that is not in order to impress them, but we have a responsibility to speak the truth and this is what we are doing today. Let us not forget that by going as far as to say that there is a possibility of illegality, what does the hon. Leader of the Opposition and Members of the Opposition do? They are, at the same time, pointing a finger at the Officers of the State Law Office. They are at the same time pointing a finger *accusateur* to the Electoral Commissioner. How can we tolerate and accept that even an independent office as that of the Electoral Commissioner is shown the blame in any direct or indirect way? That cannot be

tolerated. Why? We have to believe in the institution and what I hear from the other side of the House is only one thing “*donne élection, donne élection*”.

As authors have written in the past, an election is not democracy in itself, it is the means of carrying out that election, it is the way of carrying out that election. It is knowledge of the Constitution when you are carrying out an election. If there is not all this; if there is only one thing in your mind: an election by all means; power at all means and being in the local council at all means because it is too hot out there when you are out in the dark, in the oblivion because you have not been elected to Government, this is not in essence what the people out there want. This is not what they want, so what I would like to say here and I would like to say it very clearly, you can easily as Members of the Opposition come and say otherwise. Here I would like to say one thing, we have heard the Leader of the Opposition say that he will go to the Supreme Court; the Opposition hon. Bodha said that they will go to the Supreme Court. Sorry I cannot forget that, what is really shocking is that hon. Bodha was in a Committee together with me, when there was a Ministerial Committee looking into the Local Government Bill with hon. Aimée. He was together in that Committee and obviously he was reporting to hon. Jugnauth and what is even more shocking is that when he was in that Committee apart from all smiles there was never an iota of a word pronounced by him, not even in the corridors of the Committee, not even in the kitchen, not even in a parking lot, not even on a phone call that he did not agree with anything that was provided for in that Bill. That is the truth.

(Interruptions)

Today just simply because you want to come and look good, you want to come and look beautiful to the other side of the Opposition because you are trying to beg for an alliance you come and say this in this House, tell us the truth hon. Bodha. Why is it that he did not say anything in the Ministerial Committee? Why is it therefore on taxpayer’s money, when you came to sit there, when it was your duty to work, why didn’t you say anything? Why was there silence when he was there? Why is it that today he comes and says something else? Why is it that hon. Jugnauth did not say a word when he was there? Why is it? Today you come and smile, you come and pretend to you that you are whiter than white and that you did not ascribe to anything that this Government was doing. Is this really parliamentarian? What I am really shocked about is how we can really change *notre veste*, change it because once you were here everything was good when you go there you come and say something else. This is what the people must know. People really must know the truth about the MSM and the way

they carry themselves out simply because they want the taste of power like a vampire wants the taste of blood. They would do anything and are up to anything in order to gain power and now we talk about a Bill and we try to really talk about all types of criticisms with regard to this Bill. I fail to understand it, I am shocked by the stand taken by hon. Bodha and I am shocked by the stand taken by hon. Jugnauth who sits next to him and smiles because I would like therefore to finally

The Deputy Speaker: Just like hon. Uteem, hon. Jugnauth has not yet intervened on this Bill.

Mr Mohamed: I thought that he indirectly did by a smile. Fair enough...

The Deputy Speaker: You are sarcastic, but I have made my point and you know what I mean.

Mr Mohamed: When the Opposition says that they would like to go to the Supreme Court, let me say one thing to them ...

The Deputy Speaker: Or else like others you judge by body language ...

Mr Mohamed: What I would like to also say with regard to the wish of the Opposition to go to the Supreme Court, go by all means be quick and why I say go to the Supreme Court because when they have really in a very nasty way show *un doigt accusateur au Commissaire Electoral, au ministre Aimée*, in a very nasty way *un doigt accusateur a ce Gouvernement* and in the same process at hon. Bodha which he seems to have conveniently forgotten. *Un doigt accusateur* at the State Law Office and if you have done so and if you really think and you are credible, if you have got credibility in you Members of the Opposition, I shall count the days and the minutes and the seconds and the time that it will take you to go to that Supreme Court and if you delay it will be one nail in your political coffin that I will enter and I will smile in front of that coffin.

Thank you Sir.

(Interruptions)

The Deputy Speaker: I now give the floor to hon. Uteem.

(3.17 p.m.)

Mr R. Uteem (Second Member for Port Louis South & Port Louis Central): Mr Deputy Speaker, Sir, men of honour stick by their words, men of honour have principles and are willing and ready to die for their principles. Men of honour do not change the rules of the

game when they are losing and today in this august assembly this is precisely what this Government is doing, changing the rules of the game because they are losing.

(*Interruptions*)

The Deputy Speaker: Order!

Mr Uteem: Mr Deputy Speaker, Sir, there are not less than 30 orators going to intervene on this Bill. We have been in this House since yesterday half past 11 in the morning, after 14 hours we were told to reconvene again this morning. What is the urgency, what is so special about this Bill, what is so special, is it because ...

(*Interruptions*)

The Deputy Speaker: Please hon. Henry, if you have to laugh please, do it discretely or else you go outside and I don't want any disturbance.

Mr Uteem: Is the urgency Mr Deputy Speaker, Sir, that the Government wants to go on vacation and enjoy White Christmas so we have to work overtime to please them.

(*Interruptions*)

I am talking about the urgency.

The Deputy Speaker: Please order!

Mr Uteem: Is there urgency Mr Deputy Speaker, Sir, that our local authorities are in such an abominable state of affairs that we need to change the law and I would have understood if this was the reason. No Mr Deputy Speaker, Sir, the reason why all these hon. Members on both sides of Parliament are here today is because according to the Local Government Act as it currently stands, local election has to be held in 2011. That is the only reason why we are here! We are postponing the local elections before the end of the year! Hon. Shakeel Mohamed spoke almost one hour, trying to give us lessons on principles...

(*Interruptions*)

The Deputy Speaker: No cross-talking!

Mr Uteem: ...on democracy! One hour and not a single word, not a single reason why he is condoning the postponement of local elections once again! Quoting from hon. Minister Shakeel Mohamed last year, I referred to the term 'rapist of democracy'. Little did I know, Mr Deputy Speaker, Sir, that we are not dealing with a rapist of regional democracy but with a serial rapist of democracy! When we look closely at the Local Government Bill that is being proposed today, it is not just a serial rapist that we are dealing here. It is an outright murderer; we are murdering the local government today in this Assembly. *On est en train d'assassiner la démocratie régionale.* The words are not too strong, and I agree totally with

hon. Shakeel Mohamed when he says that it takes guts. Yes, Mr Deputy Speaker, Sir, it takes guts to come before this Assembly with such a piece of legislation.

Why do I say that we are murdering local government, local democracy? Democracy starts with an election; election to elect Councillors, Mayors and representatives. In order to hold an election, you need to have boundaries; you need to identify boundaries, in what ward a person is going to stand.

What does the law say at the moment? There are two laws. I agree with my hon. friend that there are two laws. The Local Government Act of 2003 tells you that -

“(2) The boundaries of each electoral ward shall be determined by the President after consultation with the Electoral Boundaries Commission and such other person as he thinks fit.”

This, we know, has not been done. Even if we agree with the argument of hon. Minister Shakeel Mohamed - which I don’t - that you can have two parallel laws, what does the Act of 1989 say? The Act of 1989 says at section 152 -

“(1) The President may by Proclamation alter the boundaries of any town, district or village, after consultation with the local authority concerned.”

So, irrespective of whether we are talking about the Local Government Act of 2003 or the Local Government Act of 1989, in both cases you need the President to determine and alter boundaries. If today the Minister were to change, to alter the boundary of local government without going through the President, is the hon. Minister saying that an aggrieved party cannot go to the Supreme Court and get an injunction to prevent the Minister from acting in breach of what is the actual provision of the law? Is this what hon. Minister Mohamed - who is also a lawyer – is saying? We can breach the provision of the law.

Minister Mohamed said that hon. Minister Aimée did not have any duty to consult anyone. May I remind the hon. Minister what his present leader – I say present leader because he has had so many leaders in his career - Dr. the hon. Navinchandra Ramgoolam, said at Committee Stage on 21 November 2011, when questioned by hon. Baloomoody who was complaining that the MSM and the MMM had not been consulted on the new boundaries? This is what hon. Baloomoody asked as question -

‘I would like to know whether we shall be consulted or, at least, we shall have a say, although probably we won’t have our way in finalising the boundaries for the Municipal Elections.’

This is the answer of the hon. Prime Minister. It is important to listen what your leader, the hon. Prime Minister, said -

‘It is a very fair question. We also, in the Labour Party, have not been consulted and neither has been the PMSD.’

Then, the same Prime Minister later on, on the same day, again when pressed by hon. Baloomoody to confirm whether consultation will hold place, stated -

“I think it is very fair - if they have in their mind somebody might have said something - in a democratic system that all the parties are consulted. That prevents people from saying ‘Ah, I lost the elections because of this.’ It is better that they are consulted.’

This is not the hon. Leader of the Opposition talking. This is not a Member of the MMM or the MSM talking! This is the hon. Prime Minister, the leader of hon. Shakeel Mohamed who comes and says that all parties need to be consulted. The hon. Minister says that Minister Aimée had the right not to consult anyone!

Mr Deputy Speaker, Sir, we are before *un fait accompli*. Schedules have been put in the Bill. Speakers before me have had a chance to explain how, in their opinion, they can’t rationalise why wards have been split; for example, in Port Louis, why we have eight wards instead of six. Who chose these wards? What were the criteria used to determine the boundaries of the wards?

This is why, Mr Deputy Speaker, Sir, - the boundary is so important - in the Constitution, for general elections, power is given to the Electoral Boundaries Commission to determine boundaries. It is precisely because such decision has to be above party politics, that, in both the Local Government Act of 1989 and the Local Government Act of 2003 and, I must say, even in this Local Government Bill that is being proposed, powers are given to the President to determine the boundaries and their alteration.

We are killing regional democracy, Mr Deputy Speaker, Sir, when we consider who can stand as candidate. Mauritius is a democratic State. Everybody should have the right to stand for election. There must be really important reasons of national interest before a person can be prevented from standing as candidate. This Bill tells you that only persons who are registered electors from a town or village can stand as candidate. This does not make sense, Mr Deputy Speaker, Sir, because we all know, for example, that in Port Louis there is hardly any space to build new houses in certain quarters, and a lot of people, who have economic interests in Port Louis, who have their houses in Port Louis, who have their commerce in Port

Louis, who pay rates in Port Louis, who spend most of their time in Port Louis, have to move outside Port Louis today because of lack of space. Why deny these people, who have such economic interests and connection to a town, the right to stand as candidate?

Next - and this is most important thing - the Bill provides a list of people who are disqualified from standing as candidates. Again, Mr Deputy Speaker, Sir, we need to construe strictly any provision which prevents a person from standing as candidate and, today, what this Government is proposing is to prevent Members of the National Assembly to stand as candidate. Why? Mr Deputy Speaker, Sir, the only answer given was by the hon. Minister, Dr. Vasant Bunwaree, who said 'we have to make way for others, we need young blood, and we need young people.' Mr Deputy Speaker, Sir, where is it written in this Local Government Bill that you need to be a young person to be a candidate? What guarantee is the hon. Minister giving us that we would not have older people who have not been elected in the National Assembly then fall back in Local Government? This is not a valid reason. The real reason, Mr Deputy Speaker, Sir, is that today if we were to hold Municipal Elections, there are only three backbenchers in Government who are eligible to stand as candidates. Only three and they also are in the waiting for executive position. Only three backbenchers, all the others are either hon. Ministers or PPSs! This is the reason whereas, on this side of the House, we are all eligible to stand as candidates! This is what, Mr Deputy Speaker, Sir, I call changing the rules of the game because they know that they are going to be defeated at the next election.

The next issue, Mr Deputy Speaker, Sir, is: when does a Councillor lose his seat? Again, in a democratic State, once citizens have elected a Councillor...

(Interruptions)

The Deputy Speaker: May I request the attention of the Sergeant-at-Arms, please?

Mr Bhagwan: Sir, could you request the Sergeant-at-Arms to put some order outside?

It is like a market fair outside. Labour Market fair!

(Interruptions)

The Deputy Speaker: I prefer that it be outside than inside.

(Interruptions)

Yes, please continue!

Mr Uteem: Mr Deputy Speaker, Sir, I was mentioning that another principle of democracy is that once a person has been democratically elected by voters, it is only in exceptional circumstances that he should lose his seat. If he is of unsound mind, if he has

been absent from the Council for a number of days, if he is bankrupt or if he is convicted of an offence, yes, this is acceptable in a democratic State for him to lose his seat, but, we are adding two new provisions. A person's seat will become vacant if having been part of a group; he resigns from that group or is removed by a group.

We, on this side of the House, have always been against *transfuges*. Mr Deputy Speaker, Sir, the way the law is drafted is potentially subject to abuse. Why do I say so? No consideration is given as to the reason why a person resigns from a group or a group removes him. We are here facing a situation where potentially a group can arbitrarily remove a person and making him lose his seat just if he does not toe the party line and, this for me, is a sign of party dictatorship and this is *un recul* of democracy.

Mr Deputy Speaker, Sir, but having been removed or lost his seat, one would have expected the logical thing would be that this person would be allowed to present himself again before the electorate in an election. Give the power back to the people, let the people vote for him or choose not to vote for him. This right is being deprived again in this Bill. This Bill is effectively getting away with all by-elections. One may say that this is already the case. Yes, Mr Deputy Speaker, Sir, we have vacancies in all five Municipal Councils, in Port Louis, Beau Bassin/Rose Hill, Curepipe, Quatres Bornes, Vacoas/Phoenix, everywhere. We have at least five and sometimes more than five Councillors who maybe have died or resigned and their seats are vacant and in the past six years, not a single by-election! Why? Is the Government afraid of holding by-election? Are they afraid of going back to Local Government or do they think that these Councillors anyway were not doing anything? Do they think that the Councillors, whether they are 5 or 10, it does not make any difference because they are all the same? In doing so, Mr Deputy Speaker, Sir, aren't they again violating a principle of democracy, that if there is a vacancy we need to hold elections?

The hon. Minister is now coming with a new idea. Instead of having by-election, we are going to have a reserve list. All groups may provide a reserve list which will consist of six candidates.

I have read and reread section 18 of the law, Mr Deputy Speaker, Sir, and I fail to see how many reserve lists the group can present. Is it only one reserve list for all the wards? Is it one list per town? Is it one list per village? It is not clear. Then, why limit it to six? What is the magic number about six? We already know that there are wards which have more than six vacancies. What happens when there are more than six vacancies? It is the hon. Minister who determines. The Minister now substitutes himself to the population, to the citizens and

appoints someone as Councillor. Is that democracy? Is that what we call Local Government democracy? Is that what we call grassroots democracy, the hon. Minister picking and choosing his guy to run Municipal Councils and absolutely no consultation required with anybody? It is his prerogative, he decides. If he likes you, you are Councillor and if he doesn't, you are not.

Again, on the reserve list there is another anomaly. Section 42 (4) tells you that automatically the person who ranks first on the reserve list is elected, except where the leader of the group informs the hon. Minister otherwise. What happen then? I am in a group and I am not happy that the person on my list is automatically appointed as Councillor, so I object to his election what is the consequence? Again, the law doesn't say anything. Does that mean that in the circumstance it is the hon. Minister, once again, who uses his democratic power to appoint someone?

Mr Deputy Speaker, Sir, in our humble opinion, there is only one good thing about this legislation and it is the positive discrimination in favour of women, that now, groups which are going to present a list of more than two members have to include a member from another gender. This is a welcome step and orators before me have highlighted this and I am just going to say that again. Unfortunately, increasing the number women candidates do not necessarily reflect in more women being elected. This legislation does not go all the way to ensure that at least one third of the Councillors are women. It is still a good starting step which we welcome here and we hope that gradually more women will join politics and get elected.

Mr Deputy Speaker, Sir, last year when this Government, under the leadership of the same hon. Prime Minister and with the same hon. Minister of Local Government, presented the Bill to postpone the elections, the only reason they used was that they are going to come up with a better Bill. This is what hon. Minister Shakeel Mohamed said last year, justifying *le renvoi des elections*; “I see that the hon. Leader of the Opposition wants one thing, that the citizens of the Village Council, District Council and towns come up with something better. Let us hope and pray.” Again, this seems to be a recurrent theme on the side of the Government: to hope. We heard the hon. Minister of Finance also, during the Budget Speech talking about hope for the best. I think it is known that they all expect the worst with this Government. Anyway, the hon. Minister, last year also, was hoping that the new legislation come up with something better, but has it? Is this new legislation in anyway going to improve the lot of the citizens, the people living in towns and villages? What changes have

been brought to the Local Government Act 2003? I have gone through the Bill extensively clause by clause and in my opinion, Mr Deputy Speaker, Sir, other than all the aspects of the electoral system which have already been dealt with, this Bill does only two major changes from the 2003 Act.

First, it reduces the power of local authorities and Councillors and, secondly, it increases the power of the Minister. Now, how can this be better for the people? Reduce the powers of Local autonomy! This is, in fact, borne out in the Explanatory Memorandum and I read -

“2. The Bill makes further and better provision for –

- (a) the establishment of democratically elected local authorities with sufficient autonomy to manage the local affairs of their area.”

The important words to be remembered here, Mr Deputy Speaker, Sir, are ‘sufficient autonomy’. It is done on purpose. You need to have sufficient autonomy, sufficient that we, the Minister and Government, think you ought to have, not what the people, not what the grassroots want, it is what we want and we determine what sufficient autonomy is. Examples are many, but I would only like to point out one section which has not been covered by the orators before me and that is under section 50 - Function of Municipality of the existing Local Government Act 2003.

Under the existing Local Government Act 2003, one of the functions of the Municipal Council was the formulation and implementation, particularly in deprived regions of policy aiming to respond better to poverty and exclusion, the safeguard and promotion of the rights and welfare of children living within its administrative area.

One of the functions which, even before there was a Ministry of Empowerment as far back as 2003, the MMM/MSM Government had already given the responsibility to Municipal Councils to develop and implement policies to alleviate poverty and safeguard the welfare of children leaving under their administration. This is taken away. This is no longer a function of the Municipal Council. But how can we reconcile this, Mr Deputy Speaker, Sir, with, for example, section 52 of the Local Government Bill that is being proposed, which, again, restate a previous provision that was in the previous Act, that the area of Vallée Pitot will be exclusively controlled, managed and monitored by the Municipal Council of Port-Louis? We know, Mr Deputy Speaker, Sir, that in Vallée Pitot you have poor people. You have excluded people. You have children who need welfare. How, on the one hand, we are telling the Port Louis Municipal Council to go, monitor and manage Vallée Pitot area and on

the other hand we are telling them, it is no longer your function, to try to develop policies to alleviate poverty in that region?

The other thing which this Bill does is to increase powers of the Minister. Again, this has been dealt with extensively by other orators and I'm not going to go all over again except on one point because it is so important and that is the application for Building and Land Use Permit which is found at section 117.

First of all, under section 117(9), the Minister takes for himself certain powers. You need his consent, if you are applying for a building permit to construct a building along a mountain reserve, for a night club - so the Minister now wants to monitor night clubs and private clubs - and you need his permission to carry any activity licence by the Gaming Authority or such other activity as maybe prescribed.

So, the Minister minded of grassroots democracy is abrogating to himself the power by regulation to increase this realm of areas where you need his consent in order to give a permit. Under this section, it goes further, if you want to apply for a building and land use permit, you make your application, it goes to the Permit and Business Monitoring Committee; the Committee contacts its Technical Committee and then there is an Executive Committee which approves or disapproves the application.

What this Bill is now saying is: if the Executive Committee refuses to grant a licence, the matter is referred to the Minister and he sits on appeal, he decides and his decision is final. He decides. if there are really good reasons why the local authority, why the Executive Committee decided not to give the permit, you only need to go to the Minister and he will grant you the permit.

The Minister also has a *droit de regard* on all the other things. He can even under section 117(12) subsection (b) (ii) direct a local authority to refer a particular application made to it for determination by him. When it comes to the application of a big guy, you know, if he is an important person, he is business partner, he is a political partner, we need to make sure to get his application in time. The Minister picks up his phone, calls the Local Government; tells him to do all that is necessary for licence to be issued to this gentleman, he will handle it. Is that democracy? Is that how we are going to enhance democracy? After all the series of ICAC cases involving members of Local Authorities, is it how we want local authorities to be run by giving so much power to the Minister, who, again, is not accountable at all to the Municipal Council.

Mr Deputy Speaker, Sir, I would end by saying that we, on this side of the House, have very strong reservation on this Bill. We, on this side of the House at a time where Municipal Councils are making headlines for the wrong reasons every day, feel that it is totally undemocratic to postpone the election once again. We, on this side of the House, feel that when the law has provided a mechanism for changing boundaries, the Executive cannot through a colourable device bypass existing legislation and put Parliament before *a fait accompli*. We, on this side of the House, as men of honour will never condone this Bill.

Thank you.

(3.48 p.m.)

Mr S. Obeegadoo (Third Member for Curepipe & Midlands): M. le président, je vais joindre ma voix à celles des orateurs qui m'ont précédé de ce côté de la Chambre pour dire pourquoi nous objectons et nous objecterons avec force à ce projet de loi. Véritable infamie! Véritable ignominie! Et que nous ne voterons sous aucune condition.

Mais, avant tout, une question de procédure qui me tient à cœur, M. le président. Comme vous le savez nous avons siégé à partir de 11.30 hier jusqu'à 4.00 heures du matin. Jusqu'aux petites heures du matin, nous ne savions pas quand, jusqu'à quelle heure la séance allait se poursuivre et nous ne savions pas quand nous allions être appelés à revenir dans cette Chambre. Et si cette pratique de siéger toute la nuit est régulièrement adoptée durant l'examen en comité du budget, ce qui se comprend vu le volume de travail et le temps limité, Il n'y avait dans ce cas précis aucune justification, comme l'a fait ressortir, avant moi, l'honorable Uteem. Pour nous, au sein de l'opposition, il semblerait que cela devienne une habitude qu'à chaque fois que l'opposition objecte avec force contre un projet de loi et que par conséquent, il y a un grand nombre d'orateurs de l'opposition, alors on nous le fait payer en nous obligeant à siéger toute une nuit et à revenir quelques heures après. Cela ne peut se justifier d'aucune manière, M. le président. Nous parlons aujourd'hui - le ministre du travail est là, heureusement, pour m'écouter - de travail décent. Quel est le secteur de l'économie où l'on demanderait à des personnes de remplir leurs fonctions professionnelles en travaillant seize heures, dix-sept heures d'affilée pour reprendre le travail avec moins de huit heures d'interruption. Cela n'est pas acceptable et je pense que cela enfreint le bon fonctionnement d'une démocratie. Le Premier ministre n'est pas là, ses adjoints non plus, mais j'espère quand même pouvoir lancer un appel solennel à la majorité pour qu'elle reconsidère cette manière de faire qui devient malheureusement une vilaine habitude.

M. le président, ce projet de loi, nous y objectons pour un grand nombre de raisons. La première est la plus fondamentale, laissez-moi la redire encore une fois, c'est le renvoi des élections. Ces élections étaient dues en 2010, elles furent renvoyées à 2011 et ne voilà-t-il pas qu'on nous demande d'approver un nouveau renvoi à 2012 sans qu'il n'y ait aucune justification. Je ne répéterais pas les arguments d'autres avant moi, mais rappelons tout simplement qu'aujourd'hui nos villes sont à la dérive; que nos villes vont à l'abandon. Pour moi, député de Curepipe, faire le tour des cités ouvrières, voir l'état des cités ouvrières, des lieux communs au sein de ces cités donnent envie de pleurer. Nos villes gérées toujours par d'illustres inconnus dont on entend parler uniquement lors de leurs excès, lors des abus, lorsqu'ils sont appréhendés par la police, convoqués par l'ICAC; qu'ils se comportent de manière tout à fait inacceptable au sein de leurs mairies respectives, les bagarres en plein conseil. Voilà l'état dans lequel sont tombées nos villes et c'est pour cela que les élections urgent et que ce nouveau renvoi constitue la première raison, la raison fondamentale de notre objection implacable à ce projet de loi.

Deuxièmement, il y a la manière de faire. Nous avons tous assisté au débat à partir de l'intervention du *Leader* de l'opposition et la tentative d'y répondre des ministres Faugoo et Mohamed. Je ne voudrais pas répéter les mêmes arguments développés avant moi par certains de mes collègues, mais je veux simplement dire que pour moi, ce que fait le gouvernement consiste en un subterfuge légal. Je m'explique. La loi de 1989 votée par un autre gouvernement, un gouvernement MSM à l'époque, prévoit que dès lors qu'il faut délimiter les arrondissements, la responsabilité en incombe au président. Elle explique la procédure. Il faut donner un avis au public avec la possibilité de représentations. La loi de 2003 - un autre gouvernement, cette fois-ci MMM/MSM, offre les mêmes dispositions: *division of towns and districts into electoral wards*. Ce fut cité en détail par le *Leader* de l'opposition. C'est toujours le président après consultation avec l'Electoral Boundaries Commission qui agit. Surprise, surprise, le nouveau projet de loi d'un troisième gouvernement, les mêmes dispositions encore ; qu'il s'agisse de *creation of new Local Authority*, qu'il s'agisse de *changes in Local Authority or electoral ward*, c'est toujours le Président après consultation avec l'Electoral Boundaries Commission après avoir donné un préavis au public et l'occasion au public de réagir. Bref, le libellé de la loi en 1989, en 2003, en 2011; l'esprit de la loi en 1989, en 2003, en 2011; l'intention des législateurs en 1989, en 2003, en 2011, c'est la même chose. C'est que ceci doit être au-dessus de la politique partisane; que ce ne doit pas être n'importe quel ministre selon sa propre gouverne en consultant n'importe qui ou en ne consultant personne qui peut décider de la délimitation des arrondissements pour un exercice

démocratique fondamental que constitue les élections municipales, mais que cette tache doit être laissée au Président de la République qui lui, agissant évidemment selon les suggestions, les requêtes que peuvent lui faire le Premier ministre en consultation avec l'Electoral Boundaries Commission, en donnant l'occasion au public de faire des représentations y compris les partis politiques d'ici.

Mais quel est le subterfuge légal que nous suggère le présent gouvernement ? C'est que quelque part entre l'ancienne loi qui n'aurait plus cours puisqu'on présente un nouveau projet de loi et le nouveau projet de loi qui n'a pas encore effet de loi puisqu'il n'a pas été voté, quelque part *between the existing law and the future law which is not yet law*, va se faufile le ministre avec un projet de loi qui n'est pas encore loi, mais qui vient unilatéralement, arbitrairement changer les donnees; qui vient délimiter les nouveaux arrondissements et du moment que ce projet de loi est voté *ipso facto*, voilà c'est la loi. Personne ne peut plus contester. On fera appel au Président à l'avenir si besoin est pour d'autres modifications. Dans le passé, il n'y a pas eu besoin de faire appel au Président ou à l'Electoral Boundaries Commission. A l'avenir, et bien on pourra toujours utiliser le même subterfuge et venir avec un nouveau projet dès lors que l'on veut changer les délimitations électorales.

A quoi sert donc cette clause, cette disposition de la loi ? Moralement, c'est condamnable; politiquement, c'est extrêmement dangereux et légalement, le procédé est douteux. C'est pour cela que j'utilise le terme de subterfuge.

Something is very wrong, Mr Deputy Speaker, Sir. If it suffices for a Minister to say: I am not referring to the old law, I am bringing a new law. I do not have to observe the old law because I am bringing a new law. In the new law, it is stated that the President will take the initiative, but that new law is not law yet, so it does not matter, it does not concern the President. For the time being, somewhere there is a grey area between the existing and the future and I do what I want. Voilà ce que nous dit le gouvernement. Par un subterfuge légal, on va nous imposer de nouvelles délimitations d'arrondissements pour les élections municipales qui ne se feront pas l'objet de discussions entre partis politiques contrairement aux engagements pris par le Premier ministre lui-même au sein de cette Chambre il y a à peine deux semaines lors de l'examen en comité du budget. Je ne répèterais pas les citations que nous aura produites l'honorable Uteem. Contrairement aux engagements du Premier ministre, on va nous imposer des changements de délimitations d'arrondissements pour les municipales par un subterfuge légal. *Morally, it is unacceptable. Politically, it is extremely dangerous for democracy and the legal logic is dubious to say this.* Voilà, notre deuxième

objection fondamentale, M. le président ! Mais, ce qui rend la chose encore plus grave, c'est notre conviction profonde de ce côté de la Chambre que les nouvelles délimitations ne sont pas établies objectivement et de manière apolitique.

L'honorable Barbier, hier, a parlé des changements à Port Louis. Mon collègue, l'honorable Kavy Ramano, hier encore a parlé des changements qui nous posent problèmes à Quatre Bornes. Mon collègue, l'honorable Raffick Sorefan, hier encore, a souligné les inquiétudes pour la ville de Vacoas/Phoenix. Et aujourd'hui, moi, je vous dis pour Curepipe, j'ai de grosses questions. Le nouvel arrondissement 4, je crois, avec la région de Robinson et Joachim qui nous tombent comme cela du ciel, comme par hasard, alors qu'il est évident, ce qui serait l'intention derrière tout cela. Alors que nous avions un arrondissement qui correspondait à la circonscription numéro 16 et deux arrondissements à la circonscription numéro 17, on nous enlève un centre de vote du deuxième arrondissement qui passe maintenant au numéro 16. *It is all too fishy, Mr Deputy Speaker, Sir.* Il y a des questions graves que cela soulève et si le gouvernement va l'avant. Voilà pourquoi le *Leader* de l'opposition hier calmement a fait un appel pour que le Premier ministre se donne le temps de la réflexion en écoutant les objections de l'opposition. Le Premier ministre lui-même, il y a deux semaines, au sein de cette Chambre, disait en réponse à mes collègues Baloomoody et Bhagwan qui comprenaient que ce serait mauvais qu'on aille vers des élections et que qui que ce soit demain qui pourrait dire : "Ah, c'est à cause des délimitations et qu'il faudrait dès lors avoir des consultations avec tout le monde" Et il s'y engagea. Et, aujourd'hui, pour la première fois depuis de longues années, nous allons aboutir à des délimitations électorales contestées au départ par toute l'opposition.

Je pense que c'est extrêmement grave pour la santé de notre démocratie. *If that is not a colourable device* – ce subterfuge légal auquel je me suis référé - *what is it ?* Il y aurait eu une solution. *This law could have been voted without the schedule being provided for at this stage.* On aurait pu nous présenter le projet de loi et nous dire les délimitations électorales viendront après, en suivant les dispositions de la loi, en confiant au Président la tâche d'y procéder en consultation avec l'*Electoral Boundaries Commission*, cela aurait été tout à fait acceptable puisque c'est la même disposition de 1989 à 2003 à 2011. Mais non ! Il fallait tout faire d'un seul coup, profiter et prendre avantage de ce subterfuge légal pour imposer les délimitations décidées par le seul ministre, pour ne pas dire par la seule Alliance Travailliste/PMSD. Voilà la deuxième raison fondamentale pour laquelle nous soulevons la

possibilité to *gerrymandering* et que nous objections formellement aux propositions dans la forme et sur le fond de ce nouveau projet de loi.

A part de cela, le projet de loi contient toute une série de mesures anti-démocratiques ; elles sont légions. Bons nombres ont été cités et je n'entrerai pas dans les détails là où cela a déjà été argumenté par mes collègues. Mais, prenons un exemple - les clauses 4 à 6. Le projet de loi réduit le nombre de conseillers au niveau des villes, au niveau des villages, mais augmente le nombre d'arrondissements. Quel en est la logique ? Pourquoi avoir plus d'arrondissements et moins de conseillers ? En quoi est-ce une avancée pour la démocratie ?

Nous savons tous qu'aujourd'hui avec un mandat de cinq ans, avec 24 conseillers généralement dans les villes, au bout de trois/quatre ans, on peine à trouver un nombre suffisant de conseillers pour constituer le quorum, pour faire marcher les villes. Mes collègues de la majorité, l'honorable Issack, l'honorable Hossen, qui ont été, comme moi, des conseillers municipaux, des maires, savent de quoi nous parlons. Cette fois-ci l'honorable Yeung Sik Yuen sait de quoi nous parlons et cette fois-ci l'on nous dit : "Moins de conseillers, mais plus d'arrondissements !" En quoi est-ce une avancée ? Mesures anti-démocratiques, M. le président ! Le nombre d'électeurs a augmenté, les villes s'agrandissent, il aurait fallu plus de conseillers, et pas moins de conseillers. La durée d'un mandat ! Le *Leader* de l'opposition en a parlé, nous ne sommes pas d'accord. Six ans ! Cinq ans, c'est déjà long, mais aucune raison d'étendre pour passer à six ans. Même avec cinq ans, si on veut doubler le mairat d'un individu performant, on peut le faire, aucun besoin de passer à six ans.

Il y a un manque de transparence dans ce projet de loi. Prenons, par exemple, la décision d'attribuer, à certains villages, deux représentants au niveau d'un *district council*, à d'autres villages un seul représentant, nulle part est-il dit dans ce projet de loi n'est-il énoncé les critères, permettant à certains villages d'avoir deux conseillers au niveau du *district council*, d'autres un seul.

Certains de mes collègues ont parlé du droit du député d'être candidat. Moi, j'insiste sur le droit de la population à décider s'ils veulent ou ne veulent que quelqu'un leur représente en tant que conseiller municipal et, à partir de là, n'importe qui devrait avoir le droit de briguer les suffrages. Les grands tribuns de l'histoire de Maurice, M. le président, combien parmi ont été à la fois conseillers municipaux et parlementaires élus, parlementaires nommés depuis Edgard Laurent, Eugène Laurent, J. M. D Atchia, bien sûr, Sir Seewoosagur Ramgoolam, Sir Abdool Razack Mohamed, Sir Gaëtan Duval qui fut à la fois, non seulement député, mais ministre et lord-maire.

Si le ministre Aimée avait été ministre, sans doute cela n'aurait jamais eu l'occasion d'exercer en tant que conseiller municipal. Et dans l'histoire récente de notre pays a témoigné du temps de grands maires qui étaient à la fois parlementaires. Durant les années 1970 et 1980, quand nous avons redonné toute sa valeur à l'action municipale, Jean Claude de l'Estrac, Khader Bhayat, Jayen Cuttaree, Rajesh Bhagwan, Ahmed Jeewah, Cassam Uteem, Barbier, tout cela furent à la fois députés - comme me le rappel le ministre Aimée – et conseillers. L'honorable Reza Issack fut, certainement, à mon avis, un lord-maire très honorable.

M. le président, cette disposition ne peut trouver aucune grâce aux yeux de l'histoire, aux yeux de la logique. Encore une mesure anti-démocratique ! Pourquoi, M. le président ? C'est tellement simple. C'est que pour les prochaines élections si jamais elles ont lieu. Parce que moi, plus rien ne m'étonnera que nous attendions décembre 2012 avec une nouvelle tentative de renvoyer les municipales, cela ne m'étonnera pas. Mais pourquoi, M. le président ? Je vais vous dire pourquoi. C'est parce qu'ils savent qu'il y a une véritable armada de ce côté de la Chambre qui s'apprête à se présenter aux élections municipales. A Curepipe, qui l'ignore qu'il était de notre intention, l'honorable Dr. S. Boolell, l'honorable Eric Guimbeau et moi d'être tous trois dans la bataille pour mener nos troupes aux municipales ? A Vacoas/Phoenix: l'honorable Raffick Sorefan, l'honorable Françoise Labelle; à Quatre Bornes: l'honorable Kavi Ramano ; à Beau Bassin/Rose Hill: l'honorable Deven Nagalingum, l'honorable Lysie Ribot, l'honorable Franco Quirin; à Port Louis: l'honorable Veda Baloomoody, l'honorable Jean Claude Barbier, l'honorable Arianne-Navarre, l'honorable Reza Uteem, l'honorable Adil Ameer Meea, l'honorable Georges Lesjongard. Comment dès lors ne pas comprendre l'obsession du Parti Travailiste/PMSD à interdire à tout ce monde d'être candidat aux élections municipales ? Il ne peut y avoir aucune autre justification que la frayeur au ventre !

(Interruptions)

The Deputy Speaker: Silence, please!

Mr Obeegadoo: Ce sont des mesures anti-démocratiques. Mes collègues avant moi ont parlé de cette notion de groupe et je ne répéterai pas sauf pour parler de la fameuse *reserve list*. Quand nous avons épluché ce projet de loi, ici, de ce côté de la Chambre, nous nous sommes posés des questions. On va donc désigner six personnes sur une *reserve list* qui devra être valable pendant six ans. Et que se passe-t-il si pendant ces six ans certaines de ces personnes figurant sur la *reserve list* changeaient d'adresse résidentielle ? Elles n'habitaient

plus la même ville. Elles seraient disqualifiées. Que se passerait-il si après une année ou deux elles n'étaient plus intéressées, elles ne seraient pas considérées. Si elles se rendaient coupables d'un délit quelconque, elles seraient disqualifiées et, à la fin du jour, c'est le ministre qui nommerait les remplaçants.

En fait, toute cette histoire n'est qu'une tentative d'abolir les partielles municipales. Il y a d'autres aspects anti-démocratiques qui nous inquiètent. Le fait, comme le prévoit la clause 28, que le *Chief Executive* peut refuser de fournir des informations aux conseillers et aux maires élus. Je cite *at section 35* –

«The Mayor issues general guidelines, but it is the Chief Executive who arranges the business of the council.”

Des dispositions sans précédent *and which can easily go unnoticed if we do not look at the fine print*. Le fait qu'il y aura maintenant un *Executive Committee* concentrant les pouvoirs entre les mains de trois ou quatre individus et dont les décisions n'auront même pas à être approuvées par le conseil, mais il faudra tout simplement en faire rapport au conseil. C'est grave, très grave. Et ceux dont parlait le *Leader* de l'opposition. Alors que dans le passé chaque mairie, selon ces particularités établissait son mode de fonctionnement avec les *Standing Orders* propre à chaque mairie, désormais cela est aboli. Tout est prévu dans une schédule de la loi, *Standing Orders* standardisés. Mais qu'est-ce que c'est que cela ? Qu'est-ce qui pourrait justifier ce recul par rapport à l'autonomie ? Ce qui m'emmène à l'autre raison fondamentale pourquoi nous objectons à ce projet de loi. C'est la tendance vers la centralisation. Toutes les grandes réformes des administrations régionales pour lesquelles nous nous sommes battus, que nous avons défendues, que nous avons emportées dès lors que nous étions au gouvernement, c'était pour reconnaître la valeur des collectivités locales, leur confier plus d'autonomie, plus de pouvoir, laisser les citadins décider de leurs représentants et dès lors les responsabiliser et les laisser agir.

La différence fondamentale entre ce projet de loi et celui de 2003, c'est justement la tendance inverse à vouloir tout recentraliser sur l'état central. Je vous donne quelques exemples. La clause 25 nous parle d'un code de conduite pour les conseillers. Très bien ! Mais qui est celui qui établit ce code de conduite. Ça aurait pu être l'AUA. Mais non, c'est le ministre. La clause 34, là c'est vraiment marrant, M. le président. Pour le choix d'un maire, dès lors qu'il n'y a pas de nomination au sein du groupe, qui c'est qui choisit ? C'est le ministre. Alors, là évidemment c'est la culture travailliste. On n'arrive jamais à s'entendre au sein d'un groupe travailliste que ce soit *District Council* ou mairie. Quant à l'identité de

celui ou celle qui deviendra maire, alors pour éviter la cacophonie, on demande au conseiller de ne pas effectuer de nomination et c'est Monsieur le ministre, s'asseyant dans son bureau à Port Louis, qui, dès lors, désigne le président des *District Councils*. C'est sans précédent ! Voilà ce qu'on nous invite à voter. La clause 53 dont a parlé le *Leader* de l'Opposition. *The Local Authority cannot revoke a stall permit without the authorisation of the Minister*. La clause 76 - *The Permanent Secretary of the Ministry reporting the Chief Executive to the LGSC*. Avant c'était en consultation avec la collectivité locale concernée, maintenant ce n'est plus ainsi, rapport au LGSC. Hier, l'honorable Sorefan nous parlait de cette nouvelle institution, *the Unified Local Government Services Board* composé uniquement de fonctionnaires, présidé par le secrétaire permanent du ministre qui va prendre des décisions qui étaient auparavant ou relevés de la LGSC ou de la collectivité locale. Par exemple, pour un simple emprunt, les emprunts qu'une mairie consent à accorder à un employé désormais, il faudra aller à la *Unified Local Government Service Board*. Pour faire le rapport d'une vacance au niveau du personnel, auparavant cela a été référé directement à la LGSC, maintenant on va référer le rapport au *Permanent Secretary* du ministre.

La clause 80 - *for a District Council to allocate to a Village Council from a general fund, approval of the Minister*. La clause 84 - *for the release of grants approved by Parliament, it is determined by the Minister*. Donc, il y a toute une logique, j'allais dire Jacobine centralisatrice qui sous-tend ce projet de loi et qui va ainsi à l'encontre de ce vent d'autonomie, de responsabilisation des collectivités locales à travers le monde.

Finalement, une autre raison fondamentale, M. le président, pourquoi nous objectons à ce projet de loi. C'est que ce projet de loi ne répond pas aux besoins des collectivités locales à Maurice aujourd'hui. D'abord ce rêve d'une *City State* de faire de toute l'île Maurice dans un premier temps et demain de la République de Maurice une cité, de mettre sur un pied d'égalité villes et villages, et ce projet de loi révolutionnaire, nous dit le ministre des affaires étrangères, ne crée pas une seule nouvelle ville. Nous avons les mêmes villes que nous avons depuis 40 ou 50 ans. Pas une seule nouvelle ville!

Je pourrais donner toute une série d'exemples quant au fait que ce projet de loi ne répond pas aux besoins. La clause 24 (3) - *Improper use of position by Councillor* ; nous en témoignons tous les jours dans toutes les mairies. Le *maximum fine* est de R 25,000. Pour ce qui est des questions d'environnement, il y a dans le projet de loi, à partir de la clause 59, toute une série de dispositions traitant de waste management, storage collection, transfer and disposal of waste, sanitation and abatement of nuisance. Mr Deputy Speaker, Sir, the power

to formulate policies is now vested in the Permanent Secretary of the Ministry of Local Government, whereas it is elementary logic that this should be the prime concern of the Ministry of the Environment. There should be a unified perspective for the MID, and environment should lead policy wise and local government support. Instead, we have the Permanent Secretary who is going to formulate policies and strategies for waste management, which the local authority will merely enforce. The Permanent Secretary ‘may’ consult the Environment Coordination Committee; it is not even ‘shall’.

As regards storage collection, transfer and disposal of waste, local government shall implement, but the waste collected shall be the sole property of the State! Après, on vient nous dire que c'est l'Etat qui pourvoit pour 80% des finances des collectivités locales. *How can it be otherwise !* Les pouvoirs des collectivités locales se réduisent comme des peaux de chagrin. *The Central State takes over everything, y compris billboards. What revenue can they raise? Then, the Central Government provides all the funds and this becomes a pretext for le droit de regard, la mainmise du ministre.*

Le comble du ridicule, M. le président, *just to show you how far centralisation can go. Listen to this Mr Deputy Speaker, Sir.* Je me réfère à la clause 61(14), *and this is what is provided for in a national law -*

“The owner or occupier of any premises shall trim, or cause to be trimmed, in height and thickness, perpendicular to the inward edge of the footway, any hedge projecting on any street so as to allow a free passage.”

La manière dont on s'occupera de sa haie de bambous est maintenant déterminée d'une façon centralisée dans la loi du ministre Aimée, alors que quelque chose d'aussi banal était auparavant laissé à chaque mairie, chaque *District Council* de déterminer, M. le président. Peut-on faire mieux en matière de centralisation? Mais les vrais problèmes, M. le président!

The conceptual and legal vacuum that we do not have clear principles of local government enshrined in the law; there is nothing in this Bill. Chronic under financing leading to a minimum level of service delivery, poor performance, delays in implementation of urgent capital projects; nothing in the new Bill. Human resource mismanagement, lack of operational control, the Local Government Service Commission (LGSC) not servicing the local authorities, which have to carry the burden of the decisions, good or bad, taken by the Commission, as a result of which, staff morale is low. The local authority lacks operational control in the day-to-day running either of the towns or the District Councils; not addressed in this Bill. Fourthly, the issues of low efficiency and productivity because of the ineffective

use of resources resulting in low output, absence of measurable quantitative and qualitative performance indicators due to lack of benchmarking standards and strategic plans. There is nothing in this new Bill.

C'est pour cela M. le président, aussi, que nous disons que ce projet de loi ne répond aucunement aux besoins des collectivités locales en 2011, et que nous nous opposerons donc à ce projet de loi.

En conclusion, M. le président, nous sommes convaincus que derrière ce projet de loi se dissimulent de très mauvaises intentions. En voyant le degré de centralisation, la mainmise du ministre, je me suis dit que le Parti travailliste/PMSD est déjà convaincu que l'opposition va vers une victoire éclatante et va remporter toutes les villes, tous les *District Councils*, avec pour résultat qu'il va falloir, du bureau du ministre, tout contrôler. Il va falloir s'ingérer à travers l'*Unified Local Government Service Board*, à travers des nouveaux pouvoirs ministériels, du *Permanent Secretary* pour barrer la route à l'opposition. Mauvaises intentions, parce que ce gouvernement ne croit pas en la démocratie régionale. Nous revenons aux heures sombres de la démocratie mauricienne. Les années 1971 à 1976 où furent renvoyées les élections - état d'urgence ; les années 77 à 80, toujours Parti travailliste/PMSD ou le Parti travailliste seul je crois à l'époque - nous revenons à cette période.

C'est pour cela, M. le président, que face à cette loi que nous qualifions de loi scélérate, au sein de l'opposition nous nous opposons de manière énergique, catégorique et implacable à cette volonté pernicieuse du gouvernement d'enterrer la démocratie régionale, et nous disons non, M. le président. J'en ai terminé.

At 4.27 p.m. the sitting was suspended.

On resuming at 5.02 p.m. with the Deputy Speaker in the Chair.

Mr A. Hossen (Third Member for Port Louis South & Port Louis Central): M. le président, je voudrais tout abord remercier et féliciter en même temps l'honorable Hervé Aimée, ministre des administrations régionales, pour la présentation de ce *Local Government Bill 2011*.

Sur un plan tout à fait personnel, M. le président, je me réjouis de pouvoir saisir cette opportunité qui m'est donnée, d'intervenir dans le cadre de la présentation de ce projet de loi et, cela, pour deux raisons, M. le président. Tout d'abord, sur le plan tout à fait personnel, j'ai fait une carrière au sein de l'administration régionale. J'ai eu le privilège et l'honneur de servir en tant que conseiller municipal dans la ville où j'habite, à Beau Bassin/Rose Hill. J'ai

été conseiller et maire de la ville de Beau Bassin/Rose Hill en 1998 et 1999. J'ai eu par la suite l'honneur et le privilège de servir comme conseiller municipal et comme lord maire de la ville de Port Louis.

Je voudrais, aujourd'hui, saluer tous mes collègues, de ces deux conseils municipaux de Beau Bassin/Rose Hill et de Port Louis. Des collègues conseillers municipaux, qui ont été issus de tout bord politique, que ce soit à l'époque où j'étais membre du Mouvement Militant Mauricien, dont mes collègues du MMM à l'époque, mes collègues du Parti Travailliste et mes collègues du MSM.

Je faillirai à mon devoir, en tant qu'homme d'honneur, de ne pas exprimer ma profonde reconnaissance vis-à-vis de ceux qui m'ont confié ces responsabilités, M. le président, je serai à jamais reconnaissant.

M. le président, la deuxième raison pour laquelle je me réjouis, c'est de pouvoir m'exprimer sur ce projet de loi. C'est un projet de loi qui touche à la manifestation de la démocratie dans toute sa splendeur. L'évolution de la démocratie locale, à travers le monde et à Maurice, a été un parcours graduel, un parcours qui a connu des développements, des fois à un rythme ralenti, mais des développements allant dans le sens qu'il faut, allant dans le sens d'une démocratie de proximité.

Les pouvoirs conférés au gouvernement central à travers le monde - ce pouvoir qui a été jalousement confisqué par ce pouvoir central, suite à l'explosion démographique, suite à l'avènement de la révolution industrielle, le pouvoir central ne pouvant plus maîtriser la délivrance des services essentiels a été contraint, malgré lui, de déléguer certains de ces pouvoirs aux collectivités locales. Cela a été le cas pour tous les services essentiels et pas des moindres, M. le président.

A l'île Maurice, nous avons un historique du développement et de la progression de la démocratie locale et, comme on le dit si bien, pour mieux comprendre le présent, il faudra connaître l'histoire afin de mieux préparer l'avenir, M. le président.

Permettez-moi brièvement de faire un petit rappel de l'historique de la démocratie locale chez nous dans notre petite île Maurice. Tout a commencé, M. le président, dans la deuxième moitié du 18^{eme} siècle, en 1762, avec l'*establishment* d'un conseil de commune, *with Municipal functions for each of the eight quartiers of the island*. Il y a eu par la suite, en 1790, *establishment* des municipalités. *Municipal elections were held for the first time in Moka and Grand Port in August 1790 and Mayors were appointed. Subsequently, Mayors*

were also appointed in Port Louis, Flacq and Pamplemousses. C'est une progression qui a concerné, et la région urbaine et la région rurale, M. le président.

En 1850, il y a eu la création de la corporation municipale de Port Louis. En 1947, on a eu, M. le président, la création des *Village Councils*, et cela est un aspect important et j'aurai la possibilité d'élaborer un peu plus lors de mon intervention. En 1951, M. le président, la création des conseils de districts, dont l'historique au niveau de la démocratie locale a été lente, mais progressive et a concerné toutes les régions du pays, que ce soit les régions urbaines ou les régions rurales.

Aussi, il est souhaitable et fort louable de mentionner les différentes étapes qu'a connu l'évolution de la démocratie locale à l'île Maurice, M. le président. La première pierre au niveau de cet édifice de la collectivité locale, M. le président, a été l'institution du *Local Government Ordinance of 1962*. Il y a eu par la suite différentes Commissions qui ont été établies pour revoir le bon fonctionnement, la consolidation de la démocratie locale à l'île Maurice. Déjà, en 1971, la Commission Smale était instituée, afin d'examiner précisément les fonctions des autorités locales à l'île Maurice. Par la suite, le 01 juillet 1975 - et cela est une date historique - M. le président, la *Local Government Service Commission Bill* a été *tabled* à l'Assemblée nationale par l'honorable Sir Kher Jagatsingh. La loi fut votée en 1975 et proclamée subséquemment en 1983. Ensuite, il y a eu l'institution de la Commission Bhuckory en 1984 et celle de la Commission Sooben en 1997.

Régulièrement, M. le président, avec le développement qu'a connu l'île Maurice, il a fallu revoir et beaucoup d'attention a donc été accordée à l'évolution et la consolidation de cette démocratie locale à l'île Maurice. Mais malgré un certain retard accumulé au niveau de cette démocratie locale dans les régions rurales, il faut quand même reconnaître que de tout temps, le gouvernement central n'a jamais nullement négligé le développement au niveau des régions rurales. Le gouvernement central a veillé à ce que toutes les régions, et urbaines et rurales, de notre pays, soient pourvues des services essentiels et pas des moindres; des infrastructures routières, l'éclairage de ces routes, l'aménagement des écoles, l'aménagement des collèges, toutes les facilités comme des prestations sociales comme des centres communautaires, des centres de loisirs, des terrains de jeux. Donc, toutes ces facilités, toutes ces logistiques ont été pourvues auprès des régions rurales par le gouvernement central.

L'évolution a été lente, celle de la démocratie locale chez nous, du fait que Maurice étant un petit territoire limité à quelques 1900 km carrés, le problème de proximité ne se posait pas comme autant ailleurs au niveau des grandes démocraties avant-gardistes. Comme

l'a mentionné mes collègues qui m'ont précédés, toute la démocratie locale à l'île Maurice est présentement gérée par deux législations, celle de 1989 et celle de 2003 et il est bon, ici, M. le président, de rappeler encore une fois des contradictions - je ne dis pas des incompatibilités mais véritablement des contradictions qui ont cohabité pendant tout ce temps au niveau de ces deux législations qui font qu'aujourd'hui on se retrouve avec une situation très confuse et des contradictions qui concernent quand même des éléments importants tels que l'allocation, M. le président, des *stalls* au niveau de nos marchés, au niveau de nos foires. La législation de 1989 prévoit que cette allocation se fasse suite à un exercice de *tender* tandis que la législation de 2003, prévoit que cette allocation se fasse à travers une *expression of interest*. Donc, deux procédures en conflit, en contradiction.

Le pouvoir, M. le président, des conseillers municipaux et des maires, selon la législation de 2003, était complètement réduit au strict minimum et là j'ai été témoin puisque j'ai été directement concerné et tous ces membres aujourd'hui de cette auguste assemblée qui étaient, à l'époque, membres, conseillers municipaux à travers l'île doivent faire preuve d'honnêteté. Avec l'avènement de la loi, la *Local Government Act* de 2003, les pouvoirs des maires et des conseillers municipaux ont été réduits au strict minimum. Et comme preuve, au niveau de cette législation de 2003, j'ai parcouru et reparcouru cette législation et une seule section de cette législation de 2003 qui fait mention des *Powers of Deputy Mayor and Substitute Mayor*. C'est la section 24 de la législation de 2003 et permettez-moi de citer cette section 24 de notre législation.

“24 (1) –

“Any Act required to be done by the Mayor may, in his absence, be done by the Deputy Mayor.”

Et deuxième paragraphe -

“Where both the Mayor and the Deputy Mayor are absent from their respective offices, the Municipal Council shall, at a meeting held under the Chairmanship of the Senior Councillor, appoint a substitute Mayor who shall act as a Mayor until such time as the Mayor or Deputy Mayor resumes office”.

Aucune part ailleurs, dans cette législation, n'est mentionné les pouvoirs octroyés, non seulement aux conseillers municipaux mais aux maires ou aux maires adjoints, M. le président. C'était cela le rôle attribué à nos conseillers municipaux selon la loi de 2003. Et on a poussé cette humiliation à son point extrême, M. le président.

Au niveau de cette même section concernant les permis pour les différents opérateurs exerçant dans le territoire d'une autorité locale, la section 97 sous le titre '*Permits and Business Monitoring Committee*' vient effacer complètement le rôle, la présence même des conseillers municipaux, la présence même du maire ou de son adjoint au niveau du *decision-making process* pour l'attribution des licences et des permis pour les opérations dans le territoire de cette collectivité locale.

Mon collègue, l'honorable Uteem peut confirmer cela. Dans la circonscription numéro 2, il y a eu une certaine prolifération des *gaming houses*. Il a agit comme conseiller légal contre ces *gaming houses*. Lui-même et moi-même, à notre niveau, on a approché le conseil municipal, mais suite à l'application de cette loi de 2003, le conseil n'avait pas son mot à dire et là je fais appel à l'honnêteté de tous ceux présents qui ont été conseillers à cette époque pour confirmer cela. C'est un peu cela le sort qui a été destiné aux différents conseillers municipaux dans ce texte de loi de 2003. Un texte de loi, M. le président, qui était complètement en déphasage par rapport à l'avancement qu'a connu et que connaît toujours la démocratie locale à l'étranger. Permettez-moi d'apporter une précision. La cité de Port Louis, M. le président, a été membre de l'Exécutif de l'Association Internationale des Maires Francophones. Dès sa création, Beau Bassin/Rose Hill a été membre et Port Louis a été membre exécutif de cette Association Internationale des Maires Francophones.

Et permettez-moi aujourd'hui de corriger une anomalie. On a toujours prétendu que, par certains manquements au niveau du conseil municipal, que Port Louis a été écarté comme membre exécutif de cette association. Ce n'est pas cela, malheureusement, la raison. La raison, malheureusement, c'est qu'au niveau de l'Association Internationale des Maires Francophones, en parfaite conformité avec les provisions des procédures des collectivités locales à l'étranger, les maires sont élus pour un mandat de cinq ans tout au moins tandis que chez nous, à Maurice, le maire change chaque année. Or, le lord-maire de Port Louis ne pouvait pas se retrouver comme membre de l'Exécutif de l'Association Internationale des Maires Francophones pendant une année seulement. Ce n'était pas compatible avec le fonctionnement de l'Exécutif de cette association internationale. C'est pour cela que Port Louis avait été écarté à un certain moment.

Donc, pour vous démontrer que la loi de 2003, une loi archaïque, complètement dépassée qui constituait, non seulement un obstacle au niveau des services municipaux sur le plan local à l'île Maurice, mais aussi bien une entrave, non des moindres, un obstacle, a

hurdle difficult to overcome au niveau du plan international et pour cela la cité de Port Louis a dû payer un prix très cher, M. le président.

La *Local Government Bill*, cette législation telle qu'elle est à l'étude au niveau de notre auguste assemblée, M. le président, est la bienvenue. C'est une législation salutaire puisque c'est une législation qui annonce l'avènement d'une démocratie locale progressiste mais respectueuse des procédures établies, d'une démocratie locale qui accorde une autorité réelle à nos collectivités locales. Tout d'abord, cette législation permet l'élargissement de l'espace démocratique, on a mentionné, dans le cadre de la démocratie tout à l'heure, le renvoi des élections municipales prévues initialement pour 2010 qui ont été renvoyé maintenant, selon les provisions de notre législation à l'étude, à 2012. Mais, M. le président, les raisons de ce renvoi ont été évoqué à mainte reprise. Mais ce qu'il faut rappeler aussi, c'est la motivation et la démarche. Ce n'est pas la toute première fois. On ne vient pas inventer la roue, M. le président, quand par le passé pour des raisons évoquées principalement étant une contrainte de temps. Ceux qui sont aujourd'hui dans l'opposition étaient au gouvernement à cette époque. Je vous parle de la période de juillet 2002 lorsqu'on a renvoyé pas en une occasion, mais en trois occasions, M. le président, les élections villageoises qui avaient été tenues en 1997 et qui étaient dûes en 2002, M. le président.

En juillet 2002, le gouvernement MSM/MMM renvoie ces élections villageoises pour la première fois pour 2003, avec peut-être raison à cette époque vu l'avènement bientôt du New Local Government Bill. Donc, une première extension en 2002. Mais arrivé en 2004, ces élections villageoises sont maintenant renvoyées pour les mêmes raisons pour l'année 2004. Donc, ça constitue le deuxième renvoie, M. le président. Tout à l'heure quelqu'un du côté de l'opposition avait mentionné l'abolition des *by-elections* municipales. Mais en 2004, on vient complètement abolir les élections villageoises, M. le président.

Donc, pour la troisième fois, on renvoi ces élections villageoises. Il n'y a rien de nouveau. Je ne viens pas mettre en doute l'honnêteté, la bonne foi, du gouvernement de ce jour. Mais tout simplement il faut quand même remettre les pendules à l'heure, M. le président, et rappeler que lorsque vous étiez au gouvernement, pour des raisons que vous aviez évoqué, pas une fois, mais en trois occasions, vous aviez renvoyé les élections villageoises pour les mêmes raisons, des contraintes administratives, des contraintes de temps, on est appelé à renvoyer pas pour trois ans, quatre ans ou six ans comme vous l'avez fait, mais pour deux ans, M. le président ; les élections municipales qui vont être tenues définitivement l'année prochaine en 2012.

M. le président, je mentionnais tout à l'heure, l'élargissement de l'espace démocratique. Il est prévu dans cette nouvelle législation de 2011, la constitution des nouveaux Conseils de Village et aussi des nouveaux *wards* municipaux. Le nombre de conseillers de villages est augmenté, M. le président, et une meilleure répartition des *Municipal wards* a été conçue. Tout cela afin de consolider davantage notre espace démocratique, M. le président. Aussi, on prévoit - et cela a occasionné un amendement au niveau de notre constitution - une meilleure démocratie représentative.

On essaye de veiller à ce que la participation au niveau du nombre de candidats de l'élément féminin soit pris en considération afin d'améliorer la représentation des deux genres au niveau des Conseils Municipaux. On a reçu, bien sûr, le soutien de l'opposition. Tous les membres ont exprimé leur opinion favorable vis-à-vis de cette proposition de notre Premier ministre. Mais, M. le président, entre les paroles et l'action, des fois il y a un certain écart; des fois les paroles, l'engagement qui est tenu verbalement, dans le concret cet engagement n'est pas respecté.

Permettez-moi, et il est bon de pouvoir le rappeler aujourd'hui, M. le président, que pendant les dernières élections de 2010, dans ma circonscription, la Circonscription No. 2, on avait eu au niveau de l'Alliance de l'Avenir, le privilège, et l'honneur et le bonheur d'avoir comme colistière une candidate en la personne de Madame Aline Wong. Une personne qui s'est dévouée corps et âme pendant plusieurs semaines de campagne électorale, elle nous a accompagné dans toutes nos démarches, dans toutes nos réunions, dans toutes nos démarches de politique de proximité, de *canvassing*, de propagande auprès de l'électorat de la circonscription pendant cette campagne électorale. Mais il est malheureux, M. le président, de constater et il est bon de le mentionner aujourd'hui, tant de misogynes, tant de phallocrates qui se sont manifestés, qui ont torpillé cet élément féminin à travers des SMS pour nuire à sa réputation et à sa crédibilité, afin de pouvoir grignoter quelques votes. Il est bon de le rappeler; il est bon que cela *goes on record*, M. le président. Entre la parole et l'action il y a un grand pas et je souhaite de tout cœur que cet engagement verbal qui a été pris désormais fait place à une politique honnête, sincère, en toute bonne foi et que les campagnes électorales, que ce soit au niveau des campagnes municipales ou générales se fassent dans le respect de tout un chacun.

(Interruptions)

The Deputy Speaker: Don't interrupt, please!

Mr Hossen: M. le président, j'ai parlé tout à l'heure du rétablissement du statut - le statut du Maire, de son adjoint, le statut de chaque conseiller municipal en tant qu'individu. On vient élargir davantage l'espace démocratique avec un mandat de six ans. On vient confier à chaque Maire un mairat étalé sur deux ans et tous ceux qui ont servi au niveau des différents conseils municipaux doivent honnêtement le reconnaître, M. le président, qu'en une année, à peine on conçoit, on arrive à démarrer un projet, on n'a pas malheureusement le temps. Faute de temps, on n'a pas la possibilité de compléter ce projet et trop souvent, M. le président, lorsqu'on démarre un projet et que l'année suivante, il y a un autre Maire qui prend la relève, c'est un nouveau agenda qui est devant le conseil municipal. C'est une réalité. C'est une triste réalité. C'est pour cela, M. le président, que j'accueille favorablement et je remercie de tout cœur la vision de notre ministre des administrations régionales qui vient proposer quand même que ce mandat du Maire soit étendu. Et non seulement cela, M. le président, les orateurs qui m'ont précédé, M. le président, ont à mainte reprise, fait mention que provision est faite dans cette législation d'une intervention trop fréquente du ministre des administrations régionales. Mais permettez-moi de mentionner deux choses. Au niveau de cette même législation, au niveau des sections 35, 47 et 48, les pouvoirs des Maires, de son adjoint, de chaque conseiller municipal est bien élaboré.

Au niveau de ces trois sections mentionnées, mention est faite de l'institution, de ce qu'on appelle l'*Executive Committee*. Ceux qui ont vécu les réalités sous ces deux législations de 1989 et de 2003 dans nos Municipalités et nos Conseils de District seront à 100% d'accord avec moi, s'ils font preuve d'honnêteté, que l'institution de cet *Executive Committee* est la bienvenue. Il est impératif, important et essentiel qu'un élu du peuple, qu'un élu désigné pour *manage* les affaires de son arrondissement, pour essayer d'avoir un droit de regard sur les développements à venir au niveau, non seulement de son quartier, mais de sa ville, que ce conseiller municipal - je ne vous parle pas là du Maire ou de son adjoint; je vous parle du conseiller municipal en tant qu'individu, en tant que représentant de son arrondissement; c'est lui avant tout qui est l'élu du peuple et c'est lui avant tout qui doit décider de ce que va devenir son quartier, sa ville. C'est lui avant tout qui est l'élu du peuple et c'est lui qui doit décider de ce que va devenir son quartier ou sa ville. Cela vient rétablir une anomalie pendant trop longtemps humiliante, frustrante et déshonorante vis-à-vis de l'élu local de chaque arrondissement, M. le président.

La facilitation qui est accordée aux différentes collectivités locales - en option, ce n'est pas une obligation - c'est une option qui est accordée à chaque collectivité locale de décider

quelles sont les revenues qui se sont peut-être accumulées sur des nombreuses années et qui ne peuvent pas être collectées par les moyens logistiques et les ressources humaines disponibles au niveau de cette collectivité locale. Donc, on donne la possibilité au conseil local de décider si oui ou non, il fera appel au *Mauritius Revenue Authority* pour procéder à cette collection. Ce n'est nullement une ingérence dans les affaires municipales. Bien au contraire, M. le président, nous le savons tous au niveau de chaque collectivité locale, que ce soit au niveau de la municipalité ou des conseils de districts, pour le paiement des licences et des différents permis, pour le paiement des locations au niveau des marchés et des foires municipales ou d'ailleurs, il y a eu une accumulation des revenus qui sont dues et, cela, étalé sur des nombreuses années. Et que le conseil municipal ou le conseil de district réellement n'a pas les moyens que de pouvoir exiger le paiement, ni les moyens pratiques ni les moyens légaux, comme l'a précisé l'honorable ministre, pour procéder à la collection de ces fonds et ces aréages. C'est une facilité qui est accordée à ces collectivités locales que de solliciter les services de la MRA. Qui osera donc venir prétendre que c'est une ingérence ? Loin de là, c'est bien le contraire d'une ingérence, c'est une facilité additionnelle qui est accordée à ces collectivités locales pour recueillir justement d'avantage des revenus qui sont dues à la caisse municipale, M. le président. Le cumul des mandats, on a débattu dessus et il y a eu plusieurs éléments qui se sont manifestés contre le cumul des mandats. Je l'ai mentionné, M. le président, au début de mon discours. Un des éléments qui m'a procuré le plus de satisfaction, une des participations au niveau de ma politique active qui m'a procurée la plus grande satisfaction et que je considère toujours comme étant la tâche la plus noble que j'ai pu accomplir au niveau de services publics, a été mon rôle de conseiller dans mon quartier où j'habite, M. le président. Si on a à faire notre apprentissage d'une façon désintéressée, si vraiment nous sommes animés d'une volonté de servir les autres, si vraiment notre action politique, notre politique active, est guidée, en toute bonne foi, par le désir, avant tout, de servir les autres, il faut commencer chez soi. Il faut faire ses preuves au niveau de la démocratie locale. On parle d'une démocratie locale. Si on devait considérer le nombre de personnes qui travaillent à Port Louis, qui descendent sur Port Louis, si on utilise cela comme argument, qu'est-ce qui va nous rester comme cadre qui requiert les qualificatifs nécessaires, qui requiert les attributs et compétences nécessaires pour servir dans les *wards*, les arrondissements, les villes, là où ils habitent ? Ce n'est pas un critère qui tient debout. Vous voulez servir d'une façon désintéressée, faire preuve d'une honnêteté, d'une transparence et agir en toute bonne foi en temps qu'élu, démarrez votre engagement politique au niveau de la démocratie locale puisqu'il n'y a pas d'autre école de formation meilleure qu'une démocratie

locale pour façonnez votre personnalité, pour établir, diriger et bien orienter votre carrière politique, M. le président. Et tous ceux, encore une fois, que se soit de ce coté de la Chambre ou de l'autre coté de la Chambre, je n'ai pas le moindre doute, vont s'aligner à 100% sur mes propos s'ils font preuve d'honnêteté, M. le président.

J'étais maire de Port Louis, M. le président, mais, avant tout, et toute première priorité, ma première fonction publique a été de servir mon arrondissement, là où j'habite. Ils le savent qu'en des temps difficiles – je n'allais pas évoquer cela, mais vous l'avez mentionné, je sais que cette occasion, sur le rebond, je vous réponds et ce sont des faits que vous-même vous allez confirmer. J'ai été appelé, à cette époque, à me porter candidat dans l'arrondissement No. 3 de Port Louis, car suite aux élections 2001, pas des moindres, le Président du MMM ne s'était pas fait élire dans ce même arrondissement. Donc, fidèle aux principes qui m'ont toujours guidé, fidèle aux principes de mon parti...

The Deputy Speaker: Please !

Mr Hossen : j'ai mis ma carrière politique en jeu. J'étais un soldat et je le suis toujours, aujourd'hui, sous le leadership de Navin Ramgoolam, du parti travailliste.

(*Interruptions*)

Mr Hossen : J'ai été un soldat et je serai toujours un soldat de la démocratie. Et je serai toujours présent lorsqu'on fait appel à moi et à mes compétences en toute volonté et toute bonne foi, M. le président. On parlait, M. le président, de cumul de mandat.

(*Interruptions*)

The Deputy Speaker: Hon. Jhugroo, please!

Mr Hossen : Permettez-moi là, M. le président, de préciser, nous n'avons pas la prétention du coté de cette Chambre d'inventer la roue. Il n'y a rien de nouveau sous le soleil, M. le président, et je vous suis. Permettez-moi de citer des législations auprès des démocraties avant-gardistes qui n'autorisent pas à juste raison le cumul des mandats. Ce n'est pas nous qui le disons, M. le président. Si nous voulons placer l'évolution, le développement de notre démocratie locale dans une logique progressiste et avant-gardiste, on doit s'inspirer. On n'a pas la prétention de détenir la vérité, M. le président. On apprend avec les bonnes expériences vécues ailleurs au niveau des démocraties.

Je me permets de me référer, M. le président, à l'article 5 du *Council of the European Community*. Que dit cet article –

«A person is not allowed to stand for elections as a Member of the European Parliament if there is a Member of the UK Parliament»

Cela est la première référence. C'est le même principe de cumul de deux fonctions qui n'est pas autorisé et on va au-delà. Si cela ne vous satisfait pas, je me permets de me référer à une autre législation, M. le président. Celle d'une démocratie de notre région, celle de Victoria en Australie. Je vais me référer à la section 28 (A) of the Local Government Act 1989 de Victoria en Australie. Que dit cette section 28(A)-

“This qualification to be a Councillor due to conflicting duties subject to Section 28 (B) unless to apply a person is not capable of becoming or continuing to be a Councillor or nominating as a candidate at an election under this Act if the person is a Member of the Parliament of Victoria or the Parliament of the Commonwealth of Australia”

Je redis-

“A person is not capable of becoming or continuing to be a Councillor or nominating as a candidate at an election under this Act, if the person is a Member of the Parliament of Victoria or of the Parliament of the Commonwealth of Australia or of any other state or territory of the Commonwealth »

Deuxième référence concernant cumul de fonction député conseiller mais M. le président, pourquoi aller chercher ailleurs. Ceux qui sont de ce côté de cette Chambre lorsqu'ils étaient au gouvernement, ce ne sont pas eux mêmes qui ont initié le *Rodrigues Regional Assembly* et que dit, justement, M. le président, ce *Rodrigues Regional Assembly Act*. Je cite -

‘No person shall be qualified to be elected as a Member of the Regional Assembly who is a Member of the National Assembly’.

Et c'est vous qui l'avez fait, c'est vous qui l'avez introduit. Pourquoi donc votre agissement aujourd'hui ? Ça se résume à quoi ? Est-ce-que vous faites preuve d'honnêteté ? Est-ce-que votre mémoire vous fait défaut ou est-ce-qu'il y a une certaine malhonnêteté de votre part ? On se pose la question, je vous le redis. « No person shall be qualified to be elected as a Member of the Regional Assembly who is a Member of the National Assembly ». Et M. le président, laissez-moi leur rafraîchir la mémoire. M. Serge Clair était membre de cette assemblée. Il a démissionné pour être candidat au niveau du *Rodrigues Regional Assembly*, M. le président. Mais qu'est-ce-que vous nous racontez ?

Dans des cas extrêmes, il est souhaitable que, quand toutes autres possibilités aient été évoquées et bien élaborées, il est établi, dans la proposition de législation qui est à l'étude, là oui, il faut l'intervention du ministre mais pas des moindres, Nous savons, et ce n'est pas moi qui le dis M. le président, provision est faite, au niveau de cette nouvelle législation, du

central procurement et tout le monde le sait, ceux qui ont été concernés par les *procurement affairs* le savent beaucoup mieux que moi que, in *terms of central procurement* pour assurer le *best deal*, il faudrait que ce soit centralisé et cela dans l'intérêt, non seulement des différentes collectivités locales mais dans l'intérêt supérieur de la population qui contribue à travers ces taxes au fond des ces collectivités locales, M. le président. Ce sont des fonds publics qu'on est appelé quand même à gérer, M. le président.

C'est une législation qui rétablit le statut du maire, de l'adjoint maire de chaque conseiller municipal en tant qu'individu. C'est une législation qui vient rétablir le statut pendant trop longtemps bafoué des collectivités locales.

En 2003, et le leader de l'Opposition, hier, lorsqu'il a démarré son intervention, il a fait fausse route, encore une fois, M. le président. Nous avons, et je le mentionnais tout à fait au début, j'ai fait un rappel de l'historique de l'évolution de la démocratie locale à l'île Maurice. Pourquoi ? Parce que nous avons certaines susceptibilités. Il y a certaines traditions bien établies au niveau de notre démocratie locale qu'on doit consolider, qu'on ne doit nullement envisager de diminuer ou d'effacer M. le président. C'était ça la démarche principale de la législation de 2003 qui a fait fausse route.

La provision de cette législation de 2003 de venir effacer, remplacer les conseils des villages par les *municipal wards*. C'est quelque chose qui n'a jamais reçu l'unanimité ; loin de là, cela a été rejeté à l'unanimité par tous les conseils des villages à travers l'île et tant que nous aurons notre Premier ministre le Dr. Navin Ramgoolam et nous autres de ce côté de cette Chambre, on peut donner la garantie à tous ceux qui pendant de longues générations, de longues années, ont contribué à l'avancement, au développement de leurs villages à travers les conseils de villages nous leur donnons la garantie que leur rôle sera consolidé comme c'est le cas dans cette législation, on augmente les conseils de villages, on augmente la représentativité des conseillers de village au niveau du conseil de district M. le président.

Il y a une certaine susceptibilité mais surtout une bonne tradition établie. On ne peut pas effacer d'un coup de plume l'existence des *village councils* à Maurice. Au contraire, je pousse ma réflexion un peu plus en avant M. le président. Au niveau des villes, au niveau des *municipal wards*, on doit envisager et appliquer la même formule qui a fait ses preuves au niveau des conseils de village, M. le président. Chaque *ward* municipal doit être pourvu d'un budget M. le président. Tel est le cas en ce moment au niveau des conseils de village puisque c'est un système qui consolide la démocratie de proximité, M. le président.

The Deputy Speaker: Hon. Quirin!

Mr Hossen: Lorsqu'on parle de l'autonomie, ne faisons pas fausse route ! Ce n'est pas une autonomie, hier jalousement gardée par un pouvoir central, qu'on vient aujourd'hui accorder à un conseil municipal. Ce n'est pas ça l'autonomie, M. le président. L'autonomie, c'est la pratique instituée qui a fait ses preuves au niveau de Porto Alegre au Brésil M. le président. C'est la démocratie participative, c'est venir accorder à chaque ward municipal la possibilité d'avoir voix au chapitre, M. le président. La possibilité de pouvoir s'exprimer sur les priorités de son quartier, l'avenir de son quartier, de pouvoir exprimer ses priorités en tant que doléances, en tant que requêtes comme cela se passe au niveau de nos *village councils* et c'est dans cette optique que le ministre Hervé Aimée présente son projet de loi le *Local Government Bill* de 2011.

C'est une loi progressiste, respectueuse des traditions bien établies. C'est une loi qui apporte une réelle autorité, M. le président à notre démocratie locale.

Je vous remercie.

(5.47 p.m.)

Mr G. Lesjongard (Second Member for Port Louis North & Montagne Longue):

Merci M. le président de me donner la possibilité d'intervenir sur un projet de loi aussi important que le *Local Government Bill*.

M. le président, c'est un domaine qui me passionne, un domaine certes complexe mais combien passionnant !

M. le président, la démocratie locale touche les racines de la démocratie et, en ce faisant, M. le président, la démocratie locale permet l'épanouissement de la démocratie et dans son terme le plus large de pouvoir s'épanouir dans un pays.

Le projet de loi que nous avons devant nous ce soir, la *Local Government Bill* 2011 est un projet complexe, il faut le reconnaître. Nous avons, parmi nous, ceux qui étaient présents quand, moi-même, M. le président, j'avais présenté la loi de 2003. Je me rappelle bien les arguments avancés par ceux qui étaient sur les bancs de l'Opposition à l'époque. Et aujourd'hui nous avons devant nous un nouveau projet de loi piloté par le ministre Aimée et qui est présenté aujourd'hui à cette Chambre. Le premier projet de loi d'un gouvernement travailliste sur la décentralisation au sein de la démocratie locale et je vais élaborer un peu plus tard sur ce que j'ai dit. Pour commencer mon argumentation, M. le président, permettez-moi de me référer à deux documents fondamentaux, c'est-à-dire le *Government Programme* de 2005 et le *Government Programme* de 2010. Permettez-moi de citer ce qui a été dit dans

ce *Government Programme* en 2005, à la page 27, paragraphe 232, *and I quote, Mr Deputy Speaker, Sir -*

'232. Conscious of the fact that the Local Government Act 2003 will create injustice, Government will repeal the Act - ce sont eux qui le disent - and replace it by a new Local Government Act(...)'

C'était en 2005, M. le président ; six ans de cela. Et qu'est-ce qu'on entend aujourd'hui venant des bancs du gouvernement ? 'Nous sommes à cheval sur deux lois depuis 2003.' Nous avons pris nos responsabilités entre 2003 et 2005; assumez vos responsabilités entre 2005 jusqu'à ce jour. Vous avez eu tout le loisir d'abroger cette loi, de venir avec une nouvelle loi. Or...

(Interruptions)

Ils ont eu tout le loisir, M. le président, d'abroger cette loi de 2003. Et non seulement le loisir ; ils avaient fait la promesse à la population, parce que c'est écrit noir sur blanc: '*we are going to repeal the 2003 Local Government Act*'. Nous sommes en 2011, et ils viennent nous dire aujourd'hui que s'ils ont des problèmes c'est parce que depuis 2005, ils travaillent sur deux lois, notamment la loi de 1989 et la loi de 2003. Ce n'est pas de notre faute si la loi de 2003 existe toujours, et il faut qu'ils en assument la responsabilité.

M. le président, dans tous les discours qui ont été prononcés à l'intérieur de cette Chambre, la garantie a été donnée non seulement aux parlementaires mais à la population dans son ensemble. *Elections will be organised soon*. J'aime souvent me servir de ce mot '*soon*', parce que souvent on entend ce mot des bancs du gouvernement. Aujourd'hui, on est en présence d'un projet de loi qui nous demande encore une fois...

(Interruptions)

The Deputy Speaker: Hon. Aimée, please tone down!

Mr Lesjongard: ...de renvoyer les élections à l'année prochaine. Quand on avait renvoyé les élections en 2011, on avait posé la question : mais à quand en 2011 ? Et que nous avait-on répondu ? 'Au début de l'année, vous aurez les élections.' On est au mois de décembre, et on est en train de renvoyer les élections à l'année prochaine. C'est pourquoi, M. le président, on va demander à ce qu'on amende la loi pour qu'on introduise *the first quarter of 2012*. Six ans pour préparer une loi ! Nous, nous avons pris trois ans pour préparer deux lois similaires ; la loi donnant l'autonomie à Rodrigues et la loi sur les collectivités locales, c'est à dire introduisant la décentralisation au sein des collectivités locales. Concernant l'autonomie de Rodrigues, j'ai entendu l'orateur juste avant moi, en parlant des cumuls de

mandats, dire que dans la loi de l'autonomie de Rodrigues, nous avions demandé à ce que ceux qui siègent au parlement ne puissent pas être candidats à Rodrigues. C'est vrai, M. le président ! Si aujourd'hui on pouvait cloner l'être humain, on n'aurait pas mis cela dans la loi, parce que physiquement c'est impossible pour quelqu'un de siéger à Rodrigues et au Parlement à Maurice en même temps. Il y a des raisons à cela.

Le projet de loi, M. le président, qui est devant la Chambre apporte trois notions bien distinctes. Tout à l'heure, j'ai parlé de l'autonomie de Rodrigues, de décentralisation et aussi de démocratie locale. Si on ne maîtrise pas ces trois notions, il est impossible de présenter une loi avant-gardiste et moderne pour l'administration locale. Tel est le cas pour ce gouvernement, et nous pensons que ce gouvernement ne croit dans ces trois notions, que ce soit la démocratie locale, l'autonomie ou la décentralisation.

L'honorable Abdullah-Hossen a fait l'historique de l'administration locale à Maurice. Je ne vais pas entrer dans les détails, mais il faut dire que la période la plus importante de l'histoire de la démocratie locale c'est quand il y a eu cette période de transition, c'est-à-dire où on nommait les conseillers à l'élection des conseillers. Or, des orateurs avant moi ont fait remarquer que dans la loi de 2011, nous faisons un pas en arrière parce que nous permettons au ministre, à un certain moment, de nommer les conseillers, car dans les lois précédentes c'était par le biais des élections.

Comme je l'ai dit, nous avons été les premiers à introduire ce concept d'autonomie, de décentralisation dans la législation de notre pays. En faisant référence à l'*Explanatory Memorandum* de la loi de 2011, nous constatons qu'au paragraphe (a), *and I quote -*

'The Bill makes further and better provision for -

(a) the establishment of democratically elected local authorities with sufficient autonomy (...)'

Ils ont catégorisé cette autonomie *whereas, on this side of the House, we talk of maximum autonomy; maximum autonomy in the case of Rodrigues and also maximum autonomy in the case of local authorities.* Eux, ils catégorisent cela en '*sufficient autonomy*', *Mr Deputy Speaker, Sir.* Mais, c'est un fait, M. le président, que quand on parle de décentralisation, nous parlons de rapport de pouvoir et dans ce cas précis, c'est le rapport de pouvoir entre le ministre, son ministère et les collectivités locales et le degré de décentralisation dépend de ces rapports qui existent entre le ministre et les collectivités locales. C'est pourquoi, dans nos interventions, nous parlons de mainmise du ministre dans le système de l'administration locale et nous sommes totalement contre.

Un peu plus tard dans mon intervention, M. le président, je vais expliquer pourquoi il y a cette mainmise. Mais, retournons, M. le président, un peu en arrière dans l'histoire pour voir. Tout à l'heure, je parlais des débats de 2003. Il faudrait peut-être rappeler aux Membres de la Chambre quel argument a été mis de l'avant par l'opposition pendant les débats de 2003. Je suis étonné, M. le président, et je vais retourner à cela, l'argument de l'honorable Hossen. Nous avions un projet de loi qui municipalisait le pays, rétablissait cette disparité entre les villages et les villes et créait des nouvelles municipalités. Et qu'est-ce qu'ils avaient dit eux ? Qu'avec l'avènement des municipalités, nous allions introduire la taxe rurale ! Pendant presque deux ans jusqu'avant les élections de 2005, ils ont fait campagne sur ce sujet, une campagne terrible, M. le président, surtout dans les villages pour aller dire : "Voilà, ce gouvernement va introduire la taxe rurale en municipalisant le pays !" Mais, le comble, M. le président, c'est ce même gouvernement qui, dans l'opposition avait critiqué l'introduction de la taxe rurale et avait fait presque capoter le projet de municipalisation.

Une fois au pouvoir, c'est ce même gouvernement qui introduisit le *National Residential Property Tax*. M. le président, je me rappelle bien des discours de 2006...

(Interruptions)

Oui, comment ils ont défendu l'introduction de cette taxe que moi j'avais classifiée de taxe injuste et qui touchait presque toutes les couches de notre société. Et par la force des choses, sur une base purement politique, ils ont dû, cinq ans après, M. le président, faire marche arrière. Voilà, la pure vérité, M. le président ! Quand j'entends l'honorable Hossen venir dire que, tant que le Premier ministre sera là il n'y aura pas de municipalisation dans le pays. Mais le programme gouvernemental de 2010, au paragraphe 218, *and I quote –*

"A major review of Local Government legislation will be undertaken in order to better meet the aspirations of the population. Consideration will be given to the creation of new Municipal Councils."

Et déjà, la loi de 2011 fait provision pour la création de nouvelles municipalités, avec une taxe, et c'est dans la loi et va entrer en vigueur après quatre ans. Which is which, Mr Deputy Speaker, Sir ?

J'ai écouté non seulement l'honorable Hossen, mais les autres orateurs aussi venir dire que la loi de 2003 enlevait les pouvoirs aux collectivités locales. Le ministre lui-même, dans une interview à la presse, est venu dire la même chose, que, voilà, la loi de 2003 enlève les pouvoirs des conseillers, et qu'en ce faisant, ces conseillers n'avaient pas de pouvoir au sein des collectivités locales.

M. le président, je vais expliquer exactement ce qui s'est passé. Dans la loi de 2003, nous demandons au conseil de siéger chaque quinzaine. C'est la même chose dans la loi de 2011. Pourquoi ? Parce qu'il y avait eu des plaintes que le conseil siégeait chaque trois mois et, très souvent, on n'arrivait pas à travailler correctement. Mais l'idée, M. le président, c'était de reconnaître que l'instance décisionnelle au niveau d'une municipalité est le conseil municipal. Nous laissons aussi le choix aux conseillers de mettre en place les comités qu'ils voulaient, eux, à leur niveau, pour faire fonctionner ce qu'on appelle dans le jargon de l'administration locale, les *standing committees*. Et nous introduisons, pour la première fois, ce concept de *one-stop-shop* au niveau des collectivités locales pour l'octroi des permis. C'est là que j'entends très souvent, les membres du gouvernement venir dire qu'avec l'introduction de ce *one-stop-shop* qui allait être responsable de l'octroi des permis, nous venons retirer les pouvoirs des conseillers et donner ce pouvoir aux fonctionnaires des collectivités locales.

(Interruptions)

Non, M. le président ! Laissez-moi vous expliquer exactement ce qui s'est passé. Quand nous introduisons ce *one-stop-shop*, nous mettons dans la loi de 2003, le fonctionnement de ce *one-stop-shop*. Nous définissons dans les sections 98 à 105 comment allait fonctionner ce *Permits and Licences Committee*. Et nous disons à la section 105 –

« Examinations of applications for permits and licences by Committee”.

C'est-à-dire, quand quelqu'un vient à la municipalité et fait une demande pour un permis ou une licence, il s'adresse à *the Chief Executive of that municipality*.

Once the Chief Executive receives that application, il est dit dans la loi clairement –

“The Chief Executive shall at every meeting of the council submit to the council a list of applications received under section 100 or 104 since the last meeting.”

C'est-à-dire que chaque quinzaine, les conseillers de la Municipalité, dans son ensemble, ont l'occasion de prendre connaissance des applications que la Municipalité reçoit. *Once the councillors have taken note of the application, this application goes to the Permits and Licences Committee*. Et là, c'est le travail des fonctionnaires. Les fonctionnaires font leur travail. Il nous faut aller à la section 105(6) *and I read that subsection –*

“Unless the Chief Executive receives a certificate of objection from the Police, Fire Services, Sanitary Authority, or any other relevant Ministry or Government Department within a period not exceeding 4 weeks of the date the matter is referred to any of them under subsection (3), the Chief Executive shall, without

having to refer the matter again to the Council, grant the licence or permit applied for.”

C'est-à-dire que dans les cas où il y a objection - c'est cela qui est le plus important – le dossier doit retourner devant le conseil. Et les conseillers, à ce moment-là, prennent connaissance que dans ce dossier il y a eu objection et ils peuvent agir à partir de là. C'est là le pouvoir des conseillers, M. le président. Mais qu'est-ce qui se passe après ? J'ai évoqué la loi de 2003 où au sein de ce comité les conseillers ont le pouvoir d'intervenir sur des demandes de licences ou de permis.

What happens, Mr Deputy Speaker, Sir, is that en 2006, l'ancien ministre des finances, M. Rama Sithanen, après avoir présenté son budget, il vient à la Chambre avec une loi, *that is, the Business Facilitation Act.* Qu'est-ce qu'il fait, M. le président ? Il vient avec toute une série de mesures afin de faciliter *the way of doing business in Mauritius and in voting that piece of legislation. At section 98(11), what is done? We repealed sections 100 to 106 and replaced them by the following sections.* C'est-à-dire les sections où le conseil avait la possibilité d'intervenir, nous abrogeons ces sections. Et qu'est-ce que nous venons dire –

« Where a person has been issued with a Building and Land Use Permit, he shall, before starting any classified trade and at all times in the course of carrying on his classified trade, comply with such guidelines as may be issued by the Fire Services, Sanitary Authority and the Ministry responsible for the subject of environment. »

C'est-à-dire qu'à ce moment ...

(Interruptions)

Vous avez eu l'occasion de parler, restez tranquille s'il vous plaît. Laissez-moi faire mon point. Je ne vous ai pas dérangé.

The Deputy Speaker: I don't want any Member to interrupt the orator!

(Interruptions)

Mr Lesjongard: Voilà le point fondamental, M. le président. Ce n'est pas la loi de 2003 qui vient récupérer les pouvoirs des conseillers. *It is the Business Facilitation Act of 2006 and, once and for all, this has to be ...*

(Interruptions)

The Deputy Speaker: Hon. Hossen, please!

Mr Lesjongard: If I am saying something which is not correct, Mr Deputy Speaker, Sir, they can correct afterwards. I want them to correct afterwards, Mr Deputy Speaker, Sir, if

I am not saying something correct. Pendant plusieurs années, ils ont crié haut et fort, M. le président. Aujourd’hui, après six ans, on a attendu longtemps. L’heure est arrivée de rétablir certains faits, M. le président.

M. le président, l’élément fondamental de ce projet de loi, je l’ai dit tout à l’heure, c’est le renvoi des élections. Nous avons été blâmés pour avoir renvoyé les élections, mais permettez-moi d’expliquer certaines choses. On nous blâme d’avoir renvoyé les élections villageoises. Mais quelle est la raison? Nous étions dans la démarche de municipaliser le pays, c'est-à-dire, après la loi, il n'y aurait pas eu des *village council elections* mais ils ont fait campagne dessus. Quand nous créons ces municipalités, là aussi il y a eu renvoi des élections. Mais pourquoi ? Ce n'est pas comme eux. Parce que nous avions déjà voté la loi et nous étions en pleine phase d’implémentation de la loi. Or, aujourd’hui tel n'est pas le cas. La loi n'a même pas été votée et nous renvoyons les élections. C'est cela la différence fondamentale, M. le président. Nous n'avons pas encore voté la loi et nous renvoyons les élections. C'est pourquoi, M. le président, je confirme, nous étions en phase d’implémentation de la loi.

Je voulais prendre ce point tout à l’heure mais je le reprends là. Quelqu’un venir dire que nous sommes à cheval sur deux lois, vous avez proclamé une partie de la loi de 2003 pas la totalité. Mais il faut savoir - et je vais le reprendre tout à l’heure - que dans la loi de 2003, nous avons fait provision. Quand nous proclamons une section de la loi, automatiquement cette section dans la loi de 1989 qui est concernée est abrogée. C'est-à-dire que l'argument qui a été soulevé tout à l’heure que pour les *electoral boundaries* - je pense que l'honorable Faugoo avait fait ce point hier - on aurait pu se servir de la loi de 1989 concernant les délimitations des *wards*. Non, M. le président! Quand nous avons proclamé la section 4 de la loi de 2003 qui concerne the *electoral boundaries*, la section appropriée qui est concernée dans la loi de 1989 tombe automatiquement *and that is related to section 147 of the Act of 2003 which is the Repeals and Savings Section*, M. le président.

M. le président, j’ai écouté avec attention le discours de l’honorable Reza Issack hier soir. Je lui avais dit juste avant son discours parce qu’il dit très souvent qui ne pratique pas la langue de bois. Mais hier c’était vraiment une langue de bois, mais en bois massif...

(Interruptions)

Parce qu’après tous ce qu’il a dit lui-même, M. le président, sur le projet de loi - je ne vais pas reprendre, parce que hier cela a été évoqué...

(Interruptions)

Cela a été évoqué et je ne vais pas entrer dans les détails. Mais il a un point fondamental M. le président, c'est le cumul des ...

(*Interruptions*)

The Deputy Speaker: Hon. Ms Anquetil, please!

Mr Lesjongard: ...le cumul des mandats. Il a essayé quand même de défendre ce point. Mais j'attendais beaucoup mieux de l'honorable Issack parce que, M. le président, quand on dit quelque chose, il faut pouvoir assumer après dans la vie et cela est important.

(*Interruptions*)

Et hier il a dit que du côté de l'opposition nous avons fait quelques commentaires très souvent désobligeantes à l'égard de certains, M. le président. Dans une interview de l'actuel ministre des collectivités locales concernant l'honorable Reza Issack, voilà ce qui a été dit –

« C'est un député qui a été Maire de Port Louis et Conseiller, qui est enseignant, journaliste et qui se plaignait du montant de son *travelling* pour la voiture mairale.»

Avec raison, il se plaignait du montant parce qu'il avait à se bagarrer avec le Secrétaire Permanent du ministère. Mais pour aller plus loin, M. le président, concernant ce qui a été dit, le ministre répond -

«Je n'ai cité aucun nom »

Mais par la description, on sait de qui il parle.

« Mais je pense que cette personne ne pense qu'à ses intérêts personnels et égoïstes.»

(*Interruptions*)

The Deputy Speaker: Hon. Member, there is no need to quote extensively.

(*Interruptions*)

Mr Lesjongard: Mr Deputy Speaker, Sir, I heard somebody say it is completely irrelevant; it is not at all irrelevant. I will explain why. When hon. Reza Issack was Lord Mayor, he set the example because he took the bus from his place of residence, Mr Deputy Speaker, Sir. The first and only Lord Mayor to take a bus to go to his office!

(*Interruptions*)

At that time, he said that. *Quand on voit le ministre de tutelle qui vient le traiter d'égoïste, quand même! Le mot est fort. Ce n'est pas moi qui l'ai dit. Le mot est fort, M. le président.*

(*Interruptions*)

The Deputy Speaker: Please!

Mr Lesjongard: Allons plus loin dans l'analyse et c'est là où cela devient extrêmement intéressant, M. le président dans le sens après l'honorable Reza Issack, il y a eu aussi les commentaires d'un conseiller de la Municipalité de Curepipe. Un conseiller qui a démissionné et il a fait des commentaires en disant que le ministre est en train de tripoter avec la démocratie régionale.

(*Interruptions*)

The Deputy Speaker: Please!

Mr Lesjongard: Quel est l'argument que je veux faire? L'argument est simple parce que quand il a fait ces commentaires, le président du Parti travailliste a dit qu'au sein du Parti travailliste on accepte des divergences d'opinions. Hier aussi, j'ai entendu cela et c'est bien quand c'est ainsi. Mais là ce n'est pas une question de divergence d'opinions, c'est une attaque frontale, M. le président. C'est une attaque frontale contre qui? Contre le Premier ministre et le *leader* du Parti travailliste. Pourquoi je dis attaque frontale? C'est parce que quand on lui pose la question -

«Mais vos critiques s'appliquent aussi à la direction de votre parti qui a pris cette décision »

C'est-à-dire la décision de renvoyer les élections municipales et il répond:

«Oui, je sais que le *leader* du parti est le Premier ministre. C'est lui qui préside le conseil des ministres. C'est le chef de l'honorable Aimée et c'est lui qui décide de l'agenda politique du pays. »

La question qui vient tout de suite après -

« Vous ne le blâmez pas en tant que *leader* de votre parti ? »

« Si » il répond.

«C'est clair que si je le blâme, c'est en tant que Premier ministre que je le blâme. Je le blâme aussi en tant que *leader* du parti.»

C'est M. Clency Lajoie. Ce n'est pas une divergence d'opinions, c'est une attaque directe à l'intégrité, à la capacité du Premier ministre et du *leader*...

(*Interruptions*)

The Deputy Speaker: Hon. Ameer Meea, please!

Mr Lesjongard: du Parti travailliste.

(*Interruptions*)

The Deputy Speaker: Hon. Jhugroo!

Mr Lesjongard: Et cela démontre la fragilité de ce gouvernement. Voila un conseiller d'une municipalité qui se permet d'attaquer le *leader* de son parti ! Un conseiller d'une municipalité qui se permet d'attaquer le Premier ministre d'un pays!

(*Interruptions*)

The Deputy Speaker: The hon. Members behind the orator, please! Let the hon. Member make his point!

(*Interruptions*)

Mr Lesjongard: M. le président, permettez-moi de prendre le sujet qui a été, je pense, le plus traité par les intervenants de l'opposition, par le *Leader* de l'opposition. Mais je ne vais pas reprendre tout ce qui a été dit. J'ai une question simple à poser au ministre.

(*Interruptions*)

Tout à l'heure le ministre va répondre ! Le sujet est *délimitations of wards*. Ma question est simple. J'ai avec moi le discours du ministre. Le ministre vient expliquer qu'il y a eu correspondance entre lui et l'*Electoral Commissioner* qui lui a répondu. Mais ce qu'il ne vient pas nous dire, M. le président et là je voudrais lui poser la question -

« Qu'est-ce qui motive le ministre à venir de l'avant avec ces délimitations ? »

Qu'est-ce qui le pousse, M. le président ? A Port Louis nous avons 6 *wards*. Il augmente ces 6 *wards* à 8 *wards*. Qu'est-ce qui le motive à faire cela ? Qu'est-ce qui le pousse à faire cela, M. le président ? On aurait bien voulu savoir. Il faut qu'il nous explique car c'est cela qui a tout déclenché. Il y a eu, je suis sûr, des discussions au niveau de son ministère, entre lui et ses collègues ou même au niveau du conseil des ministres. Mais qu'est-ce qui le pousse à venir retoucher ces *electoral wards* ? Ce qui s'est passé après c'est qu'il y a eu vice de procédure. On verra en temps et lieu.

Mais la question fondamentale avant qu'il n'écrive la lettre *to the Electoral Commissioner* pour lui demander *that we are reviewing the wards*, il doit connaître les raisons et c'est cela que la Chambre voudrait savoir. Est-ce qu'il y a eu un problème quelque part ? Est-ce qu'il y a trop d'électeurs ? Je ne sais quoi, mais dans son discours, M. le président, l'élément essentiel n'est pas présent. Il ne vient pas dire à la Chambre ce qui a motivé sa démarche. C'est pourquoi, nous, on a des doutes. Parce qu'il ne l'a pas dit, M. le président, nous, on vient dire que c'est une démarche purement politique. Nous motivons nos arguments. Comment motivons-nous nos arguments ? Hier, l'honorable Barbier a parlé et il l'a dit, si nous prenons la région de Port Louis, quand nous analysons ce qu'il y a dans le projet loi, nous constatons que les *wards* sont à notre désavantage. C'était bien avant, mais là,

la façon que cela a été faite est complètement à notre désavantage. C'est pourquoi on vient dire que le but est purement politique. C'est pourquoi le terme *gerrymandering* est utilisé.

Et qu'est-ce qui motive notre analyse? Je pense que l'honorable Uteem en a parlé, c'est lorsqu'on avait posé des questions au Premier ministre lors des analyses du budget, au *Committee of Supply*. C'est le Premier ministre, lui-même, qui est venu dire qu'il faut qu'il y ait des consultations avant d'aller de l'avant. Est-ce qu'il y a eu des consultations? C'est la deuxième question que je pose au ministre. Son Premier ministre informe la Chambre qu'il faut passer par un processus de consultation pour pouvoir finaliser ces *boundaries* et ces *wards*. C'est clair, M. le président, qu'il faut passer par là parce que, dans le programme électoral de 2010, *the word 'consensus' is used. You can achieve consensus, if you go through consultation. Consensus is not only one person.* Alors, ma deuxième question est, si le Premier ministre vient dire à la Chambre qu'on va consulter les partis politiques du pays, est-ce que le ministre, lui, il a commencé les consultations ? S'il ne l'a pas fait, pourquoi ? C'est pourquoi, M. le président, nous avons beaucoup de doutes sur ce qui se passe en ce moment-ci. Les orateurs avant moi en ont parlé et avec le non-cumul des mandats, on empêche des députés d'être candidats aux prochaines élections. Quand ? On ne le sait pas. Deuxième - délimitations des *wards*. Il est clair aujourd'hui, M. le président, qu'ils ont une peur bleue des élections et cela depuis un certain temps. Ils ont peur d'affronter les élections. M. le président, ce que je suis en train d'élaborer en ce moment ci, c'est une situation sans précédent, pourquoi? On nous demande de renvoyer ces élections, la loi n'est même pas encore votée.

L'autre aspect de ce projet de loi, c'est la mainmise du ministre sur les collectivités locales. Et là, je pense qu'il faudrait faire le point et faire ce point là *in a very forceful manner. It concerns the Unified Local Government Services Board*, mais c'est quoi cette bête là, M. le président. *We have the Local Government Services Commission which is an independent body. I have a look at the legislation and most of the powers of that Commission will again be taken care of by that Unified Local Government Services Board*, qui n'est pas indépendant, qui tombe sous la responsabilité du ministre parce que c'est son *PS* qui va présider ce board là. Vous savez ce qui est dit – “*for redeployment of officers, for authorising officers to go on leave without pay and for replacing those officers, the hon. Minister now will replace those officers. Is that giving power to the local authorities? Somebody just said that. With the 2003 legislation, we have given powers to the local authorities with regard to granting loan for the purchase of motorcycles or cars. Now, all these powers will go to the*

Unified Local Government Services Board, Mr Deputy, Speaker, Sir. Et on ose parler de décentralisation!

Je le dis, M. le président, et cela je veux que les membres du gouvernement comprenne cela très bien. You should know what powers the hon. Minister is taking from the local authorities. Now, the hon. Minister will be responsible for granting leave without pay to officers of local authorities! Once those leaves are granted, he will be responsible for appointing somebody to replace the person who has gone on leave without pay! There are other clauses, Mr Deputy Speaker, Sir.

Cette affaire de groupe, M. le président, où le ministre lui-même aura le pouvoir de nommer des conseillers. Nous avons retiré cela complètement de nos lois. *This is coming back again in our legislation. Earlier, I talked about permits and licences. Yesterday, somebody talked about that where the hon. Minister is going now to have un droit de regard sur l'octroi de permit maintenant.*

With regard to the Budget at the level of the local authorities, it is stated in the legislation that, if at some point in time, the hon. Minister is not satisfied, he has the possibility of reducing the Budget of those local authorities. What is said in the legislation to show us that they are giving powers to the local authorities is that now we are going to have an Executive Committee at the level of the local authority, an Executive Committee comprising of the Mayor, the Deputy Mayor and five other councillors, to be nominated by the Mayor.

Regarding the Mayor, the Deputy Mayor and five other councillors to be nominated by the Mayor, so we are going to have an inner circle in the council now. Why not give the powers to the council where all the councillors can sit and decide the future of the local authorities. Now we are giving powers to a small group, ‘*ène clic*’, and I think hon. Kavi Ramano raised the point yesterday for the first time in a local authority at the Municipality of Beau Bassin/Rose Hill, the budget was not voted by the council because they did not have the quorum. The budget for that local authority was voted by a small group of councillors. Is it what we want?

(Interruptions)

Yes, it was not voted actually. Est-ce que c'est cela qu'on veut au niveau des collectivités locales, un petit groupe de personnes, de conseillers qui ont ce pouvoir ? This is what is said in the legislation it is clear, the Executive Committee will comprise of the Mayor, the Deputy Mayor and five councillors nominated by the Mayor and all decisions

taken before going to the council will have to go through the Executive Committee, then why? Aren't we again duplicating Mr Deputy Speaker, Sir? Qu'est-ce qui est dit aussi ...

The Deputy Speaker: Please hon. Hossen, there is no need. I give you some latitude ...

Mr Lesjongard: And what is said also Mr Deputy Speaker, Sir, en cas de litige entre ce comité exécutif et le conseil municipal, c'est le ministre à ce moment là qui a le pouvoir final de décider la marche à suivre.

The Deputy Speaker: Hon. Hossen, I think that there is a problem, you don't seem to follow.

Mr Lesjongard: C'est pourquoi, M. le président, nous parlons de la main mise du ministre et je l'ai dit au début de mon discours, j'ai parlé de deux concepts, décentralisation et autonomie. Nous connaissons tous les problèmes que Rodrigues a eus avec le gouvernement central et là nous voyons que dans ce projet de loi, ce concept de décentralisation n'est pas maîtrisé. C'est une fausse décentralisation, M. le président, qu'on veut faire croire, premièrement, aux collectivités locales et en fin de compte à la nation.

Mr Deputy Speaker, Sir, many promises were made by Government as I have said earlier: the creation of the new municipalities; the Minister explained that because of lack of funds, he is not able to create those municipalities. The Minister promised that disparities between rural and urban areas will decrease and he also stated that he is going to review the Grant-in-Aid formula. When we have a look at the legislation specifically with regard to the Grant-in-Aid formula, we see that the determination of that formula is based on certain criteria. Mr Speaker, Sir, the criteria that we had in 2003 is the same criteria that we are having in 2011. Therefore, there is no change.

Je vais conclure, M. le président, j'ai dû attendre six ans pour faire ce discours. Aujourd'hui je suis un homme en colère, M. le président. On nous a tellement promis et je pense que cette colère est ressentie par la population dans son ensemble, M. le président. Aujourd'hui on assassine la démocratie. Demain que feront-ils M. le président ? On doit les arrêter avant qu'il ne soit trop tard ! Même si cela doit être au péril de nos vies M. le président, permettez-moi de le dire de cette façon car notre avenir est menacé par ce gouvernement. Les luttes, les sacrifices de nos ancêtres, de nos tribuns, de nos parents sont en train de perdre leur valeur. C'est un gouvernement incompétent qui méprise la volonté d'un peuple, qui bafoue la démocratie, qui a perdu l'estime du peuple. Votre heure a sonné, il est temps de partir ! Merci, M. le président.

(6.46 p.m.)

The Minister of Foreign Affairs, Regional Integration and International Trade

(Dr. A. Boolell): Mr Deputy Speaker, Sir, if I have to sum up the speech delivered by my good friend hon. Lesjongard, I will say that it was full of sound, fury signifying very little and for somebody who, as Minister of Local Government, who failed to proclaim a law which was introduced in respect of municipalisation of the country, today somebody has the guts to say that we are not delivering. I would advise my friend never to throw stones at those who live in brick houses where like a bull he has walked into a china shop and he has broken everything.

Let me remind our friend, hon. Lesjongard, that my colleague hon. Hervé Aimée has dared and he has delivered contrary to the former Minister of Local Government and I must say, in due fairness, to hon. Hervé Aimée, this Bill has become his breath and life and he has invested a lot of time into the preparation of this Bill and, of course, for that matter no one is an island into oneself, the Bill was prepared with the support of his advisers, his senior officials and the SLO. It is a Bill whose objectives are clearly defined. I can understand my friends on the Opposition bench. They've got one agenda, call it a new agenda or an old agenda, same wine in new or old bottle, *c'est du déjà vu, déjà entendu*.

Mr Deputy Speaker, Sir, the agenda is political. When you look at the merits of this Bill, the merits far outweigh any of the demerit. I will come back to the point raised by hon. Lesjongard.

So, what is the agenda? What are the rumours that they tried to spread around the country: that the Bill would not obtain the assent of the President. That was said, Mr Deputy Speaker, Sir, and we know the vicious campaign that has been waged and the psychological warfare waged by our friends in respect of meetings between the Leader of the Opposition and the President and we know what was stated: that there is a lot of confusion, that there is gerrymandering, that election would be postponed. Mr Speaker, Sir, let me make it quite clear that Parliament is sovereign and supreme and Parliament can undo what Parliament does. Look what was put by the Young Turks of the Labour Party. My colleagues, the Minister of Agro-Industry and Food Security and the Minister of Labour, Industrial Relations and Employment. They have put their views across very forcefully to demolish the arguments put forward by the hon. Leader of the Opposition; arguments which he had tried to ram down the throat of the nation, and he has failed and failed abysmally.

When you listen to the arguments put forward by hon. Shakeel Mohamed and hon. Faugoo, it stands to reason, Mr Deputy Speaker, Sir, that the Minister had every right to repeal the existing legislations, namely the Local Government Act of 1989 and the Local Government Act of 2003. Besides, they brought an amendment to the Local Government Act of 2003, and we know the reason why. We know, for example, when the decision was taken to postpone local elections. Of course, the lawyer who dispensed the advice referred to the provisions of the Local Government Act of 1989 to justify the reason as to why another date was set for by-elections or, for that matter, for local elections.

Let me remind my friends as to what is stated in the Explanatory Memorandum. I think it is worth reading it, because I have the impression that many of our friends have not read what is stated in the Explanatory Memorandum.

“The Bill makes further and better provision for -

- (a) the establishment of democratically elected local authorities with sufficient autonomy to manage the local affairs of their area;
- (b) local authorities to provide services and facilities which will ensure the economic and social well-being of their local communities in an ecologically sustainable manner so as to meet the present and future needs of their communities;
- (c) an effective, efficient, inclusive and accountable system of local government;
- (d) the management and governance of local authorities;
- (e) the duties of Councillors and officers of local authorities;
- (f) the accountability of local authorities; and
- (g) related matters.”

Mr Deputy Speaker, Sir, let me give due credit where due credit should go, namely to the hon. Minister who saw to it that there were discussions. There was a Ministerial Committee set up, and some of our friends from the MSM who were then in Government were party to the discussions, to the consultations, and there was exchange of information. Now, they cannot stand on their own and speak against this Bill. Mr Deputy Speaker, Sir, this is - if I may say so - smack of intellectual dishonesty.

Let me also remind our friends that this Bill was gazetted in October 2011. You know what the First Schedule stands for in respect of boundaries that had been revised. Why is it then that no one deemed it fit to challenge what was in the First Schedule? Where were they

then, Mr Deputy Speaker, Sir? If this is not sheer demagogy, then what is demagogy? They had every opportunity to challenge what was in the provisions of the First Schedule in respect of revised boundaries.

Mr Deputy Speaker, Sir, I have stated that this Bill is revolutionary, and I have every reason to say it. I will say it loud and clear. Whether I travel to Mare Chicose or to New Grove, whether in Curepipe or in Quatre Bornes, I speak without fear of prejudice to say that this Bill empowers women, empowers Councillors and delivers on promises made by this Government under the able leadership of our Prime Minister.

What are we delivering? It is a *politique de proximité*. What are we doing, Mr Deputy Speaker, Sir? We are splitting District Councils. Let me take the case of the Savanne District Council or, for that matter, the Grand Port/Savanne District Council, which has been split in two, and similarly for Rivière du Rempart and Pamplemousses. Not only that! The number of villages has been increased. Better still, Mr Deputy Speaker, Sir, we are going to remunerate Councillors. They had their say, but they failed to implement when they were in Government. The difference between Government and Opposition is that when you are in Government, not only you have your say but you have your way, Mr Deputy Speaker, Sir. We are having our way; the best way, because we are reaching out to those who are weak, who are vulnerable. We are empowering them through grassroots democracy.

Should I refer to the number of reports since days immemorial, since *la loi Laventure* till the last report prepared by Sooben in 1997 which, in the words of some of our friends, was a non-event! Slowly but surely, when we talk of contiguity, Mr Deputy Speaker, Sir. Let me remind our friends of what was proposed in the Bhuckory Report, annexing suburban areas to the urban areas; slowly but surely, a main town which is going to become the centrifugal force. What has the Minister done? He has drawn inspiration from the findings of all these reports. They have distilled the information. There has been, Mr Deputy Speaker, Sir, wide discussions as how best to prepare a legislation which is fully reflective of the politics of empowerment.

When we talk of empowerment, I have the impression, as I have stated earlier, that many of our friends, unfortunately, are confined to the perimetry of this House, and they don't take stock of what is going out there. Let me remind some of our friends also that this country is undergoing a rapid transformation. This is why we need legislative and an institutional framework which would respond to the needs of our people, be they in urban or

rural areas. We have an ambition to turn this country, in the years to come, in a State city, but then we need resources, and resources have to be disbursed upfront.

When my friend, hon. Pravind Jugnauth, was Minister of Finance, we literally had to appeal to him. I know the difficulties that my colleague had in respect of resources that had to be disbursed. What was my colleague asking? Splitting of District Councils! Of course, he had an ambition; he would have liked to expedite matters, move the process because his objective was, of course, to go for municipalisation. We agree that resources have to be disbursed. But then, like an angel with a tight fist, he held on to the purse and our friend, hon. Xavier-Luc Duval, Vice-Prime Minister and Minister of Finance, of course, with the blessing of the Prime Minister, has disbursed adequate amount of money to ensure that we create eight new villages and that we split the District Councils. Of course, the councillors are going to be remunerated. When I hear my friends, on the other side talking, about gerrymandering, who is manipulating who? They are trying to manipulate the people out there. This is what they are trying to do. I have been in politics since so many years and I could read the body language of many of our friends, especially when the writings are on the walls, Mr Deputy Speaker, Sir. Where is the gerrymandering, knowing perfectly well that Parliament can undo what Parliament has done, and those two legislation had to be repealed? I ask a question: had the provisions in the two legislations - I refer to sections 4 and 7 of the 2003 Bill - been entrenched in our Constitution, like we did when we made provisions for empowering of women when we amended section 16 of the Constitution, then it would have been a different matter. Then, my friend would have no choice but to seek advice from the President or to refer his proposals to the President. Then, he could have done so, but Mr Deputy Speaker, Sir, he has flouted no law. He has acted with the courage and determination he is known for. There is no impunity. Let me also remind our friends as to what exists in the Bill in respect of section 9 -

“The President may, after consultations with the Electoral Commissioner, the Local Authority concerned and such other person as he thinks fit, by Proclamation, alter the boundaries of a Local Authority or electoral ward.”

So, where is the problem? I can't understand. There are many brilliant lawyers on the other side. Don't tell me that they didn't know! Mr Deputy Speaker, Sir, they knew very well, except that they thought that they could obtain political mileage on a Bill which is so sensitive. That was the agenda: try to undermine. What were we told? That there would be a constitutional crisis engineered by those with minds!

(Interruptions)

I don't want to use the words 'wicked mind'. You said it. That is very sad. This is why I am appealing to all hon. Members that this Bill, Mr Deputy Speaker, Sir, has its merits and I hope my friends will come to better senses. We fully support and we cast the vote in favour when the hon. Minister will move for this Bill to be approved.

I listened to my good friend, hon. Lesjongard, when he talked of le *cumul de mandats*.

Let me remind him of what he stated in '*Le Weekend*' –

"Il n'y aura plus de députés et conseillers avec la nouvelle loi sur les administrations régionales."

Mr Lesjongard: What the hon. Minister has mentioned, this was the case, but we did not go ahead with that in the legislation.

The Deputy Speaker: Yes, hon. Minister, you gave way. You can continue now.

Dr A. Boolell: Mr Speaker, Sir, let me also remind the hon. Member - because they are full of contradictions - what he said when he moved his second reading in respect of mandate of Mayor.

"In the light of the views expressed, it is therefore being proposed in the Bill that a Mayor will hold office for a period of two years and that the mandate of a Council will span over a period of six years instead of the same Mayor staying in office during the five-year mandate."

He said it. On the *cumul de mandats* and on the mandate of the Mayor, they have contradicted. They have taken a stand, whereas when they were in Government they did precisely what we are saying. They have to be consistent. This is what I cannot understand.

Let me come to by-election because much has been said, that they do not like elections to be postponed. In 1983, the law was amended so that the number of vacancies in the Council required was increased to three instead of one, irrespective of wards. I asked the question in 1983.

(Interruptions)

The MMM did not oppose the amendment, especially after being beaten in a by-election in Beau Bassin/Rose Hill. In 1987, Mr Deputy Speaker, Sir, when three vacancies occurred in the Municipality of Vacoas/Phoenix, the law was amended again when the provision that exists today was introduced with regard to the relativity between majority group and a minority group. What happened? Once again, MMM did not put up a challenge. They did not

object to this amendment in view that they did not wish to take part in the by-election in the ward of Solferino.

Let me put the question they have lost all the by-elections and we have won all the by-elections, Mr Deputy Speaker, Sir, irrespective of whether we were in Government or in Opposition under the leadership of the able Prime Minister.

Let us come back again in 1991 at the time of Municipal Elections when one candidate of the MMM suddenly passed away between the nomination day and the day of taking poll. This resulted in the elections of the FDS Candidate, Elie Michel, in addition, to the 23 elected Councillors from the MSM/MMM. In 1993, three vacancies occurred in Beau Bassin/Rose Hill, including that of Elie Michel. The then Prime Minister, Sir Anerood Jugnauth, decided that the relativity in that Council had been upset and insisted of holding by-election and my friend recalls well. Over the objection of the MMM, the results of those by-election was an eventual defeat of all three MMM candidates, including my very good friend, hon. Bhagwan to the PMSD led by Xavier-Luc Duval. Since then, no by-election has been held during 2001 to 2005 where there were councils under the control of MSM/MMM that had three or more vacancies. What has been the other criticism levelled, Mr Deputy Speaker, Sir? On the issue of *transfugisme*, what is in the Bill? In fact, what this Bill does, it is a prelude to electoral reform for better days to come. This is a fact! We have a reserve list. I would remind my friend to refer to the existing system in respect of Rodrigues Regional Assembly. Maybe it is an early harvest in respect of electoral reform.

(Interruptions)

They have a PR system over there and what we have said also in respect of positive discrimination, I have spoken about the amendment brought to the Constitution, to ensure that there is fair representation of women, but these are facts. Of course, we are yet to bring an anti-defection law, but the fact remains.

An unfair criticism has been levelled against my friend, but they have been elected under the banner and symbol of the *l'Alliance de l'Avenir* led by the able Prime Minister. Where is the problem? What they have done, they have assumed their responsibility fully and they have lived up to the expectation of the electorate. Those sitting on the other side have defected, Mr Speaker, Sir, and that is why I say they are politically obscene and they have not lived up to the expectation of the electorate, Mr Deputy Speaker, Sir.

So, this Bill, Mr Deputy Speaker, Sir, is a Bill in line with the philosophy of the *l'Alliance de l'Avenir*, the Labour Party. Let me say loud and clear to our friends and they

know it. I am not talking about whose days are numbered because this is not the forum for me to say so, but let me tell them one thing.

On the issue of transparency and accountability and the power vested upon the Minister, what are the powers? Is the Minister arrogating himself with unfettered powers? One should not forget that almost 70 to 75 of the budget allocated to Local Government, where does that money come from. Public fund! You mean to tell me that the Minister should not have *a droit de regard*. He is accountable to Parliament. He is under parliamentary scrutiny and when we talk of Building and Land Use Permit, Mr Deputy Speaker, Sir, a number of times, if we had not intervened to see to it that justice is not delayed. I am raising practical issues. We need to be practical and pragmatic. What are we saying? That there is an Executive Committee, there are councillors sitting on the Committee, but if it so happened that an application has been turned down without any justification, but the Minister is accountable to Parliament. I am sure my friends on the Opposition bench will put questions and he will have to reply to. He has to be fully apprised as to the merits or demerits of the application that has been turned down. A number of times, Mr Deputy Speaker, Sir, I am sure you have done it and everybody has done it. If we do not seek justice, if we do not stand up for those who are weak and vulnerable, we know what can happen, but, of course, we also have to tread cautiously because we can be subject to undue pressure being borne upon us, but, at the same time, we cannot be in a straight jacket. The number of complaints we registered, if I have to highlight difficulties encountered by small entrepreneurs and we are right to come with the Business Facilitation Act because we are a small country and we want to stay ahead of the curve. We want to facilitate our entrepreneurs.

So, the Minister, of course, needs to tread cautiously. The Minister, of course, will have a *droit de regard*, but there will be no encroachment. The demarcation lines, in respect of responsibilities, are wide and far, but the Minister cannot be denied his responsibilities. There is a difference between being vested with unfettered power or for that matter being arrogated with power far beyond anybody's reach.

So, this Bill, Mr Deputy Speaker, Sir, is a historical landmark and I will appeal to all our friends. I am sure they have gone through it very, very diligently and assiduously and I cannot see anything that is contrary to the spirit and legitimacy, Mr Deputy Speaker, Sir, of democracy whether, it is revision of boundaries, whether it is allowance that is going to be allocated to councillors, the oath taken by councillors in respect of allegiance to the work that has been entrusted onto them, and what are we doing also.

Earlier, I talked about empowerment. Let me come back to this issue of *cumul de fonctions*. You know, in France this has been the subject of wide debates and they are trying to review the system as it currently prevails. I am sure as MPs - forget about being Ministers, we are all MPs - today it is a 24-hour job 7-day week, Mr Deputy Speaker, Sir. Unless you want to relax and enjoy armchair comfortability and leverage on your so-called assets or liabilities, Mr Deputy Speaker, Sir, but let me tell you, in a world where information is a right and no longer privilege, people judge you on your accessibility.

So, I ask myself and I put the question, with the best intentions that we have and when we do some soul searching, it stands to reason that we need to widen the circle of opportunities for upcoming politicians. We are not going to be here forever. The joy of being in the Labour party, that we have been able to widen the political space, creating the opportunities and enabling people to take the rung of the ladder. It is not a close shop; it is not a clan. This is why we are saying that there should be no *cumul des fonctions*. If you are true to yourselves and you are your allegiance to your electorate and you want to reach out, you have to deliver and this is why we make provisions in the Bill to enable young people who are keen to go into politics, to take the rung of the social and economic ladder because politics is a noble profession. Only those who have got dirty minds will sully this profession, Mr Deputy Speaker, Sir.

So, this Bill takes us a long way. We should not narrow it to the issue of permits or so-called unfettered power being conferred upon the Minister. This is not the spirit of this Bill. Those who are going to implement the Bill will be able to say loud and clear that we are going to be practical and pragmatic. There is clarity; there is certainty. My appeal to our friends is that the time has come to honour our commitment towards our electorate and this transcends political barriers.

Let me now take some of the points raised by some of our friends on the other side. The Leader of the Opposition notwithstanding the stage he set for the alleged gerrymandering with the proviso that they may lodge a case before the Supreme Court and that they would go as far as the Privy Council. Of course, it was all theatrical because their arguments have been demolished, by the young turks, Mr Deputy Speaker, Sir.

Let me now come to a point raised by hon. Paul Raymond Bérenger. Hon. Bérenger queried what procedures would be used with regard to the registration of groups and ensuring that gender representation is in force on nomination day. Mr Deputy Speaker, Sir, we all know that such provision is not detailed in the main Act as for both Municipal and Village

Councils elections. The relevant sections in the Bill – 11(1)(b), 12(1)(b) make reference to the Representation of the People Act and the Electoral Commissioner then issues regulations containing all relevant procedures for both Municipal and Village Councils elections, especially on nomination day. This has been taken care of.

Again this should bring me to what we said in respect of Parliament being sovereign and the right to repeal those two legislations and the procedures followed when there was an exchange of correspondence between the Permanent Secretary of the Ministry of Local Government and the Electoral Commissioner. As it has been stated by hon. Mohamed, there was the onsite visit made by the Electoral Commissioner and his team and they interfaced with the Electoral Boundaries Commission. I hope that this does not recur. We know for certain that the objective of raising this issue of the so-called gerrymandering was to undermine the office of the Electoral Commission. This is unfair. As politicians, there is a threshold....

(Interruptions)

The Deputy Speaker: Please!

Dr. Boolell: ...that we don't go beyond. As politicians, we should not hit below the belt...

The Deputy Speaker: Hon. Mohamed and hon. Baloomoody, please!

Dr. Boolell: There are ethics and politics. If you want to deliver on promises to your electorate, you should stick to the ethics of politics, Mr Deputy Speaker, Sir. Let me also come to the point raised by hon. Jhugroo. He said that the elections for Mayors should have been held between the 21 and 24 of November and as they have not been held all the existing Mayors are illegally in place. Section 12(1) of the Local Government Act 1989 makes provision for election of Mayors and Deputy Mayors to be held between those dates in any year other than a year in which the general election of a local authority is held and 2011 was supposed to be such year. In the year of general election of local authorities, the election of Mayors and Deputy Mayors is held immediately after the election of the whole Council.

Hon. Mrs Hanoomanjee criticised many sections of the Bill; she maintained that all the sections practically were contained in the draft Bill, of course, a copy of which was circulated to her when she was a Minister. Hon. Meeah mentioned the case of the Deputy Mayor of Port Louis who had to resign following a fine and they know who that Lord Mayor was.

(Interruptions)

Yes, I won't mention his name. Furthermore, while criticising the Government which supposedly is being supported by two Members – I raised that issue - who left the party, but who were elected under the common programme. When they talk of *transfuge* they also have to look into their own back garden. Do they know the number of *transfuges* in the MMM/MSM rank at the Municipality of Port Louis? There are five *transfuges*. This is why I say that one should tread cautiously. It is so easy to level criticism, but they need to look in their own back garden. If they want to rebut arguments put forward - this is why I make an appeal never hit below the belt because eventually it is going to boomerang and they know with what consequences. Hon. Barbier brought up the question of boundaries in the wards in Port Louis. The simple reason why there have been changes in the composition of the number of wards which has increased from six to eight, that is, to become smaller. Again, on this issue, in 2003, what did they do? Do they know what they proposed? They increased the number of wards, but they reduced the number of councillors in 2003? That is what you proposed. This is what precisely we are doing. Where is the problem? Where is the contradiction?

Mr Deputy Speaker, Sir, let me remind our friends that when it comes to grassroots democracy, we constantly have to reach out. Of course, one of the experiences which we shared relates to an issue which we canvassed very forcefully when we were in Opposition and I am glad that we have delivered on promises made to the people of Mare Chicose. I will end on Mare Chicose.

The people of Mare Chicose who have been relocated with the help of my colleagues, the Minister of Lands and Housing and the Minister of Local Government. We already identified land for them and they have been relocated, in fact, almost in the centre of Rose Belle. Mare Chicose is a village which in the years to come will become a ghost village and I am glad that it is going to be annexed to New Grove, as I have stated. The people of Mare Chicose will no longer have a Village Council, but they are grateful to what Government is doing for them. When we promised that we are going to empower people we do it. In the past, just to mitigate the angry feelings expressed by the people of Mare Chicose, do you know what was given to them? A soccer jersey and a soccer ball – that was all. You see the difference between them and us, Mr Deputy Speaker, Sir. That is why I say that the people of Mare Chicose are grateful because we have delivered and we have empowered them. We have dignified them. When we put a roof over the head of somebody and when those people who are working in factories or in offices come home, the streets are well lit; the roads have

been resurfaced, they have basic amenities, and this reminds me of what we did. Earlier my friend talked of Sir Kher Jagatsingh who was then, I think, Minister of Local Government. What we did as a Government to ensure that there is parity between towns and villages? Recall the days of the Village Development Officers!

There was a time in this country when you lived in remote areas, there was no lighting, there was no transport and imagine if strategic services were not the entities of Government or public transport, to a large extent, was not the entity of Government, would CNT travel to those far distant places? Would there have been light in those places? That was what was said by Lenin: "If you want to empower people, you need to electrify the region, you need to provide power supply to the region" in line with what we are doing, my colleague, the Minister of Social Integration, is also helping us to weave and create the lattice which is going to be strong enough to enable us to wage war on poverty and this against a climate of difficult financial and economic crisis.

So, Government is working as a team. There is good inter and intra-institutional approach. This Bill is an all encompassing Bill and it cannot stand on its own. We all have to pull together to ensure that we deliver on promises made to our people. We have a long way to go, but we have travelled a long way. I am confident, with the team that we have, and you have seen our people standing up, rebutting the arguments put forward by the Opposition, annihilating them...

(Interruptions)

I am saying politically. This is why we are proud of our team...

(Interruptions)

The Deputy Speaker: Hon. Khamajeet, hon. Bundhoo and hon. Assirvaden, order, please!

Dr. A. Boolell: and we are not afraid of adversity. You do not have to speak King's English or *la langue française de Molière*, but when you are committed, like my good friend, and he has put his heart and soul into delivering, we have to look up to him and say thank you, because you are an excellent minister and we are fully supporting you.

Thank you.

(7.32 p.m.)

Mr P. Jugnauth (First Member for Quartier Militaire and Moka): Mr Deputy Speaker, Sir, before I come to debate on the Local Government Bill (No. XXX of 2011), let me pay a fitting tribute to one of the long serving Members of our country, Mr Régis Finette.

As we all know, he started his career with the MMM and served my party for many years as Minister. He passed away on Thursday last and history has it, as we are debating this Local Government Bill today, a Bill, of course, which relates to the very Ministry that he has been responsible for - in fact, an Act which is, still in force, which bears his signature.

Mr Speaker: Hon. Bundhoo, please!

Mr Jugnauth: Late Régis Finette, as I can testify, was fully dedicated as Minister of Local Government and he served the nation to the best for his ability.

Having said this let me stress on the fact that today's debate on the Local Government Bill 2011 is, in fact, a very sad example on the way the country is run. The hon. Minister has taken so long to come with the Bill, which is full of half baked proposals, a Bill which is, in fact, a blow to democracy and which shows little respect for our institutions and which will be a denial of the sacred right of our citizens to vote, because it is a postponement of the municipal and village council elections for another year.

Mr Deputy Speaker, Sir, before I come to the Bill, let me explain the stand of the MSM on the first postponement. Let me try to be very factual. We were elected in May 2010. We formed part of the then *l'Alliance de l'Avenir* Government. There were discussions for the presentation of a New Local Government Bill in 2011. Government had to work and to present the Budget of 2011 but, more importantly, the hon. Minister said that he would come up with a new Bill with fundamental changes so that it would not only be a major restructuring of Local Government, but also a revolution in regard to the functioning of same.

As we know - and I have to give credit to the Minister - the time frame was very short to be able to present such a Bill. We were told that it had to be worked upon anew, taking, of course, into consideration the numerous reports that have been submitted to Government. Therefore, there was a collective decision to be taken and that decision was not to go forward with the local elections, but on the condition that the local elections would be held this year. As I said, we were in Government when the first postponement was effected in December last year. Let me repeat again that we were looking forward to the presentation of the New Local Government Bill to this House, debated, voted and Local Government elections to be held this year.

The hon. Members will see that in the budgetary estimates for 2011, I had made provisions for a sum of Rs255 m. for Local Government elections. By 06 April 2011, there was, in fact, a draft Bill that was presented with the creation of Municipalities around the country, for some of the high-populated villages and which also included the splitting of district councils.

Mr Deputy Speaker, Sir, I must also point out that the first draft Bill that was presented, at the level of Government, by hon. Aimée in April 2011 was, in fact, very controversial. There were, *je dirais beaucoup de divergences parmi les membres du gouvernement* irrespective of party and I do not want to go into the details. I have listened very carefully to hon. Arvin Boolell, I must say, he has been criticising us, but I think, at least, he has been fair in not trying to say that who was against what provision, because true it is there were committees. By the way, let me seize this opportunity to say, because earlier some time the hon. Minister had said that I formed part of that committee. If he can, later on, inform this House as to when, at what committee and on which date did I ever attend a meeting? I hope he will if what he has said earlier that I formed part of the committee. Some of my friends formed part of the committee.

(Interruptions)

Cabinet!

(Interruptions)

The Deputy Speaker: Please!

Mr Jugnauth: But all Ministers are part of Cabinet!

(Interruptions)

Well, I don't want to reply to that. Let me continue with what I was saying with the first draft Bill that the hon. Minister circulated at the level of Government. As I said, it was controversial. At least people are informed, because I do not come here to this House just to say anything without giving some information to show that what I am saying is true. There was *divergence* on the issue of the right to vote of Commonwealth citizens. I hope the hon. Minister, in his summing-up, will say a few words on that. I hope he does also say who were against.

As regards the creation of 98 village communities in Rodrigues, that again without consultation, but we have dealt with that. Concerning permits and Business Monitoring Committee, Procurement Committee, District Councillors to be returned from wards in District Council area, let me repeat it again, District Councillors to be returned from wards in

District Council area, like in the Municipalities actually. It is a totally different system from what is being proposed today and disqualification, as I have also mentioned. I do not want to go into the list of all the issues, but also importantly the estimate cost of that project is Rs1.4 billion and recurrent expenditure of Rs377 m. per annum as hon. Aimée stated himself. It was a Bill, in fact, with much confusion, but there was also the setting up of 11 Municipal Town Councils with mayor and also of District Councils for the region which the Municipal Towns form part. Let me say even this estimate was on the conservative side, it was on the low side. Nevertheless, I will not go and say, there was an evaluation; there was discussion that was held between my Ministry and his officers. At that time, we had all agreed that it was difficult for the country to finance such a huge sum in one go.

Moreover, the international financial context with the euro zone crisis affecting our economy, in fact, did not allow us to present such a Bill to Parliament. Let me repeat again, hon. Aimée initially had proposed the creation of 5 city councils, 11 town councils, 6 new district councils and 8 new villages. I say again, due to the unsustainable high cost of such a measure, it was decided to revise the proposals. He came back - I must say a credit again to him - as hon. Boolell said. True it is that he worked hard. *Je ne dis pas cela méchamment, cyniquement*, but he worked hard on it. He came back in May 2011 with the splitting of District Councils with a cost of Rs200 m. as investment and Rs115 m. for recurrent expenditure.

Mr Deputy Speaker, Sir, I must say that there were, of course, discussions on the draft Bill that was circulated, Ministerial Committees and a number of meetings, again *beaucoup de divergences*, some of the provisions were rejected by Members, as I say from all parties of *l'Alliance de l'Avenir*. We were and we are still against the proposal to interdict Members of the National Assembly to stand as candidates for local elections. In fact, that is an example like quite a number of other provisions. We cannot, Mr Deputy Speaker, Sir, limit the freedom of our Members to affirm themselves in regional elections. I do not want to go into the motive of it, but we questioned also a number of representatives from village councils. A village, with let us say 2000 inhabitants cannot have the same number of representatives as one which has 500.

M. le président, le viol de la démocratie porte l'empreinte de ce gouvernement. Lors d'une fonction - et là je fais référence à ce que le ministre, l'honorable Aimée, avait déclaré le 09 juin 2011 et je cite –

« Les élections seront bel et bien pour cette année. Vous pouvez désormais avoir une idée de la période durant laquelle se tiendront les élections municipales. »

Rencontrant les nouveaux maires dans son bureau, le ministre Hervé Aimée leur déclare, et je cite –

« Gérer les collectivités locales n'est pas un jeu - pas ènn badinage - et il ne reste que quatre à cinq mois pour la tenue des prochaines élections pour les collectivités locales. »

Another occasion where he said, *je cite –*

“Nous allons débattre de cela au Cabinet et nous prendrons une décision dépendant de nos moyens. »

L'honorable Hervé Aimée est venu, et comme je l'ai dit, on doit lui donner crédit, à plusieurs reprises, au niveau du gouvernement, demandant l'autorisation du Premier ministre de venir de l'avant avec son nouveau projet de loi, mais la réponse de l'honorable Aimée - j'espère que vous vous souvenez - a été toujours la même aux mal aimés. The answer was –

« Wait, we should not be in a hurry. »

Il disait à chaque fois que there is a problem that we will run out of time, on the issue of holding elections. Il était conscient. Mais la façon - comme je l'ai dit tout à l'heure - that this country is being run, paying lip service, in fact, to such important issues, est-ce cela la démocratie dont se vante le Premier ministre, ce gouvernement ? On connaît tous le vrai responsable du renvoi des élections. As I said, there was no answer. It was like that several times. C'est le résultat de l'incapacité du Premier ministre de prendre des décisions, et les caprices du chef au détriment de l'intérêt du pays qui ont primé. Et les caprices du chef au détriment de l'intérêt du pays! Il faut faire référence au conseiller, Clency Lajoie, qui a tenu le Premier ministre responsable pour le renvoi des élections.

The way things were being done, and the affairs of the country were being run and important issues were not being addressed in a timely manner is one of the reasons why we resigned and left the Government.

Now we have seen how *incompétent et incapable le gouvernement est.* The hon. Minister brings a Bill first of all without proper consultation in regard to the Rodrigues Regional Assembly. I will not go into that because this has already been dealt with in this House. We have heard a lot about the vindications of local organisations and even councillors about the provisions of this Local Government Bill. Again, I will refer to what Mr Clency Lajoie had said. I understand that he resigned some time ago from his post.

Il dit ceci, et je cite -

« Le gouvernement joue avec la démocratie régionale et les citadins. Nous n'avons pas le droit moral de rester et de continuer à gérer les villes. Notre mandat est arrivé à terme, et il n'y a aucune force majeure qui justifie un nouveau renvoi des élections municipales. Je me rends compte que le gouvernement joue avec la démocratie régionale et les citadins. C'est aussi un manque de respect envers les élus municipaux, car c'est à travers la presse que nous apprenons que les élections n'auront pas lieu. Les conseillers sont traités de façon cavalière.»

To add insult to injury, the hon. Minister, at one of the functions, had the guts, the cheek to say ‘élections pas rempli ventre!’ C'est à son image, peut être à son appétit devrais-je dire. What is the frame of mind of the hon. Minister while making such a statement? Saying that the elections are not important for this country!

(Interruptions)

The hon. Minister will have time to reply later on. We have patiently been listening to the other hon. Members. Listen to me! Pour venir faire une déclaration pareille, cela démontre quelle valeur, quelle importance le ministre et ce gouvernement attachent aux élections et à la démocratie. Maintenant nous avons le règne du Parti travailliste et du PMSD, et l'image des collectivités locales est déjà salie.

Nous savons aussi comment fonctionnent les conseillers actuellement. Laissez-moi quand même faire état de quelques gaspillages, dilapidation des fonds. R 759,000 pour cent poubelles à Beau Bassin/Rose Hill ! Ce sont des poubelles en or! Un mur à Beau Bassin a couté R 700,000! L'honorable Lesjongard avait fait état de l'achat de bottes pour R 3,9 millions à la Municipalité de Port Louis! A Curepipe, des voyages à l'étranger! Le document a été déposé par l'honorable ministre à l'Assemblée. A Quatre Bornes, les jardins d'enfants fermés par manque de sécurité ! La négligence qui coûte R 2 millions à la mairie. A Port Louis, alors que le budget est déficitaire, R 30 millions sont oubliés dans les caisses pour le *Stimulus Package*. A Vacoas/Phoenix, il y a des fraudes sur les factures. Un maire, M. le président - peut être l'exemple vient d'en haut - voulait louer un jet privé pour aller faire une virée à l'île de la Réunion, et pas seul s'il vous plaît! En très bonne compagnie! Il a dû être viré lui-même finalement. Pagailles dans les mairies! C'est cela l'administration...

(Interruptions)

The Deputy Speaker: Please, hon. Jhugroo, do not interrupt!

Mr Jugnauth: ...du Parti travailliste et du PMSD. *Mr Speaker, Sir, let me come to the Bill itself. After the series of confusion that we had for two years, we were waiting for a revolutionary Bill, which would, in fact, empower administratively and financially the local authorities.* Mais le ministre a accouché de quoi? Je vais le lui rappeler. Je suis sûr qu'il a jeté un coup d'œil sur les différentes propositions qui ont été faites auparavant. A l'époque, le 10 décembre 2009, le Dr. James Burty David avait circulé un *draft Local Government Bill* au niveau du gouvernement. C'est presque la même chose que le ministre est en train de présenter aujourd'hui; presque la même chose à quelques différences près.

Councillors return from wards in District Councils; cela est different. Term of office of Mayor, il avait suggéré 20 mois, et là c'est different. *Public Consultation Policy,* il n'y en a pas dans ce *Bill.* Sinon, le ministre Aimée présente presque toutes les mêmes provisions. D'ailleurs, en juin 2010, il avait fait une réunion avec les PPS et les députés pour expliquer, pour ventiler ce *draft Bill* qui est presqu'une copie conforme à ce que feu Dr. James Burty David avait circulé auparavant.

What do we have in hand today? A breach of our law and a power control Bill from the concerned Minister. C'est un manque de respect envers les institutions avant tout et envers le Président de la République. Je dis avec conviction que le droit du Président de la République n'a pas été pris en considération, tout comme celui de l'*Electoral Boundaries Commission.*

M. le président, j'ai écouté avec attention les arguments légaux, surtout venant de l'honorable Faugoo. Très humblement, je vais dire mon opinion. Mais je vais poser une question. *In regard to delimitation of new boundaries,* je n'ai pas entendu quelqu'un venir dire qu'il n'y a pas de loi qui régit *the delimitation of boundaries.* Donc, je me pose la question : quelle loi régit aujourd'hui la délimitation des *boundaries*? Quelle loi? Est-ce la loi de 1989 ou celle de 2003?

I am not that expert to be able to say which law is prevailing today, but it cannot certainly - the little that I know of the law - be the provision of this very Bill, which is before this House. Otherwise, what will happen? Anytime, a Bill will come to this House, it will supersede and the provisions of the Bill will apply! It can't be! The question is: is it *la loi de 1989 ou celle de 2003?* *Dans les deux cas, on n'a pas respecté la procédure.*

Let us look at the law of 1989. *L'honorable ministre Faugoo, mentioned section 7,* Division of towns into electoral wards and subsection (1) -

“The President may by order and on receipt of proposals from any urban authority or upon the recommendations of the Minister, provide for the division of a town into a specified number of electoral wards.”

Mais cela n'a pas été fait. Je reviendrai là-dessus tout à l'heure. Et puis, il y a la loi de 2003, qui est encore plus claire, parce que c'est le président qui initie les consultations avec the *Electoral Boundaries Commission*. Maintenant, si on vient dire qu'il y a *conflict of laws*, qu'il y a deux lois et on ne sait pas quelle loi qui s'applique. Let me humbly put it to this House. I look at the judgement of Chinien against the Queen, 1989 Supreme Court Judgement at page 375. In fact, that was a dissenting judgement given by Judge Robert Ahnee. Since the debate has been on this, Mr Deputy Speaker, Sir, let me quote from this judgement of Justice Robert Ahnee. He cites the case of Corporation of Blackpool v/s Star Estate Co. Ltd (1922 Appeal Court at page 27), and I quote -

“We are bound to apply a rule of construction, which has been repeatedly laid down and is firmly established. It is that wherever Parliament in an earlier statute has directed its attention to an individual case and has made provision for it unambiguously, there arises a presumption that if in a subsequent statute the legislature lays down a general principle that general principle is not to be taken as meant to rip up what the legislature had provided for individually, unless, an intention to do so is specifically declared. A merely general rule is not enough even though by its terms it is stated so widely that it would taken by itself, cover special cases of the kind that I have referred to”.

He says, in Maxwell on the interpretation of statutes, under the heading ‘Examples of repeal by implication’.

This is where according to me this applies, repeal by implication, and I quote -

“If, however, the provisions of a later enactment are so inconsistent with or repugnant to the provisions of an earlier one that the two cannot stand together, the earlier is abrogated by the later one.”

It is a very long and interesting judgement. In fact, the number of cases that have been mentioned and, to me, it is clear that there are two provisions; we have heard that two provisions could be still in force, so one has to apply.

M. le président, concernant cette loi, tout d'abord il y a les débats au Parlement. Il faut que ce projet de loi soit accepté, il doit être ratifié par le Président de la République; c'est ce qu'on appelle la promulgation. Après ratification, ce projet de loi doit être publié dans la

gazette du gouvernement et devient loi au jour de la publication, sauf bien sûr, s'il y a des dispositions contraires, par exemple, une nouvelle loi qui s'applique dès l'instant de sa publication dans la gazette, à moins qu'une disposition la faisant entrer en vigueur à une date ultérieure avec un effet rétroactif.

Let me mention what the Constitution at section 46 (4), where it says -

“No law made by Parliament shall come into operation until it has been published in the Gazette, but Parliament may postpone the coming into operation of any such law and may make laws with retrospective effect.”

C'est la situation concernant nos lois. Je crois que le ministre Faugoo a fait certains points lors de son discours. L'honorable ministre Faugoo vient dire, and I quote -

“Section 7 of the Local Government Act, which I must point out, has not been repealed. It is still there and valid”.

Il ne mentionne que la section 7(1). Section 7 is valid; he only mentioned subsection (1). At subsection (2), I quote -

“The boundaries of every electoral ward shall be determined by the President after an enquiry to be held in such manner as he may decide”.

Donc, si la section 7 est valable *and still in force today*, le ministre a-t-il respecté la provision du subsection (2), *consulting the President and the President, if he decides, carry out an enquiry into that*? L'honorable ministre Faugoo vient dire que la section 4 of the Local Government Act 2003 is also valid as at tonight. Let us take it tonight, not yesterday night. Il vient dire que both sections are in operation today. On the first question, which I ask myself, Mr Deputy Speaker, Sir, we have two sets of law: 1989 and 2003. We have two different sections under each of the Act of Parliament, Local Government Act. Why the hon. Leader of the Opposition tonight chose section 4 of the 2003 Act? Why not choose section 7? Whether we choose section 7 or section 4, it is the same thing. *On n'a pas respecté la loi*. This is the first issue. Maintenant, il vient avec ce *Bill*: “When we are coming up with this new Bill, so where is the need to comply with the old law?” Il vient avec un projet de loi au parlement qui n'est même pas voté ou proclamé. Il vient dire: « Why do we have to comply with the old law? We are doing away; we are washing our hands with the old law; the old law is going to die tonight when this one will come in.” When will this one come in? What happens in the meantime? Is there a legal vacuum?

M. le président, je ne dirais pas plus, mais je suis étonné par ces arguments. Là, il vient dire que parce qu'on est en train d'introduire another clause in this new Bill, when I try to

understand his argument, he says: "Why should we attach ourselves to the old law to which we do not subscribe anymore?" We do not agree. Now, this Bill will become the law of the land. Tonight, when it is passed, that will be the law of the land which was yesterday.

M. le président, comme je l'ai dit, je suis franchement étonné parce que - et comme l'a si bien dit l'honorable Obeegadoo - à la limite, le gouvernement aurait pu faire voter le projet de loi sans venir de l'avant avec la question de délimitation des *boundaries*. Votez la loi! Et puis lorsque la loi est proclamée aussi! Ce n'est pas seulement que la loi doit être votée au Parlement; it has to get the assent of the President; it has to be proclaimed; it has to come in force. Et puis venir d'après...

(*Interruptions*)

What are you talking about papa? Si je parle de fille...

(*Interruptions*)

Il est en train de faire des commentaires, from a sitting position, de papa! Si je parle de papa et fille!

(*Interruptions*)

The Deputy Speaker: All right! The hon. Member must resume his speech.

(*Interruptions*)

Order! Hon. Soodhun, what is the problem?

(*Interruptions*)

Hon. Soodhun! There is no need to get excited. Let the hon. Member make his point.

Mr Jugnauth: Donc, M. le président, je ne comprends pas du tout la façon de faire de ce gouvernement et je dis qu'il y a un problème. Et on verra! Time will tell de ce qu'on est en train de faire. Moi, j'avance que we should have complied with the provisions of the 2003 law. Le président should have, after consultations with the Electoral Boundaries Commission and such other persons as he thinks fit by order provide and so on and so forth. I won't go into that. Let me move on!

Je dirai aussi, pour faire des commentaires sur ce qui est prévu maintenant, dans le *Bill* c'est un recul parce qu'après tout, la question de délimitation des *wards*, ce n'est surtout pas l'affaire du ministre, du ministère ou du gouvernement. Why is it, at the level of the General Elections, the different constituencies, it is the Electoral Boundaries Commission that looks into it? La Constitution prévoit quels sont les facteurs parmi d'autres qu'il faut tenir en compte. Essayer d'avoir un équilibrage en terme de nombre de votants, par exemple, mais pas seulement cela. This is one of the pillars of democracy. This is also the reason why our

system is respected and acclaimed because there is this separation; the Electoral Commission which has got its credibility, the Electoral Boundaries Commission where there is no political interference. It does its work, submits a report to Government and the National Assembly decides whether to approve or not, but no interference from either Minister, Government or politician, and it should be like that also for Local Government because it is similar, le même raisonnement. In this Bill on est en train de reculer par rapport à ce qui était prévu en 2003 qui d'après moi est toujours en vigueur. Là on vient dire que le Président, *by proclamation*, tout le travail va être fait et puis on va soumettre au Président et le Président ne fait que *proclaim*. C'est un recul, *it is another way of control by the Minister and as we have seen*, on est en train de créer des *wards* d'une telle manière pour essayer - peut-être dans un avenir où il y a des élections - de mettre toutes les chances d'un côté.

Alors je demande: "*Where is the role of the Electoral Boundaries Commission?*" Pas de transparence, pas d'indépendance, c'est un projet de loi à la va-vite, d'un amateurisme flagrant avec tout un agenda politique clair de ce gouvernement et sans consultation comme on a démontré au niveau du *Committee of Supply*, les questions qui ont été posées au Premier ministre. Les réponses que le Premier Ministre a données. Les engagements - j'espère que ce sont des engagements, *they are not just mere answers like that in the air* - que le Premier ministre avait pris pour qu'il y ait des consultations. *There have been no consultations at all.*

Mr Deputy Speaker, Sir, it is a confusion Bill presented by a confused Government and I am afraid for my country because the Bill now schedules Local Government Elections for 2012, but who knows what will happen in 2012? We, once again, hear the Minister saying that the election will be held, un autre engagement qu'il prend, but this is what happened. 2011, ce n'était pas un engagement qu'il avait pris? That is why we doubt it. We have heard, during the past months, the same song from the same person and I tell the hon. Minister that he should not take people for a ride.

Mr Deputy Speaker, Sir, it would be fair for our democracy si le gouvernement means business. If they want people to trust now, l'engagement qu'ils sont en train de prendre, that elections will be held next year, then why not put a timeframe as the hon. Leader of the Opposition has suggested and we are going to support this amendment, let us have elections to be scheduled during the first quarter of 2012.

Compared to the Local Government Act of 2003, there was at least some decentralisation of power to local authorities. This Local Government Bill porte l'empreinte d'un accaparement de pouvoirs. La section 117, M. le président, cela a été commentée par

d'autres membres, je ne vais pas entrer dans les détails, le droit de regard. Toutes les applications vont venir sur la table du ministre. *Ce n'est pas lui qui va décider, bien sûr, mais il aura un droit de regard sur toutes les applications* and he can intervene also because the subsection gives him the right to intervene into such applications. *Quelques mois de cela, que n'avons-nous pas entendu par la voix de l'honorable Dhiraj Singh Khamajeet.* We call it a DSK syndrome - *l'intention* to withdraw some powers from PSC and to be used in the way that he stated publicly.

Again, in this Bill we see the creation of the Unified Local Government Service Board. This will be controlled by representatives of Ministries and we all know that it is going to be decision of Ministers which will prevail at the Board. That is why I call the DSK syndrome. All the provisions which concern that section 68 will reduce the powers of the local authorities and more importantly, those of the Local Government Service Commission. Subsection 1(b) makes provision for the change of posting.

(Interruptions)

The Deputy Speaker: Hon. Assirvaden, please! The hon. Member should behave. If he has to talk to somebody it is not that way that it is being done in the Chamber.

Mr Jugnauth: I was referring, Mr Deputy Speaker, Sir, to the provision of subsection 1 (b) that makes provision for -

“(b) change the posting of an officer, except an officer from the workmen's group, from one local authority to another;”

On this aspect, Mr Deputy Speaker, Sir, it is to be noted that the Local Government Service Commission already has this power to appoint candidates. Section 4 - Powers of the Commission, subsection 2 says -

“(2) Subject to subsection (3), the Commission shall not, in the exercise of its functions, be subject to the direction or control of any other person or authority.”

In this aspect, the Unified Local Government Service Board will act as an authority superseding, in fact, the LGSC. It is going to be a real mess to establish the guidelines between those two entities. On the one side, we have an independent commission which actually looks into the recruitment, the promotion in the service and on the other side, we will have to deal *avec un outil politique*. The Unified Local Government Service Board *qui va être un outil politique* and it mentions also that delegation of powers can be done only to Chief Executive. Section 4 - Powers of the Commission, subsection 4 says –

“(4) The Commission may, subject to such conditions as may be prescribed, delegate any of its powers under subsection (1) to the Chief Executive of any municipal council.’

This section of the present Bill should be removed to create, in fact, the trust of our people that there will be no impartiality. Again, in regard to the Unified Local Government Service Board who may accept or reject any recommendation that has been made under subsection 1, but no vacancy shall, unless be decided by the Board, be left for more than six months. What is the use of having a decision of the LGSC, the Chief Executive and that decision is rejected by a Board, I would call, of political nominees? We all know that at the end of the day - because the Prime Minister’s Office will have their representative and we know the influence that that representative will have on the Board - he or she will have the last say. This is what I call *la politique à la berlusconienne*.

Mr Deputy Speaker, Sir, I looked at the issue of compulsory vote. At the level of the general elections we are asked to vote for three candidates and if you don’t vote for three candidates, you vote for more or you vote for less, your vote is invalid. Here, we have to vote for three candidates per ward. Why is it that we don’t have the same rules? Let there be a compulsory vote for three candidates, also. I don’t see the reason why this opportunity is not being taken to have, let’s say, the same behaviour for general elections and for Local Government elections.

In regard to the language that can be used, on est en train de valoriser des langues à Maurice notamment, le créole, le Bhojpuri. On a créé la Creole Speaking Union, la Bhojpuri Speaking Union. Au niveau de notre système éducatif, a lot now is going to be done in regard to promoting Creole and Bhojpuri. Bhojpuri is being taught as a subject. Eventually, in the future students will be able to take Creole as an examinable subject. Alors, dans cet élan, cette volonté, cette perspective qui viendra à l’avenir, pourquoi ne pas commencer au niveau des collectivités locales ? J’ai été conseillé moi-même dans le passé à la Municipalité de Vacoas/Phoenix. J’ai vu qu’il y a un certain nombre de conseillers qui peuvent s’exprimer en anglais et en français. Mais il y a certains qui ne peuvent pas s’exprimer, qui hésitent, qui ne veulent pas par crainte de faire des fautes, de ne pouvoir pas bien s’exprimer, et peut-être d’avoir une idée, mais en s’exprimant, convey probably another idea or opinion to the Council.

Alors, il faut donner la chance et dans certains cas, je pense, peut-être dans les District Councils on peut avoir aussi quelqu’un qui peut mieux s’exprimer en bhojpuri et de nos jours,

ce n'est pas la mer à boire si on peut avoir un interprète en bhojpuri pour que tout le monde puisse comprendre. Cela peut être un problème, si quelqu'un s'exprime et les autres ne peuvent pas comprendre. *Let me now come to this issue of disqualification and again, I will say ...*

The Deputy Speaker: Will the hon. Member be long because we have reached half past eight ...

Mr Jugnauth: Not too long!

The Deputy Speaker: Five minutes.

Mr Jugnauth: Fifteen minutes.

The Deputy Speaker: If it is fifteen minutes, we will...

Mr Jugnauth: Ten minutes, probably.

The Deputy Speaker: Alright! Ten minutes!

Mr Jugnauth: Disqualification - *je vais faire vite, M. le président* - of course, we are not agreeable. *Mais j'ai écouté l'honorable Abdullah Hossen qui est venu dire que* this is what we have done for Rodrigues *et nous sommes fiers*. We are very proud in regard to the autonomy that we have given to Rodrigues. *Mais il n'y a rien de comparable, M. le président*. I will ask hon. Abdullah Hossen to have a look at the Rodrigues Regional Assembly Act of 2002. I will just quickly mention, swearing-in of Members; it is done by President or the vice-President who administers the oath. At section 26, responsibilities of the Rodrigues Assembly and there is a chapter in the Constitution, formulation and implementation of policy. At section 38, Powers of the Commissioner, the Chief Commissioner can be invited by the Prime Minister to attend Cabinet meetings. *Le budget du Rodrigues Regional Assembly, rien n'est comparable avec le Local Government, les municipalités d'ici.*

En 2008, le salaire du *Chief Commissioner* était de R 130,000 sans compter les *allowances* et les frais de *duty free car*. Il n'y a rien de comparable to *what is obtained in the Municipalities and the District Council*. Et c'est aussi la raison avancée par mon collègue, l'honorable Lesjongard. Il y a une question de pratique aussi. Allons dire si on avait permis le cumul, quelqu'un qui est élu à la *Rodrigues Regional Assembly*, qui peut être Commissaire et puis être député à l'Assemblée nationale, *how is he going to fulfill in a responsible manner his duties towards the institutions?* Ce n'est pas possible ! La *Rodrigues Regional Assmebly* est comme un mini-parlement à Rodrigues. Donc, ce n'est pas comparable. Je vais essayer d'écourter mon discours.

Mr Deputy Speaker, Sir, what I consider unacceptable also is this issue of reserve list. It is purely and simply the abolition of Municipal by elections and we do not agree with that parce que cela va être la dictature d'un chef de parti, moi-même, je suis le chef de mon parti et j'aurais aimé avoir ces pouvoirs. Mais, surtout, en ce qui concerne les deux membres de mon parti qui ont *crossed the floor*, si cette loi s'appliquait, *they would have lost their seats*. Mais, seulement, malgré cela, je suis contre. Je ne suis pas d'accord parce qu'il peut y avoir un membre qui n'est pas d'accord avec la philosophie et la prise de la position du parti. C'est cela la démocratie. Il faut laisser le choix et la liberté au membre et qu'il ne puisse pas avoir une dictature de quelqu'un qui est président de son groupe ou de son parti.

M. le président, nous avons vu ces six dernières années combien de cas ont été rapportés, comme je viens de le mentionner, des cas de corruption et de fraude dans les municipalités. Nous avons aussi noté une dilapidation des fonds et je ne reviendrai pas là-dessus. Mais, je ne vois personne qui a une volonté de pouvoir combattre ces irrégularités parce que quand je regarde la section 46 subsection 7: 'Disability because of interest,' je vois que « *the offence on conviction be liable to a fine not exceeding Rs100,000. » That is all. Pourquoi ne pas appliquer*, par exemple, *what obtains in the Prevention of Corruption Act, more stringent sentences*. Et aussi, dans le cas de conflit d'intérêt, c'est bon de dire ce qui est mis dans la loi « *it shall be a defence for any person prosecuted under sub section (6) to establish that he did not know that the proposed contract or other matter which has been a pecuniary interest was the subject of consideration at the meeting.* »

Mr Deputy Speaker, Sir, it is easy for an accused party to come and say "Look, I didn't not know" and then, it will be for the prosecution as if the onus will be on them now to prove that he knew. I think that it should be on him to prove and it should be your responsibility to know whether you have an interest in a matter or not. Section 25, Mr Deputy Speaker, Code of conduct - well, it is a very good thing, but I would have wished that *nous avons un ébauche de ce premier code de conduit pour qu'on puisse faire des commentaires là-dessus*.

Section 77, I must say, is a step forward for the development of our local authorities because the private sector, of course, will be concerned by the development of the regions under the umbrella of our local authorities. Again, here we must be very careful because as we have seen the behaviours of a number of Councillors so that they do not start to make private business *et en train de faire des trucs qui ne sont pas corrects*. Newly proclaimed Town Council shall not levy rates until the fourth financial year. Why do we have to limit and put up a time period in regard to four financial years? *Qu'est-ce qui se passe si demain*

nous avons un newly proclaimed Municipal Town Council *et que le gouvernement donne tous les moyens possible à ce* Municipal Town Council ? J'aurai des questions et j'espère que le ministre va répondre dans son summing up. One thing which I think is a matter of regret, probably we should have done it, but I hope in the future it is being done, that we should put it in our Constitution in regard to holding of elections of Local Government. We should have entrenched it in our Constitution so that nobody can play with it and I hope that, if it is not this Government, if they don't do it, we will do it in the future.

(Interruptions)

Mr Jugnauth: *L'honorable ministre ne nous a pas parlé du coût. J'aurais aimé* savoir the cost of setting up the District Council, those changes that are being made, the time frame for the setting up of the New Local Authorities. What are the additional benefits to the citizens who will fall under the new local authorities in terms of improvement in the service? The addition income that is envisaged or contemplated to be generated by the new local authority if ever. I don't know what other orators will come and say after my intervention, *mais je ne vais pas entrer, peut-être il y aura des polémiques.* We have resigned and left the Government since July. So I would like to know, since July, what has the hon. Minister done in order to try to expedite matters in regard to the preparation of this Local Government Bill so that it comes in Parliament on time and elections are held on time also.

Alors, laissez-moi terminer, M. le président, pour dire que *this Bill is, in fact, a complete mess. Even the hon. Minister at times I have seen is at a loss.* Encore une année de perdu pour redonner aux collectivités locales leur lettre de noblesse et pour en finir avec ces conseillers qui pendant six ans ont terni notre image. Nous voyons encore une fois un gouvernement déboussolé et qui mène ce pays vers le précipice. Le plus vite viendront les élections municipales et villageoises, le mieux ce sera pour notre pays. Et, nous savons tous ce qui attend de ce côté de la Chambre....

(Interruptions)

Keep quiet! Have the decency to listen!

The Deputy Speaker: Hon. Jeetah, there is no need for me at every occasion to ask hon. Members not to intervene. You know the Standing Orders. We are all grown up. You think it gives me pleasure at each time to call hon. Members to order.

Mr Jugnauth: Nous savons tous ce qui attend ce côté de la Chambre pour faire la fierté des citadins. L'histoire, M. le président, nous a démontré que le Parti Travailiste avec le PMSD ont une culture de renvoi des élections. C'est une manière de s'agripper au pouvoir

le plus longtemps possible en utilisant tous les stratagèmes. Le mandat 76-82 en est l'exemple flagrant. Encore une fois, on renvoie les élections mais, ce qui est pire, c'est qu'on vient avec un projet de loi bâclé, qui porte atteintes au pouvoir du Président de la République, qui fait abstraction du rôle cruciale de l'*Electoral Boundaries Commission* et qui ne peut avoir pour résultat un rétrécissement dangereux de notre espace démocratique.

La démocratie locale avec des élus au niveau de chaque ville, de chaque village est un maillon essentiel de notre démocratie et ce que nous avons vu ce soir est un viol de cette démocratie. J'en suis sûr au moment venu le peuple s'en souviendra.

Merci, M. le président.

At 8.40 p.m. the sitting was suspended

On resuming at 10.13 p.m. with the Deputy Speaker in the Chair.

The Vice-Prime Minister, Minister of Finance and Economic Development (Mr X.)

L. Duval: Mr Deputy Speaker, Sir, let me start of course by saying that it is a real pleasure to say a few words tonight, in fact, and especially to congratulate my hon. friend Hervé Aimée for the determination, energy, passion and effort that he has brought so that the Bill may be presented tonight in Parliament and hopefully pass in a few moments.

The number of people who have spoken, Mr Deputy Speaker, Sir, testify to this sheer innovative approach and important reforms that the Bill is bringing, had there been nothing much to say, nobody would have had anything to say. There are so many new and important things that are provided for in this Bill, we have had a lot of passion in the debate also, which I think is a good thing for our democracy. Where the Opposition has seen interference or meddling, we see the need for accountability, we see the need for transparency and we see the need for quality of service and value for money. That is the two different aspects, ways of looking at this Bill.

One side says, you are meddling and we say Mr Deputy Speaker, Sir, that we need accountability, we need in a modern Mauritius that the services that are provided by Local Authorities are as good and hopefully better than what is provided by central Government. This is the basis for the Bill. This is the basis for the provisions that are included in the Bill.

Coming from the PMSD, Mr Deputy Speaker, Sir, we are extremely proud for the record in the Local Authorities. Today all over Mauritius, in the towns there are places, projects that testify to the visionary aspects of our leaders in the PMSD. We can take in Curepipe, Beau Bassin/Rose Hill and Port-Louis, a number of projects that have stood the test

of time, a number of projects that were vanguard ones at their times especially, if you take into account that Mauritius 20,30 years ago was a very impoverished country, very poor country and to think that the municipalities, at that time, could carry out these projects, well, they ought to have evolved Mr Deputy Speaker, Sir. Today they would have probably moved mountains.

Mr Deputy Speaker Sir, I think you are of Curepipe. I think of Cité Pitot, which is getting a bit old now, but still constructed by the Municipality. Cité Casernes constructed by the Municipality, Arcade Salaffa, in Beau Bassin Cité Vuillemin which was, in fact, a Cité for more well-to-do middle classes, Cité Plaisance, Cité De Rosnay, in Port-Louis Cité Martial, Cité Guy Rosemont, but not just the fact that these were cités, but they were constructed a bit like what the NEF is doing today, so many years after. They have constructed not just housing but communities were constructed. Many of these have their own football grounds, have their own *terrain de jeux*, they have their own *garderie*.

Vanguard projects, Mr Deputy Speaker, Sir, dating some 30 years ago. The town hall in Port-Louis, *hôtel de ville* in Curepipe were all Mr Deputy Speaker, Sir, realisations of the PMSD at the time and therefore we are very proud of our heritage and we have left a strong imprint on Local Authorities and this is one of the reasons why I wanted to speak tonight.

Mr Deputy Speaker, Sir, I am also well positioned to speak about the reasons for the delay in presenting this Bill because where I sit now, at the Ministry of Finance, I have all the files. There is no messing around. There is no playing with the truth. I have the files. I have the information and I can say, Mr Deputy Speaker, Sir, that 14 months ago, the Minister of Local Government wrote to the then Minister of Finance on 10 August 2010. On 10 August, the Ministry of Local Government wrote to my Ministry now with their proposals and what is said in the files is about fundamental changes to Local Government. It is a fact that we, on this side of the House, can testify to that so long as my predecessor was there, he could not reach any agreement at all on how to finance these fundamental changes which were absolutely necessary for the delivery of quality services to every citizen of Mauritius and for the economic development of our country.

So, they could not reach any agreement at all and it took a whole year that this happened up to July 2011 when my predecessor left. There was no movement, Mr Deputy Speaker, Sir, we could not reach agreement. He came and went. There were so many meetings and nothing happened and when I took over, Mr Deputy Speaker, Sir, it is I think in

September 2011 that I gave financial clearance so that this Bill could be finalised and presented this day.

Of course, there were things that we did not agree ourselves. Not because we did not think that they were good like the 11 towns that would have cost initially something around Rs1 billion. On the Government benches we all agreed that there might be desirable, but not everything desirable is affordable and especially at a time when we have a crisis of such magnitude on our hands.

So, we could not afford and we still cannot afford; maybe, one day we can afford the eleven towns and the associated costs. We could afford and we are affording the three new District Councils that my predecessor stubbornly refused to provide for, Mr Deputy Speaker. This is the truth. It would have cost, according to him, at that time, around Rs200 m.; nothing but the truth tonight, Mr Deputy Speaker. In fact, my predecessor came with a very innovative idea. He said we would finance the three District Councils, but we are going to cut Rs10 m. from every single Ministry in the Government. The Ministry of Health would have lost Rs10 m.; the Ministry of Housing Rs10 m. Everybody would have lost Rs10 m. to be able to finance the new three District Councils.

We all agree that these three District Councils, which are called twinned District Councils, are far too huge. I think some of them have 250,000 people to care for. It is far too huge; services are not as good as they ought to be, and it is *certainement pas un service de proximité*. There was a real need to cut these three District Councils into two so that we could provide a decent service, Mr Deputy Speaker, Sir, to the rural areas in Mauritius, and that is what we all agreed in Government. We had to find a way. What had taken 12 months from my predecessor, we agreed together within two months and we found the money. It is in the Budget.

We have today the three new District Councils, which can be operated as from next year; from two things: one, an increase in the Budget of the Ministry of Local Government, about Rs50 m. - *ce n'est pas la mer à boire* believe me, out of a Budget of Rs100 billion - and also thanks to the savings made by the Ministry of Local Government, which also amount to about Rs50 m. Added to that, the fact that we don't need a *projet d'envergure*, huge buildings etc to start with; we can start, as it has been done in the past, more modestly, where emphasis is not on building, capital projects, but on providing better services. This is exactly what will happen, Mr Deputy Speaker, Sir, and the three new District Councils are going to be reality. The decisions of my predecessor were quickly reversed. The *marge de*

manoeuvre which he did not have is found in the Budget; now I see he has stopped talking about it, and it is a good thing because it needed goodwill, it needed good communication and it needed *bonne intention* to get it done. Mr Deputy Speaker, Sir, it is done, and I do hope that all the inhabitants of these regions who are going to have a new District Council, half the size of what it was before, will be grateful to this side of the House for making this happen. I am talking, of course, of Pamplemousses/Rivière du Rempart, Moka/Flacq and Grand Port/Savanne.

Mr Deputy Speaker, Sir, this Bill has a number of very good measures, and we seem to be losing touch of that because this is not a time for bickering; it's not the time for finding all sorts of political reasons why we should do this or not. What we are talking about is bread and butter things; what we are talking about is how to provide a better environment for every person in Mauritius; how to be able to lift his rubbish from his house quicker; how to be able to provide business with a better service. I will talk later on about the problems of ease of doing business and how we are not able to go forward because of the *lenteur dans les municipalités, dans les* District Councils. We'll talk about that.

This Bill is about being practical; it is not about some Never Never Land, where the Municipalities and the District Councils are perfect instruments and the Government is really the dark horse trying to harm. This is not about that; this is about providing a day-to-day service or a decent service to every citizen of this country. Let us start with the two years term for Mayors. It is a fantastic idea. It is a simple idea, which should have been done 20 years ago. Everybody knows, Mr Deputy Speaker, Sir, that every Mayor is almost going before he comes in, and so he does not have the courage, the incentive, the time even - I am sure every single Member will agree - to carry out his project. We give him two years, and that's when he becomes a real mayor. The Municipal officers know that this guy is staying two years; they know that they have to listen to him; they know that they have to take him seriously, which they didn't do when he had only 12 months to stay. They know that he is a Mayor *en passant*, and that does not work, Mr Deputy Speaker, Sir.

With regard to the Executive Committee, I hope one day we will move, in the Municipal Councils, to some sort of Cabinet system where, in fact, there is the Mayor, the Deputy Mayor and a number of Councillors, where each has a responsibility for some sort of Department and they respond, like we do in this House, with a Cabinet system. In a way, that's how it's moving in the UK. We are moving away now, I am happy to see, from the Committee system, which has not worked, which has created a lot of delays, a lot of hassle

for our local authorities. We are moving away from that now to an Executive Committee for certain things, and also to a full Council meeting every two weeks. Fantastic!

I remember the time, Mr Deputy Speaker, when for a permit you had to wait for the Committee to meet; maybe, you would have to wait for the full Council to meet, and that might take one month or two months. God knows how long you would have to wait! That is not on these days – end of 2011 and beginning 2012. There is need for quick decision-making and the fact that the Council will have to meet, at least, every two weeks is fantastic. At least, you know that you will not have to wait three months before a decision is taken. At least, you know there will be efficiency without forgetting, of course, that now all Councillors are being paid. As we are, at the moment, having to work very hard, they also have to work very hard, Mr Deputy Speaker, Sir.

With regard to this issue of candidates not being MPs, I think that in the administration of a town the least amount of political bickering that you have, the better it is; the least amount of political stand-offs that you have, the better it is. Of course, the more you have MPs, the more you have people who are having an active and dynamic political life, the more politics will get into the day-to-day administration of a town, and that is not right. That should change. I am happy that we are doing away with that, and I am happy that we are not going to get every Tom, Dick and Harry coming in and bringing his dirty political spoon to dirty the work of the Municipal Council, Mr Deputy Speaker, Sir. Let them get on with administration of the town. Let them get on with cleaning the town. Let them get on with giving the right permits to the right person, and the least political bickering that there is and political standpoints that there are the better it will be. Of course, the Leader of the Opposition talked about a *viol de la democratie Presque* because the MPs were not able to stand, but this has been taken here before. The precedent has been created by themselves, MSM/MMM in 2001 with Rodrigues. We are just following. In Rodrigues, you can't stand if you're a MP. What is different with Mauritius?

(Interruptions)

The Deputy Speaker: Please!

Mr Duval: This is the same thing and, Mr Deputy Speaker, Sir, I have no problem at all with this issue. It has been done before, and I say it's a good thing that we have less politics, more hard work *et plus de sérénité* in the administration of local government.

With regard to the Unified Local Government Service Board, again let's not look at it from a theoretical point of view but from a practical point of view. My hon. friend has been Minister of Local Government for two years or so.

He has seen the problems that you have, when you have people being moved left, right and centre, without rhyme or reason. When you see posts being left empty and citizens suffering, something needs to be done. As a responsible Government, we have to do something about it and we have done something about it with the Unified Local Government Service Board and it will help. We will see the difference, Mr Deputy Speaker, Sir, when we have a better distribution of staff, when we have a better allocation of human resources. The point is not the theoretical point of view, but the *résultat* which counts and the *résultat* will be there for all to see, Mr Deputy Speaker, Sir.

In the budget we announced and provision is being made for a Local Authorities Governance Unit. Why bother with this? I will tell you why, because it is quite clear-cut. At the same time, there have been remarks: “Ah, comme-ci il y a ingérence politique, etc. in the municipalities”. Let us look coldly at some figures, without passion this time.

Mr Deputy Speaker, Sir, who pays for municipalities, who pays for Local Government, district councils? Is it the ratepayer or the person who lives in the villages or, is it, in fact, Mr Deputy Speaker, Sir, the person who pays taxes to Central Government? It is the taxpayer to Central Government who bears the brunt of all budgets, Mr Deputy Speaker, Sir, be it the municipalities or district councils. I'll give you a few examples, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, 84% of the budget of Grand Port/Savanne is met by Central Government. Beau Bassin/Rose Hill: 64% is met by Central Government; Curepipe: 70% and we will talk later about what is going to be done in future.

(Interruptions)

Tout le temps ti comme sa, pas ene raison pour faire tout le temps pareil! We are going to look at what we are going to do in the future.

Mr Deputy Speaker, Sir, *un droit de regard*. We pay, Mr Deputy Speaker, Sir, we cannot write a blank cheque to every municipality and, one year later, they will come back and say: “OK, let us have another blank cheque and we do absolutely what we want.”

(Interruptions)

The Deputy Speaker: Please!

Mr Duval: This is not what best practice is.

(Interruptions)

If you do not know, go and learn what is best practice overseas nowadays. Best practice, Mr Deputy Speaker, Sir, is for accountability and transparency. We represent the taxpayer on this side of the House - not them. We have a right, a responsibility to see that the money that we raise - be it through any tax that we have just raised and the Bill was voted yesterday - is well spent and we will see that this money is well spent, Mr Deputy Speaker, Sir.

Let us look at the sort of efficiency of various district councils. It is very different. Some district councils pick up the rubbish twice a week; others once a week; while others provide better roads, some not as good toads, Mr Deputy Speaker, Sir.

Black River District Council: They spend Rs2,416 per annum per person living in Black River District Council. Pamplemousses/Rivière du Rempart: They spend Rs1,183, half of the sum. That's a big difference; we have to account for that. Why does one spend twice as much as the other one? Should there be more money to Pamplemousses or less money to Black River? We have to look at that. We cannot let things go on like that just because someone has decided that he lives in Never Never Land and that Central Government should not get involved. We need to see what is happening because it is public money and it needs not to be wasted.

Debtors, Mr Deputy Speaker, Sir! I'll tell you about debtors, even better. Nearly Rs400 m. debts outstanding! The last time I looked, there were people owing money to various local authorities and district councils. It is not like you devise that there are 10 or something, you devise it is Rs400 m. and you get everybody approximately Rs40 m. and you say that everybody manages his debts reasonably well and collects the money. It is not at all like that, Mr Deputy Speaker, Sir.

Moka/Flacq is the star performer, it has only Rs2.6 m. debt - last time I had a look at it. It is indeed a star performer, by far.

Pamplemousses: Rs52 m. debts - where I live and it is not because I live there. Can you imagine 25 times more? Same sort of revenue, but it does not collect the debts. What should our friend, Minister Hervé Aimée do? Should he just let things go on like that, provide money through the Exchequer and say: "Ok, don't collect your debts; we will give you money every month and you will be happy"? Do we look and see why that is happening?

Vacoas is doing well, Mr Deputy Speaker, Sir, Rs19 m. debt only, whereas Curepipe has a debt of Rs85 m. These are wild discrepancies; it has always been like that. We need to be able to bring efficiency, accountability and better services, better use and better control of funds in municipalities. This is why we have agreed to the setting up of a Local Authorities

Governance Unit to look at good governance, at efficiency and at value for money in the municipalities. Mr Deputy Speaker, Sir, this *Droit de regard* that you see on the various stages of the Bill is, in fact, also doing the same way, but there is a bit more than that. There was a bit of talk recently on how Mauritius lost two places in the World Bank Doing Business Report. We did, we lost two places. We, in fact, are 23rd which is not bad. Out of 183 countries we are 23rd, which is not bad. But, if you look at where the local authorities step in, that is, on construction permits, we are not 23rd, we are not 33rd, we are not 43rd, we are 53rd. We are 30 places behind when it comes to the responsibility that is delegated to the local authorities on construction. Is that acceptable? Are we going to allow for no economic activity, for no economic progress, no development in Mauritius, simply because they cannot get their act together and deliver the permits in time? Are we going to relinquish our responsibility or are we going to assume our responsibility? And it says that there is a time that Central Government has a *Droit de regard* even on giving permits, because we all live in Mauritius, we all know how things can happen. I am not sure it is - by the way, under the control, up to now, of civil servants, but we all know how things can happen. We have all heard of things. Last week, I had to call a Chief Executive to say: "Look, you are taking too long; you've got to do something about it" and the next day, the guy got his permit. Why did not they give it to him before? Why did I have to call? It was a big project! Deputy Mr Deputy Speaker, Sir, this cannot go on, we cannot keep on *dégringoler* in ease of doing business, just because, Mr Deputy Speaker, Sir, we must not touch local authorities. This is not right, this must change. This is also the message: accountability, transparency is the order of the day as far as local authorities are concerned.

We are going further than, Mr Deputy Speaker, Sir, we are giving a helping hand to local authorities in the collection of their debts, in the collection of their rates. Mr Deputy Speaker, Sir, local authorities collect their rates on an old act, which, in fact, gives them very little power. They basically have to go to court and in doing so you know how long this will take you and how difficult it is to actually get your money. That is why there are so many debtors also. We have given them, Mr Deputy Speaker, Sir, for a long time *une porte de sortie*. We have told them that they can use the Mauritius Revenue Authority (MRA). The name of the MRA itself strikes fear in most people. MRA is now at the service of local authorities and the law will provide that, in fact, the same powers that the MRA has under the Income Tax Act, it will have for the recovery of debts to local authorities. There will be a small charge. Of course, there will be a small charge for that, but it should enable local authorities to collect fully and rapidly the debts owed to them, without having the need to go

to court Because the MRA, Mr Deputy Speaker, Sir, they can put a privilege, they can attack your bank account, they can do all sorts of administrative procedures.

(Interruptions)

Do you have any experience at all? No! Maybe, hon. Baloomoody has some experience with it, I don't know. They have a lot of power and we are putting this opportunity in the hands of the Local Authorities. We are already doing it compulsorily for Billboards because we have reasons to do so and we are offering it voluntarily to Local Authorities. I do hope that they don't look with *petitesse d'esprit*, but they look at the amount of revenue that they can collect and use. We are going further, and Government has invested a large amount of money in the LAVIMS Project which will not be a small but a big revolution for the collection and the fairness in which rates are collected on property. Once we have the LAVIMS Project, and hopefully it would be in a few months' time, Mr Deputy Speaker, Sir, it will be transparent, fair and you will not be able to hide because we will have a picture of every house in Mauritius. The consultants for LAVIMS calculate that a third of the houses in the municipal areas should be paying rates but are not paying. That, by itself, will increase revenue for the Local Authorities provided, of course, they then use the MRA to be able to collect these rates efficiently and quickly and I think MRA will take 10 days to pay this over. We have also, Mr Deputy Speaker, Sir, the LAVIMS which will provide lots of additional money, lots of additional resources to Local Authorities.

Now, we have LAVIMS, we have MRA, we have the need to be more efficient, we have the three new district councils which need to be funded. All this, Mr Deputy Speaker, Sir, comes at the same time. All this time, there have been lots of changes in economic activities, in population moving into towns. God knows what has been happening. There is a lot of movement around. In our town, we have Ébène, etc. and it is time that we revisit the grant-in-aid. The grant-in-aid today *est dépassé*, it is erratic, we don't know how it is being calculated, it is a very rigid percentage that is based on old statistics, as my colleague is saying. It has no relationship to *l'île Maurice d'aujourd'hui* and so, we need to reform the grant-in-aid system and I am going to work - if my colleague allows me - with my friend, hon. Aimée, to reform the grant-in-aid system to make it more just, be it for the municipal areas or for the rural areas so that we can give the right amount of grant to every citizen of Mauritius, via his local authority, so that we can encourage every local authority to raise the right amount of revenue, and that we can encourage also, Mr Deputy Speaker, Sir, through

the various measures and accountability the proper spending of all this money for the greater good of every Mauritian citizen, Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, I am not, actually, going to be very long. I wanted also to deal quickly with the issue of elections. I explained at the start that it was nowhere the fault of my colleague that it took so long to be able to bring this Bill to Parliament. He tried his best, but without money, you can try your best but you can never bring it and he was passionate about the reforms that were going to happen and he did not want just a Bill *bouche trou* he wanted to have the proper tools for a modern Mauritius therefore it took time. As has been explained before, with the various changes for Rodrigues, etc., it has taken more time.

Mr Deputy Speaker, Sir, I am quite sure that there is no Mauritian who wants elections in December. December is a special time for Mauritius. I think my colleague, hon. Cader Sayed-Hossen was saying most of the spending of Mauritian citizens is done in December. People want to be able to enjoy the end of the year, they want to be able to enjoy a quiet social time with their family. This is not the time to have elections. They may be in a hurry to *gagne baté encore*. That is not our concern.

(Interruptions)

Mr Deputy Speaker, Sir, I am adamant that if it is their priority, it is not what we need for December. December is a time for rejoicing, for taking stock of what happened to you and your family in the year, it is time to prepare for the next year and it is not, Mr Deputy Speaker, Sir, time for elections. I am quite adamant that this is what the population wants, Mr Deputy Speaker, Sir.

I will end on this note and I will say, Mr Deputy Speaker, Sir, that I look forward to this Bill being promulgated extremely soon. I look forward to this Bill enabling Local Governments, with a helping hand from Central Government, to provide a better service. It is a Bill that will change things in Mauritius in practice, not in theory, and it is a Bill, Mr Deputy Speaker, Sir, that has a potential to change and better the life of every Mauritian citizen.

Thank you very much, Mr Deputy Speaker, Sir.

(10.47 p.m.)

At this stage, Mr Speaker took the Chair.

Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière): Mr Speaker, Sir, we have been debating for more than 13 hours this Local Government Bill and 27 orators have participated excluding the Prime Minister in this debate.

A entendre le vice-Premier ministre et ministre des finances, le gouvernement de l'Alliance Sociale est très fort. Let us call a spade a spade, Mr Speaker, Sir. L'Alliance gouvernementale, PTR/PMSD *inn sauver divant élection, inn peur*. Je vais revenir là-dessus tout à l'heure, M. le président. The more so, Sir, in the Explanatory Memorandum, we have provisions for sections (a), (b), (c), (d), (f), (g). There is no provision; nothing is mentioned in the Explanatory Memorandum for the very important item, namely the change concerning the holding of the 2011/2012 Municipal elections. We were here last year, at the same period; they have given us all sorts of pretexts, that is, the preparation of the legislation. The Minister asked us last year from 2010 to come to 2011. We have lost so much time and now we are in December 2011. *M. le président, il y a un dicton qui dit – ‘Jamais deux sans trois.’ Je me méfie de ces gens.* Je me méfie. Jamais deux sans trois !

(*Interruptions*)

Mr Speaker Sir, I have not interrupted anybody, especially the hon. Minister. He will have the opportunity to speak in his summing up. *Sinon mo pu mauvais*, he better shut his mouth.

Mr Speaker: Yes, quiet please!

(*Interruptions*)

Mr Bhagwan : Mr Speaker, Sir, jamais deux sans trois, nous avons très peur et nous nous méfions de ce gouvernement qui peut venir nous dire toute sorte de prétextes encore et après 2010, 2011 et peut-être nous serons ici en 2012, mais il n'y aura pas d'élections. C'est pour cela que le *Leader* de l'opposition a fait circuler un amendement demandant que les élections se tiennent *in the first quarter of the coming year. We will wait for the speech of the Prime Minister to give us more clarification because he has taken notice of the amendment of the Leader of the Opposition.* Je vais revenir tout à l'heure là-dessus. Tant qu'à nous, laissez-moi vous dire aux membres du Parti travailliste et du PMSD : *nou paré pour zot. Pas seulement nous...*

(*Interruptions*)

Pas seulement nous et sans arrogance !

(*Interruptions*)

Sans arrogance ! Qu'est-ce que le vice-Premier ministre a dit dans son intervention? Il a fait un aveu de taille. L'alliance gouvernementale

Travailliste/PMSD dirige les municipalités depuis 2005. Cet état de choses qu'a mentionné le vice-Premier ministre, c'est-a-dire, la collecte des ordures : *pas bon* ; retard dans des permis....

(*Interruptions*)

Je n'ai pas interrompu l'honorable Mohamed. Je l'ai écouté.

Retard dans l'exécution des projets! Who is to be blamed? Who is heading the Municipalities? Is it the MMM? It is they since 2005 and we all know what is the state of our local authorities today - all the five local authorities which are being managed by them since 2005. They should not come and teach us lessons. The Vice-Prime Minister may be right, there are administrative problems. There are loopholes in the legislation. They should not come and show us figures, *ce sont les hommes et les femmes qui dirigent actuellement les municipalités qui ne sont pas à la hauteur de leurs responsabilités*.

M. le président, nous discutons le Local Government Bill et nous parlons de l'administration régionale. L'honorable Reza Issack a parlé de l'histoire. C'est vrai that more than a century of history since the setting up of the Municipalities. The first was the Municipality of Port Louis which was set up in 1790. We are being asked to discuss such a legislation which concerns local government. I make no difference *quand nous parlons d'un gouvernement local*; it is a local government and it is a government by itself. It is not only Municipalities, but also the District Councils.

Qu'elle est la situation au niveau de toutes les collectivités locales? C'est la population qui en souffre et qui sont des témoins privilégiés. L'honorable vice-Premier ministre parlait du pourcentage du budget qui est donné aux municipalités. C'est vrai qu'il y a le *grant-in-aid*, mais il y a des gens qui paient la taxe.

A un certain moment, des municipalités comme Curepipe, Beau Bassin/Rose Hill, Quatre Bornes et même Port Louis were reaching 50% of funds by their own. That happened, Sir, where there was good and sound management. That was before, Sir. The MMM was first elected in 1977 at the Municipalities. It was the first time that the MMM participated globally in the Municipal elections and won in Port Louis, Beau Bassin/Rose Hill and Curepipe while Quatre Bornes and Vacoas/Pheonix were ran by the Labour Party. This is where the MMM started. Those were the days when our former friends started, I will not mention names as there are so many. Starting un nouveau style d'administration, saine et efficace dans les municipalités, M. le président !

Il y a eu les renvois des élections et en 1982 il y a eu le rétablissement des élections. Tout le monde sait qui avait renvoyé les élections, dans quelles circonstances, comment on a amendé la Constitution en 1982, et on a eu des élections en décembre 1982. C'était ma première participation, M. le président.

Les collectivités locales ont été une pépinière qui ont produit des jeunes politiciens dont je ne suis pas le seul ici dans cette Chambre. Dans le gouvernement, il y a l'honorable Reza Issack et l'honorable Abdullah Hossen. Il y a aussi l'honorable Jhugroo. Il y a aussi des membres venant du District Council tel que l'honorable ministre Moutia qui a été le président du District Council. L'honorable Mme Bappoo a été à la Municipalité de Beau Bassin/Rose Hill. Il y a tant de Maires tels que l'honorable Quirin, l'honorable Nagalingum et autres. Il y a l'honorable Barbier, mon ami, l'honorable Baloomoody. Les municipalités étaient un endroit où on commençait à faire de la politique, M. le président.

Dès 1982 le MMM a apporté son *trademark* dans les municipalités. M. le président, nous avons régulièrement remporté les élections haut la main après 1982. En 1985 on avait remporté toutes les cinq municipalités. En 1988, 1991 et après en alliance avec le Parti travailliste, le MMM avait remporté les élections en 1996 et en 2000 toujours en alliance, le MMM avait remporté les cinq municipalités.

(Interruptions)

Si nous faisons un *audit* de toutes les infrastructures y compris sportifs, sociales, communautaires, le MMM a été le pionnier au niveau de l'éducation, de la culture, de la promotion de la participation des femmes dans les villes et la décommunisation du sport. Nous avons un bilan. L'Alliance sociale a remporté les élections en 2005. Quel est le résultat aujourd'hui, M. le président?

(Interruptions)

Mr Speaker: Order!

Mr Bhagwan : Mes amis ont longuement fait état de toutes ces magouilles dans les municipalités qui sont devenus des écuries d'Augias. Au moment où nous discutons de ce projet de loi, il y a un Maire qui a un *case* à l'ICAC et il y a un autre à Curepipe. Au moment où nous parlons du *good governance!* Ce sont les gens de l'alliance Parti travailliste et PMSD, M. le président. Nous n'allons pas revenir municipalité par municipalité, je ne vais pas mentionner des noms ce soir.

(Interruptions)

A Quatre Bornes! Dois-je relater l'affaire de cabas?

(Interruptions)

A Beau Bassin/Rose Hill, M. le président, je communique avec le jeune Maire que je connais très bien. Il a toutes les peines du monde d'avoir le quorum. Allez voir l'état des routes dans la ville de Beau Bassin! Je prends en témoin le *Deputy Prime Minister* et l'honorable Mme Bappoo. Nous payons tous la taxe. Allez voir la collecte des ordures! Le Maire de Beau Bassin/Rose Hill se bat depuis deux ans. Nous avons posé des questions au parlement. Il se bat pour remplir 30 postes qui sont vacants et m'a même demandé d'être son porte-parole que j'ai fait à l'Assemblée nationale. Il y a un problème, mais ce n'est pas nous. Voilà un peu l'administration ! Je vais vous dire quelque chose de plus grave – c'est bon pour le vice-Premier ministre car c'est son administration. Nous avons un *street lighting inspector* à Beau Bassin/Rose Hill - je dis cela au *Deputy Prime Minister* - qui est supposé aller vérifier les lampes brûlées le soir, mais il vérifie les lampes dans la journée.

(Interruptions)

Voilà ce qui se passe aujourd'hui. Il n'a pas de coordination. L'état des routes - un jour c'est la CWA et le lendemain la CEB, sans compter les autres scandales. Dois-je mentionner ce qui se passe à Port Louis? Je ne vais pas citer l'honorable Reza Issack qui avait dit à un certain moment « *si faire élection là, 30-0* » Je ne vais pas les citer, je ne vais pas venir avec des qualificatifs. A Curepipe, à Vacoas/Phoenix, sans compter maintenant au niveau des District Councils, on sait qui dirige les districts Council. Ce ne sont pas des gens qui sont proche du MMM. Est-ce que ce projet de loi va venir changer cet état de chose? Je ne le crois pas.

M. le président, laissez-moi répondre au ministre des finances qui a de très bonnes intentions - *good governance, accountability, value for money, modern management services, whatever*. Il faut savoir choisir les gens. Quand vous écoutez toutes ces émissions à la radio, ne me dites pas que cela vous plait. *Quand ou pas correct ou alle causer, mais quand contre ou, ou dire non pas bon*. Non, M. le président, les gens se plaignent, les gens protestent et les gens de la région urbaine attendent l'heure. C'est aujourd'hui le *mood* dans les régions urbaines, dans toutes les cinq villes, y compris la capitale « *Bizin donne élection tout de suite. Bizin passe balai* ». Il faut un changement. *Arrêtez conseiller manger, boire, batteur bus* » C'est ce slogan qu'ils ont utilisé, M. le président, en 2005.

M. le président, ce projet de loi qui vient supposément

(Interruptions)

Je ne me suis jamais sauvé de ma circonscription. *Tone poser et tone sauver Beau Bassin. Sauver! Moi met twa en défi vinne poser Beau Bassin. Tone sauver!*

Mr Speaker: Order!

(*Interruptions*)

Mr Bhagwan: Please, don't provoke me.

(*Interruptions*)

Mr Speaker: Hon. Duval, could you please keep quiet! Don't make remarks! Let the hon. Member speaks. Order!

Mr Bhagwan: M. le président, les gens des villes attendent l'heure pour venir donner une bonne raclée à l'équipe gouvernementale et c'est pour cela que nous demandons les élections. Maintenant, ce projet de loi révolutionnaire que l'honorable ministre est en train de venir proposer, je ne vais entrer dans toutes ces sections, dont mes amis ont fait mention.

M. le président, aujourd'hui qu'est-ce qui se passe ? Je vais prendre en témoin l'honorable Reza Issack et peut être aussi l'honorable Abdullah Hossen. Le problème, M. le président, ne se trouve pas seulement dans les municipalités. Les élus locaux sont des gens qui vont aux élections. Il y a un maire qui est élu et qui a un statut. Mais tous ces gens, que ce soit les conseillers municipaux, que ce soit les maires, du moment qu'ils sont élus - et nous en savons quelque chose - ils deviennent des frustrés. Parce que les conseillers et les maires ont à subir les caprices des officiers du ministère des administrations régionales. Pensez-vous, M. le président, un maire qui doit attendre le bon vouloir d'un *Assistant Secretary* ou un *Higher Executive Officer* pour pouvoir traiter son dossier. J'étais moi aussi ministre et maire à trois reprises à Beau Bassin/Rose Hill. J'étais ministre des affaires régionales et j'en sais quelque chose. Cette mentalité pour faire les élus du peuple venir quémander au ministère. C'est cela qu'il faut changer, M. le président.

Est-ce que ce projet de loi vient changer cet état de chose pour donner plus de dignité aux élus ? Je participe aux élections. Mon parti et moi, *we spent money to be elected*. Une élection n'est pas gagnée comme cela et c'est la même chose pour un conseiller municipal ou un conseiller de village. Les plus frustrés sont les *village councillors*. Ils sont élus des *villages Council* ; ils ont de grandes ambitions, ils ne peuvent même pas changer une ampoule. *There is not a single bulb in their village council area*. C'est la mentalité qu'il faut changer. C'est cela qu'on appelle révolutionnaire. Si on vient avec tel paragraphe, *the PS, the Chief Executive*, le ministre, il faut donner aux élus du peuple leur dignité de se sentir responsable et venir *deliver the goods* dans l'intérêt de la population. C'est cela qu'on doit appeler révolutionnaire. Est-ce que ce projet de loi viendra changer tout cela, M. le président ? Je dis non, M. le président. Cela va être toujours la même chose. Pour venir dire

qu'on donne des pouvoirs aux élus par *procurement*' ; j'étais ministre, nous avons accès au *procurement* et c'est la dernière des choses qu'il faut faire. Les élus ne doivent jamais avoir accès à cet aspect de *procurement*.

Je ne dis pas qu'ils sont tous des bandits. On ne peut pas avoir des préjugés, mais, seulement, dans la loi de 2003, ce sont des administrations, avec des *guidelines*, avec un *accountability*, avec des normes prescrit *under regulation* et aussi sur la loi. On ne peut pas venir dire : « Ah, maintenant, il va avoir deux ou trois élus qui vont être responsables des *procurement* » - cachots, ICAC, la tentation, et cela qu'il faut empêcher, M. le président. Vous dites révolutionnaires! *Pou alle ouvrir la porte prison*. Donnez aux conseillers le moyen d'aller faire asphalte leurs routes. Donnez leur de l'argent, donnez leur des équipements, pour qu'ils organisent les mairies avec une vision moderne. L'honorable ministre Aimée en sait quelque chose. Il a été au *District Council*. Maintenant, c'est pire. Par exemple, « je suis dans le parti x et je ne suis pas d'accord. Je vais voir le ministre, peut être que mon dossier est mal préparé, mon dossier n'est pas bon. » Nous, nous sommes contre cela, M. le président, même pour les permis. Il y a le *Town and Country Planning Board*. Il y a aussi *the Ministry of Housing and Lands*. Il y a pas mal de soutien administratif qu'on peut mettre dans la loi.

Il y a d'autre responsabilité et d'autre pouvoir qu'on peut donner aux élus. Nous sommes contre de donner aux élus le pouvoir en ce qui s'agit de *procurement*. On a un droit de regard au niveau du conseil municipal, venir *query* -oui, il y tant de permis, cela va prendre trois ou six mois, - pourquoi doit-on perdre du temps ? S'il y a des cas de victimisation sur une base politique ou autre, c'est le droit du maire de venir *canvass*. Pour avoir des gains personnels et on en sait quelque chose à l'île Maurice sur cette affaire de trafique d'influence. Il faut trouver d'autres moyens pour protéger les élus. Demain, on peut donner les pouvoirs aux ministres, ils vont aller faire du *procurement*. Allons donner tous les pouvoirs au ministre du *Housing And Lands*. Ce n'est pas nécessaire d'avoir le *Town and Country Planning Board*.

Auparavant - si je me trompe, qu'on me corrige - si quelqu'un à qui son projet n'est pas approuvé selon un *outline scheme*, il peut aller faire son *appeal* devant le *Town and Planning Board*. Est-ce que ce projet loi maintient toujours ce *right of appeal* ? Vous allez répondre tout à l'heure, M. le ministre. Vous aurez amplement le temps.

De faire son appeal devant le *Town and Country Planning Board*. Est-ce que ce projet de loi maintient toujours ce droit *right of appeal*, vous allez répondre tout à l'heure M. le ministre vous aurez amplement le temps.

Mr Speaker: Address the Chair please!

Mr Bhagwan: He is so keen to go for the third reading. Il est trop pressé. Qu'on me corrige si j'ai tort mais parce que moi ce que je comprends c'est que les *appeals* vont aux ministres et nous ne sommes pas d'accord ! Il y a une structure, il y a le ministère *Housing and Lands* et nous avons des gens compétents au niveau du *Town And Country Planning Board*. Dans ce projet de loi, si vous allez vérifier il y a plus d'une centaine de sections où le ministre a le pouvoir et je ne dis pas cela méchamment. Moi-même lorsque j'étais ministre je voyais drôle pour faire une réallocation budgétaire, une municipalité, un maire qui voulait acheter ou prendre des poubelles, c'est le ministre qui va décider. Au lieu d'acheter des poubelles ou des meubles, c'est le ministre qui doit décider. J'espère que cela a changé M. le président. Il y a pas mal de choses dans ce projet loi que le ministre aurait pu venir nous informer au lieu de nous donner des pouvoirs et d'agir autrement, surtout cette affaire de *Procurement, Town and Country Planning*. Il y a l'autre *monster* dont l'honorable ministre Duval a fait mention : le *Unified Board*.

Nous comprenons mal, M. le président, c'est une centralisation de pouvoir et qui finalement va mal tourner. M. le président pour nous au niveau du MMM, nous pensons que ce projet de loi ne répond pas à nos attentes, une administration locale, moderne, en ce qu'il s'agit des propositions faites par l'honorable ministre. Pour nous, il y a eu un empressement et je comprends parce qu'il y a des élections. Tout cela, ce sont des prétextes, le problème c'est venir avec ce projet de loi, même pas pour 2011 mais 2012. Venir à la dernière minute, le mois de décembre pour venir nous présenter ce projet de loi et pour nous dire voilà nous avons un projet de loi révolutionnaire pour présenter à la nation.

Vous allez m'arrêter sûrement, M. le président, si je parle de *Local Government Service Commission*. Je crois que le gouvernement dans le sillage d'une réforme des administrations régionales aurait dû venir aussi avec une refonte de la *Local Government Service Commission*. Je ne parle pas de ce qui se passe, tout le monde le sait, mais je crois qu'il est important que le gouvernement songe également à remoderniser, si cela ne tenait qu'à nous, on aurait donné le pouvoir aux mairies mais, pour nous, la *Local Government Service Commission* n'a pas sa raison d'être et le gouvernement a intérêt à venir nous proposer des amendements.

M. le président très souvent on nous a dit que nous critiquons mais nous ne faisons pas de propositions. Mais je dois dire aussi M. le president, que yesterday this House was making history with amendment to the Constitution to ensure a better representation of women in local council and, on this side of the House, we express the need to go even further by including legislative elections. In spite of the fact that our proposal was turned down, we, in the Opposition, we supported the amendment. It is within our principles and we cannot mettre les bâtons dans les roués de l'histoire comme certains peuvent prétendre and it is still indeed a small step forward.

M. le président, je crois que le gouvernement aurait dû move on further. It should have made a step forward in favour of local and grass root democracy. Government could have seized that window opportunity of the amendment to the Constitution to have the Constitutional Foundation for Local Government and Municipal Election enshrined in the Constitution. That should have been on the agenda of Government. Yesterday we've made a step forward, but today in asking us to approve this Bill, we are making two steps backward.

M. le président, dans ce projet de loi, il y a pas mal de secteurs. Le ministre a fait pas mal de propositions sur le *solid waste*, mais je crois qu'il y a pas mal de secteurs concernant le *solid waste* et il faut que le ministre vienne informer la nation, vienne proposer à cette chambre et au pays a full way strategy. Il y a toute une stratégie à dégager, à venir proposer au pays, parce qu'aujourd'hui la gestion des déchets est devenue un outil très important pour le gouvernement et il est très important que le ministre vienne nous informer quelle est la stratégie du gouvernement en ce qu'il s'agit de la collecte des déchets.

M. le président, je retourne sur le *Local Government Act* et sur quelques petits items, il y a aussi le *targeting of the MPs*. Moi-même, j'ai été député maire à trois reprises. Je crois qu'être député maire est dans le domaine du possible. C'est dans le cours normal des choses et nous avons eu pas mal de députés maires qui ont fait leur boulot très bien.

Mr Speaker: Vous avez déjà fait le point !

Mr Bhagwan : Je voudrais venir sur un sujet qui a été longuement discuté concernant les délimitations des *Wards*. Pas mal de commentaires ont été faits et il y a eu les observations du *leader* de l'Opposition, des remarques, des suggestions, des observations, il y a eu l'intervention de l'honorable Mohamed et de l'honorable Faugoo. Ce que je demande au ministre, c'est d'éclairer la nation dans son *summing up*. Qui a préparé le *map* de ces délimitations au niveau de son ministère? Qui? Comment cela a été fait au niveau de son ministère? Il nous a dit qu'il a proposé à l'*Electoral Commissioner's Office* et selon nos

informations l'*Electoral Supervisory Commission*, l'*Electoral Commission Office* n'a pas été impliqué à 100 %. Alors je crois que c'est dans l'intérêt national, il faut qu'il y ait transparence, que le ministre vienne nous dire toute la vérité. C'est quelque chose qui est *down to the basic of democracy*. Le moindre doute qu'il y a au niveau de la population, que cet exercice a été mal fait, mal initié, il y a eu des interférences, je crois que *it is a matter for concern*. J'espère que le ministre va venir informer la population, va venir donner des éclaircissements en ce qu'il s'agit de tout cet aspect de délimitations.

M. le président, pour conclure, *it is a sad day for democracy* parce que ce que contient ce projet de loi en termes de section et sous section dans différents secteurs, *does not go forward*. C'est un recul pour nous surtout en ce qu'il s'agit des pouvoirs du ministre et un recul au niveau des administrations régionales elles-mêmes, les pouvoirs des collectivités locales. *It is a sad day for democracy*, alors que partout dans le monde il y a un vent fort en faveur de l'élargissement de l'espace démocratique qui souffle, des régimes assoiffés de pouvoir sont en train de disparaître dans la honte; Les têtes des dictateurs sans foi ni loi, tombant à la grande joie de leur peuple, écrasées sous leurs votes. Que voyons-nous, M. le président, dans notre pays ? Un coup de poignard dans le dos de la démocratie. L'image de l'île Maurice prend un sale coup devant l'opinion internationale avec ce projet de loi rétrograde et scélérate, surtout quand il s'agit du deuxième renvoi de ces élections municipales. J'espère que le Premier ministre va venir nous donner *further information* et, tant qu'à nous, nous avons proposé un amendement pour que ces élections se tiennent dans le *first quarter* de 2012, dans l'intérêt national et dans l'intérêt de la démocratie régionale.

Merci.

(11.21 p.m.)

The Prime Minister: Mr Speaker, Sir, yesterday we voted the Constitution (Amendment) Bill (No. XXIII of 2011) unanimously, and everybody agrees it is a historic Bill. We are now debating the new Local Government Bill, which will bring radical changes to local government.

The hon. Leader of the Opposition and hon. Members of the Opposition have great misgivings about the new Bill. That is their absolute right. Mr Speaker, Sir, in a democracy, the Opposition has every right to criticise and disagree. That is their right. We, as Government, must listen to the criticisms and respond accordingly. Many points have been raised by the hon. Leader of the Opposition and other hon. Members, but especially the hon.

Leader of the Opposition. I will respond to them, but let me first recapitulate the objectives of the new Local Government Bill.

There are, in fact, about 30 main changes in the Bill. Let me just recapitulate on some of the most important ones, which are as follows -

First of all, the city status of Port Louis, as well as the post of Lord Mayor are being legally recognised. I don't know how many people on the opposite side know that this was not the case in either of the two Local Government Acts, that is, 1989 and 2003. For the first time, we are legally recognising those posts. Furthermore, - others have said it - the village of Pailles will be added to the city limits of Port Louis.

Second, the three twinned District Councils of Pamplemousses/Rivière du Rempart, Moka/Flacq and Grand Port/Savanne will be separated, so as to make the administration of rural areas more manageable. I must say that this proposal has been on the table for nearly 40 years, Mr Speaker, Sir. Thanks to the additional sums made available by the Vice-Prime Minister, Minister of Finance and Economic Development, this has now become possible. This measure will bring both the elected representatives and the services nearer to the people. Councillors will have more time to devote to the citizens and address their grievances.

Although the current Minister of Finance has made considerable efforts and provided substantial additional sums, the new Local Government Bill will also allow new towns to be created at any time later on through a relatively simple procedure.

Fourthly, all urban local authorities will be divided into wards, with three candidates each, with the result that the total number of Municipal Councillors will actually be reduced from 126 to 90. At the same time, the wards, therefore, will be smaller and closer to the electorate. Nobody mentioned about the reduction in the number of Councillors so far as I can see.

(Interruptions)

I am sorry if you did because I did not catch it.

Let me now respond to the main objection raised by the hon. Leader of the Opposition. He says that we have treated the President with contempt and that the whole legislation is illegal, and that there has been gerrymandering. Those were the main points. There were other points, but those were the main points. Mr Speaker, Sir, we are not of that view, and let me explain why. I believe the disagreement we have in the Opposition is one of interpretation of laws as well as one which lies at the very heart of parliamentary sovereignty.

Let us look dispassionately at the situation. Unfortunately, Mr Speaker, Sir - it is not our doing - we have two parallel laws operating. We have the Local Government Act of 1989, and we also have the Local Government Act of 2003. Instead of repealing the Local Government Act of 1989, the then Government passed the Local Government Act of 2003, and then only proclaimed about a third of that Act, that is, the Local Government Act of 2003; therefore, leaving the Local Government Act of 1989 on the Statute Book, passing the Local Government Act of 2003, and then proclaiming only parts of it. That is where the confusion lies. Instead of clarity, we have to deal with a confusion of the application of two pieces of legislation concerning local government. Was this incompetence or was it done deliberately? Whatever it is, today this has given rise to the allegation that we have treated the President with contempt, and that the Bill is illegal.

Let me go further, Mr Speaker, Sir. The Local Government Act of 2003 provided for the creation of 12 Municipal Councils, thereby completely eliminating Village and District Councils. However, the provisions of the Local Government Act of 2003 relating to the elections have not and are not being applied, since Municipal Councils have not been established in accordance with section 3 of the Local Government Act of 2003. Now, ask yourself why the 12 Municipal Councils were not established, as voted by the National Assembly. To make matters worse, as at now, the relevant provisions of the law relating to divisions of towns into electoral wards are to be found in both section 7 of the Local Government Act of 1989 and section 4 of the Local Government Act of 2003. To confuse matters even further, that section 4 of the Local Government Act of 2003 has never been applied. Already, you can see the confusion.

Mr Speaker, Sir, it is not surprising that, with such confusion as to what law and what section of the law actually applies, we have all these arguments that are being put forward. For those who are saying that we are postponing local elections once again - I heard hon. Lesjongard, hon. Uteem and many others; I heard about *assassinat de la démocratie* - I say that they have a very, very short memory. Very short, indeed! Let me remind them. They forget that they have postponed local Municipal elections twice and Village Council elections, believe it or not, three times. Them! Listening to them, you would never think that they have done such a horrible thing! Never! In 2003, Mr Speaker, Sir, the Government brought the Local Government Bill, which they were claiming was really revolutionary - you know their tendency to exaggerate - and was going to be a landmark piece of legislation that would transform local government in Mauritius. It would be an example to the world. The

whole of Mauritius was going to be transformed into Town Councils. Then, what did they do? They only proclaimed one third of the 2000 Local Government Act and they did not repeal, as I said, the 1989 Local Government Act. Believe it or not, Mr Speaker, Sir, in 2004, they came up with a new amendment to the Local Government Act of 2003. One of the objects of the Bill, believe it or not, was to postpone the Local Government elections due in 2004. At the same time, they postponed Village and District Council elections. What they did to the village? If you listen to them you will think, oh, we have not made 12 Municipalities. What they did to the Village Councils and District Councils elections, Mr Speaker, Sir, is quite unbelievable. When you listen to them today, you will not believe it. It is not the same people, we are talking about different people here. Then, when I come here, I said, no, it is the same people, with one or two exceptions.

(Interruptions)

It is the same people! Village Council Elections, Mr Speaker, Sir, were held in 1997. They were due to be held in 2002. In 2002, they brought an amendment to postpone the same Village Council elections by one year, to 2003 - I am sorry he is not here, because I am sure he would have laughed. The hon. Leader of the Opposition who was then Deputy Prime Minister, not just any Deputy Prime Minister, he was the central character of Government, do you know what he said when he postponed? He said, and I quote -

“*C'est un petit renvoi obligatoire*”

(Interruptions)

At least, I know hon. Bhagwan has a sense of humour. He would have laughed also; because sometimes you forget. The new Members probably won't know. So he said: “*C'est un petit renvoi obligatoire.*” Okay! In 2003, ‘*après le petit renvoi obligatoire de 2002*’, they brought a second amendment to postpone the village elections, by one year again, to 2004. In 2004, they brought a third amendment to the law to postpone the village elections, this time not to 2005, but to 2006, that is, by two years. In other words, they postponed Village Council Elections not once, not twice, but three times. I think they hold the record for postponing elections.

(Interruptions)

I really think they hold the elections. Not by one year, two years or three years but for four years. The MMM/MSM Government amended the Local Government Act of 2004 to replace the year local elections were due to be held by 2006.

Just to remind the hon. Members and the media, I think they need reminding also, because they are also young people, they would forget. They believe sometimes what these people say, especially '*L'Express*'. Believe it or not, Mr Speaker, Sir, it is us, the Labour Party and the PMSD, who, when we came to power in 2005, amended the Local Government Act of 2005 to replace the election year of 2006 by 2005; in other words, reinstating the holding of both Municipal and Village Council Elections. We brought them forward by one year. This is something that many hon. Members don't know or have forgotten.

The hon. Leader of the Opposition was then Prime Minister, he tried very hard to explain *les renvois des elections pour deux ans*. First, he said we could not hold the local elections in 2005 because general elections were due to be held in 2005. That was the reason given.

Later on, he went on to say that it would be difficult to organise these elections in 2004, because of 'the delimitation of the new municipalities that was still being worked out. It takes a long time to work these things out; it is still being worked out, so we cannot.' Which is which? I asked myself when this was happening: where was the editorial comment of Mr Raj Meetarbhain?

(Interruptions)

Did you see any editorial comment? Where was he? God knows! In fact, it can be done, we showed it.

(Interruptions)

You guys won't know probably, but when you have been Prime Minister, you don't decide today that you are going to call elections tomorrow. No!

(Interruptions)

I have told you already: four years! You don't do that, you can't do that. They already know.

(Interruptions)

No, no! Don't worry! You can say whatever you want. You will have to wait a long time.

Mr Speaker, Sir, the then Prime Minister already had an idea when general elections were to be held. I will tell you why. Why do you think, for the first time in the history of independent Mauritius, Budget presentation was moved to April? Fast forward! In April - and we said it in our press conferences - you don't have all the data of the year! That is why we move the Budget day to November. You don't have all these data on what are you basing your Budget when you don't even have the data for the year. This is why we have moved it to November, but, they moved the Budget to April! They had an idea that general elections

were coming. Don't think we didn't know! The minute you moved the Budget to April we knew something was going on. There was something else added to that - I won't go into all these details. The elections were held in July 2005. Yet, when we came to power, as I said, we amended the Local Government Act, same year as elections were held to move the local elections forward by one year, that is, I think in December 2005 itself. It was not impossible to do, there were just excuses. We should ask ourselves: why then did they postpone local elections? Once, twice and thrice! Why? Why did they back-pedal on what they were claiming to be revolutionary and landmark legislation for Local Government and then allow the two laws to operate side by side? What was the reason behind it? I will tell you why, Mr Speaker, Sir, there is a reason behind that.

The House will recall, Mr Speaker, Sir that there was a by-election in Constituency No. 7 in December 2003. That was the seat of the former Prime Minister who had to resign to assume the Office of President. They were convinced that it was a very, very safe seat for them.

If you go and look at the papers, they were claiming that it was going to be such "*a raclée pour le Parti travailliste et le PMSD*".

(Interruptions)

Same words that you hear today! Just go and see the past. They said it was going to be a huge victory ahead of the elections and they did not hesitate for one minute to deploy and mobilise the whole Government machinery to ensure victory for the MMM/MSM candidate. I should say candidates, Mr Speaker, Sir...

(Interruptions)

...because they even managed to change the candidate between the issue of the writ and the election date! They even managed the unbelievable thing of changing a candidate in-between. In it like in a horse race, a jockey jumps from one horse to the other in the race itself.

Mr Speaker, Sir, let me tell them, they use all the means that was available to them. How much money was spent? We don't know. We were facing them. Our agents were not telling us. Car boots were being opened. I saw one of their agents - I think hon. Dr. Jeetah knows. He said, "You are not giving us anything, they are giving plenty of money there".

(Interruptions)

Don't claim the innocence that you claim! I am telling you and he knows whom I am talking about. Just one agent we are talking about. I said to him: "Look, we don't have that kind of

money. Go and take from them, but you vote for us. Who is going to know whom you vote for"? He went to the car among other people. The boot was open. He thought they were going to take out a suitcase. Not a suitcase! The boot was full of money. What suitcase! Do you know how much money they spent in that election? You know, Mr Speaker, Sir, how our *banderoles* and posters were being removed in full glare of the Police! Real democracy at work par *les anges de la démocratie!* They call themselves *anges*, look at their faces! 'No, we never did this!' Where were you?

(Interruptions)

No, that was the case. I had so many problems with the Police sleuthing, they were destroying.

(Interruptions)

No, this is what happened, and with what result? Ministers were out campaigning the whole day. They were not working. As soon as it was 12 o'clock, they went on the field, *sur le terrain* and campaigned, they put pressure, you will lose your job. These people call themselves democrats!

(Interruptions)

Mr Speaker: Order, now!

The Prime Minister: The MMM/MSM Alliance, in spite of all this, suffered a resounding defeat at the hands of a newcomer, hon. Dr. Rajesh Jeetah. A newcomer!

(Interruptions)

Mr Speaker, Sir, we were speaking of the Local Government. I am just saying this to explain the importance of democracy. You know, Mr Speaker, Sir, he was not given permission, even to leave his job as lecturer. Pressure was put on him at the University of Mauritius. He was forced to pay his bond immediately, the full amount otherwise he could not leave and stand for the by-election. I am glad he did by his own.

Never mind, Mr Speaker, Sir, I won't go into the details, but the fact is they were heavily defeated. That is the reason why they backpedalled, postponed local elections and did not go forward with the revolutionary law of 12 Municipal Councils. That is the reason they backpedalled. Mr Speaker, Sir, they are pointing fingers at us!

The result has been that we are left with a mess as far as the laws are concerned. Two laws, one only proclaimed in part and total confusion and, as I explained earlier, Mr Speaker, Sir, section 4 of the Local Government Act of 2003 is on the Statute Book, but it has never been applied because they did not go forward with the 12 Municipal Councils.

What does section 7 of the Local Government Act say? It is important that I say that to the hon. Members, those who think that we are in illegality. Listen to that! Section 7 of the Local Government Act of 1989 provides as follows, and I'm going to read it, it says –

“Division of Towns into electoral wards

- (1) The President may, by order and on receipt of proposals from any urban authority or upon the recommendation of the Minister (...)".

These are the operative words, Mr Speaker, Sir –

“(...) upon the recommendation of the Minister, provide for –

- (a) the division of a town into a specified number of electoral wards; and
- (b) fixing the number of councillors for each ward.”

It is the Minister who would make the recommendation in the 1989 Act.

Now, as I said, Mr Speaker, Sir, why then did nobody find it sinister to leave the power to the Minister to make a recommendation to the President for the division of the town into electoral wards and so on? Nobody found it sinister then. It has been in the Statute Book for so long. The Leader of the Opposition made reference to section 4(1) of the Local Government Act of 2003 with regard to the Division of Towns and Districts into electoral wards. In particular, he made reference to the necessity for the boundaries of the electoral wards to be determined by the President after consultation with the Electoral Boundaries Commission.

First of all, this section applies to Municipal Councils created under the Local Government Act of 2003. However, out of the 12 councils, as they had planned, 7 of them were never incorporated. That is the rural one. They were never incorporated. It is not possible that a section from the Local Government Act of 2003 could apply to the present situation, which only involves five urban municipalities and not the seven rural ones.

Secondly, councillors were elected under the provisions of the Local Government Act of 1989 and section 7 in that Act also sets out the procedures of the division of towns and electoral wards, which is different from that of the Local Government Act of 2003. In particular, it makes no reference whatsoever to the Electoral Boundaries Commission. In fact, it allows the Minister of Local Government to make recommendations. As I said, nobody thought then it was sinister ever.

Thirdly, when the previous MSM/MMM Government pushed back Local Government elections by two years in 2004, they added a section which said that pending the holding of

elections - which they had postponed - under the Local Government Act of 2003, reference to Local Authorities should be considered to be reference to Local Authorities established under the Local Government Act of 1989.

Fourthly, the existing Municipal Councillors were elected under the provisions of Local Government Act of 1989 and the boundaries of the wards are those established by the Act, not the Local Government Act of 2003.

So, hon. Obeegadoo is completely wrong and misguided when he says: Government is using a grey area – I think this is the word he used - and by subterfuge has done what it has done. No, what they forget and I am surprised - I think sometimes it happens. I understand. You are focusing on something, you forget the big picture. What they are forgetting, Mr Speaker, Sir, this is a new Bill that the hon. Minister has brought and is entitled to include the Schedules in it. It is completely legal. Mr Speaker, Sir, it is good that I say because I heard some hon. Members, I think the last orator, hon. Bhagwan seems to have some information which says the contrary to what the others have said. Correct me if I am wrong! On the other hand, I am giving you credit for knowing what the others do not know.

(Interruptions)

No, not just body language, he said something, I was listening when I was coming. How did the Minister of Local Government, hon. Aimée, proceed with this messy situation on his hand? Why did he do? 1989 Act says, the Minister can make proposals. It is a new Bill; I want to stress it is a new bill. The Minister forwards a proposal to the Electoral Commissioner's Office for the delimitation of the five municipal councils and their wards, villages and district councils, and he asked them their views and comments, taking into consideration the fact that there would be an increase in the number of wards in each municipal council and the creation of new villages and the splitting of district councils.

Let us be clear there was no legal requirement for the hon. Minister to do so. There was no legal requirement. On receipt now of these proposals, he sends the proposals to the Electoral Commissioner. The Electoral Commission gets these proposals. What does the Electoral Commissioner do? He did not say: "Fine, Mr Minister, go ahead! That is why I think hon. Bhagwan has got now more information. He didn't say that. Everybody knows, Mr Speaker, Sir, that the Electoral Commissioner, everybody knows his integrity and how he takes care to follow procedures properly.

When we were in the Opposition, there were things we did not agree. He told us: "No, it cannot be like this. We have to agree, he is the Electoral Commissioner and we agree why?"

As the hon. Leader of the Opposition himself said, it is important that we have confidence on the impartiality and the integrity of the Electoral Commissioner. This has happened.

It is a matter of grave concern that the hon. Leader of the opposition has referred to the possibility that the Electoral Commissioner, the holder of a constitutional post and who has successfully assumed his responsibilities in relation to many elections so far. He is well respected internationally. He has been requested to be an observer and to assist in the conduct of elections in different Commonwealth countries, in SADC countries, countries determined by the United Nations. He says that he may have taken part in violation of the law. I feel this is unfair and unwarranted because when he got the proposals what did he do? I understand that the Electoral Commissioner caused, first of all, for several sites to be visited. He didn't just say: 'Alright, Mr Minister, do what you want'. No. He got the sites to be visited. As the hon. Leader of the Opposition said himself, he has to take into account several factors for the delimitation exercise. He must take into account the number of voters per ward. He cannot just agree with the Minister and say that is alright. He has to take into account the number of voters per ward. He has to take the geographical and topographical features. He has to look at the means of communications. He must know what are the likely sites, availability of suitable polling stations. He must look at the boundaries of the administrative areas. He must look at the alignment of the new boundaries of wards and villages. As far as possible, they must be along the boundaries of existing constituencies, villages and registration areas. It does not have to be exact, but as far as possible. What has he done? After he had got his officers to go and do all this exercise, he had a meeting with the Electoral Supervisory and Boundaries Commission on the 01 July 2011. I went and asked them; that is how I know. I am told that he apprised the Commission of the delimitations that the hon. Minister has proposed and he asked them for assistance - that is, is the Electoral Supervisory and Boundaries Commission - to finalise the boundaries, to ensure impartiality and integrity of the boundaries and also integrity and impartiality of the whole exercise. He took that care, Mr Speaker, Sir. Perhaps they did not know. I think hon. Bhagwan got to know late because he mentioned it. I get the impression anyway from what he said.

Believe it or not, Mr Speaker, Sir, what hon. Members don't know when talking about gerrymandering is that on 01 July he asked them for help after having been on site. On 05 July 2011, after consultations held with the Electoral Supervisory and Boundaries Commission, do you know what they did? They made counterproposals and they made major

changes – I stress on the words “major changes” - to the proposals that the hon. Minister sent to them. They said: ‘no this is not acceptable, this is what we think is acceptable’.

What did hon. Minister Hervé Aimée do when he got the counterproposals? We all know his character. We all know the way he is, but - and I am proud that he did - he accepted immediately what he was told as for the new proposals, he did it *in toto*.

(Interruptions)

He gave an assurance that he will put it in the Schedule of the new Bill and he has done it; he has actually done it, what they had proposed is in the Bill. Maybe they didn’t know...

(Interruptions)

Forget about the committee of supply! It is coming! How is this gerrymandering *tripotage*, Mr Speaker, Sir? You ask yourself! As I said, there were substantial changes. They can go and find out. Allegations of gerrymandering are totally unfounded and baseless. As I said, perhaps the Opposition did not know, I give them the benefit of doubt. Maybe they didn’t know. Now, this new Local Government Bill...

(Interruptions)

Mr Speaker: Order!

The Prime Minister: I don’t think the MSM knew, at least, I am giving them the benefit of doubt. This new Local Government Bill, in fact, Mr Speaker clears the mess we were in, repeals both the Local Government Act of 1989 and the Local Government Act of 2003. It provides that all boundaries of electoral wards as well as villages be included in the Schedules in a spirit of transparency. Now everybody knows where they are. Previously, once the President defined boundaries of electoral wards and villages, these were included in an order which was gazetted, but which were never included in a legal reference book. Section 39 of the Constitution, Mr Speaker, Sir, provides for the duties of the Electoral Boundaries Commission with regard to Constituencies for the National Assembly elections. No mention is made for Local Government elections. Section 41 of the Constitution clearly sets out the role of the Electoral Commissioner which says -

‘shall keep the Electoral Supervisory Commission fully informed concerning the exercise of his functions’.

Mr Speaker, Sir, I say it again. I think this escapes hon. Members. This is a new Bill, even all this has been done as I have said, but Parliament is sovereign. There is a new Bill. You cannot tie the hands of Parliament otherwise we will go back to slavery. We are talking about Truth and Justice Commission; we will go back to slavery, Mr Speaker, Sir. Let’s go back to

where we were. Even for the Constitution, you cannot tie the hands of Parliament except, I think, in one instance, where all the Members have to vote. You have a provision where, in certain clauses, you need two-thirds majority; in certain clauses, you need three thirds. For the Constitution also the hands of Parliament are not tied. There are provisos there, but you cannot tie the hand of Parliament. Even for the Constitution, you cannot, now for an ordinary Bill, you will. What world are we living in? I think hon. Boolell rightly said, Parliament can make laws and can unmake laws. That is at the heart of Parliamentary sovereignty, Mr Speaker, Sir. The hon. Minister for Local Government did not have to hold consultations with the Electoral Boundaries Commission in accordance to whatever section - they want to say section 4 of 2003 - nor was it necessary for him, for any order to be made either under section 7 of the Local Government Act of 1989 or section 4 of the 2003 Act to provide for new boundaries. In fact, Mr Speaker, Sir, the Bill provides for ward boundaries to be set out in both the First and Second Schedules and, it is important that hon. Members realise - because they could think that we are doing something that we should not do - that future alterations of the boundaries will have to be made in accordance with section 9 of the Local Government Bill.

As I said, Mr Speaker, Sir, this is a new Bill that is being proposed, repealing two Bills 1989 and 2003. That is the prerogative of Parliament. Parliament is sovereign. As I said, it can repeal laws, it can adopt new laws. The legality of the boundaries set out in the Schedule to the Bill is not to be determined by reference to either 2003 or 1989 Local Government Acts. The boundaries and indeed the Bill, as a whole, would be perfectly lawful if enacted upon by this sovereign Parliament. If the Constitution required boundaries to be drawn up in a particular manner and the Minister proceeded in another manner, different from what is put down by the Constitution, then the boundaries would have been unlawful and contrary to the Constitution. Mr Speaker, Sir, this law is a new law; this Bill is going to be a new law hopefully. All new laws are passed by the National Assembly and are not in breach of the Constitution must be held to be valid.

Mr Speaker, Sir, it is worth recalling that the hon. Leader of the Opposition has stressed on the bypassing of the President and the Electoral Boundaries Commission as the main cause of his disagreement with the Bill. I have already explained the legality of the process followed in the drawing up of the ward boundaries and I wish to point out a major flaw in this argument. Many hon. Members have quoted what I said during the Committee of Supply of the Budget. I know what I said. I am speaking about fairness. I did say, "Don't mix up

Municipalities and general elections.” I did say that. Nobody quoted that. They completely cut it out.

(Interruptions)

Yes, but I said do not mix up the two because there is a difference between the two. For the general elections, it is in the constitution, but I said: ‘Fairness’. I even said we were not consulted as far as I know. I did say that and I assume what I said. I am not saying: “No, I did not say that, *pas moi sa, li sa. Pena are moi sa.*”

(Interruptions)

Mr Speaker, Sir, let us not forget that the Bill was circulated in this Assembly since 18 October. We are at fault as well. If we had something to say, we should have picked up on this. I must say nobody picked up on it, I think neither you nor us.

Mr Speaker, Sir, I will go further. Had Government been motivated by purely partisan and political considerations in following the procedure, in drafting this schedule of the Bill, and all that, it would not then have left it to the President after consultations with any other person. I am quoting –

“Any other person includes obviously anyone from any political party or political parties include the Electoral Boundaries Commission.”

It says –

“After consultation with any other person which includes all this, to alter the boundaries of the Local Authority on electoral ward in the manner set out in clause 9 of the Bill.”

I’ll ask the hon. Members to go back to the Bill. Look at the Bill and look at section 9 of the Bill. I think, I wonder how many, including the Leader of the Opposition, have actually read it – it is a huge Bill I agree also to that, that also I can understand – but I am afraid it seems to me that they have not read it properly, because, otherwise, they would have refrained from making this kind of criticisms that have been made and would have readily seen that from the very day this Bill becomes law. Make no mistake; it is in everybody’s interests that it becomes law at the earliest opportunity. The boundaries may be altered...

(Interruptions)

You want elections quickly, the more you delay, the more the elections will be delayed, but never mind this, this is one argument.

I say you should look very carefully at section 9 - the boundaries may be altered in the manner provided by clause 9 of the Bill. *En passant*, it is worth saying that even without this

Bill, it was open to any political party or other persons to make representations to the President with a view to having the existing boundaries altered or whatever under the Local Government. It was open. As I said, the Bill was circulated in October. Section 9, as I say, allows this. If we had this intention of doing what, you still have time, the Bill becomes law tomorrow, you can go and see the President and we have given him the power, don't think we have curtailed the power. I trust that hon. Members now fully understand that it is open to anyone to relook at the boundaries if they want to, if they have some qualms. You can initiate action after the Bill is passed under clause 9 of the Bill; you can initiate action if you think it is warranted - it might not be warranted. Anybody can have any idea, but here it is not a simple question of drawing lines. As I said, there are many criteria they have to look at.

In this context, I wish to refer to the amendment that has been circulated by the hon. Leader of the Opposition which aims to ensure that elections are held as quickly as possible. I, too, Mr Speaker, Sir, wish elections to be held as early as practically possible and I hope that this Bill will become law any time from now so that before the elections are held, if hon. Members are dissatisfied with the way the boundaries have been drawn, they immediately go and use clause 9, if warranted; and, Mr Speaker, Sir, I hope, at least, that hon. Members who have concern about this Bill.

As I said earlier, you are the Opposition, you have a right of concern, it is your right to criticize and it is your right to ask for questions. It is also our right to tell you but, this is how it was done. I hope that they will have the concern that they had about this Bill, they will act with celerity in ensuing that their representations, I again say, if any, they have worries about certain boundaries, they will be given due consideration before the elections are held. It is much refreshing our memory, Mr Speaker, Sir, by reading out clause 9 of the Bill, then you read it out just to make sure. It says –

“The President may, after consultation with the Electoral Commissioner, the local authority concerned and such other person as it thinks fit, by proclamation alter the boundaries of a local authority or an electoral ward.”

If there was any intention of gerrymandering, Mr Speaker, Sir, why, in the name of God, we will put section 9 in this Bill? Why would we have done it? Basically, what I am saying, Mr Speaker, Sir, we had a real *galimatia* before two laws, Local Government Act of 1989 on the Statute Book proclaiming part of 2003 Local Government Act, then bringing an amendment to that Act in 2004. This new Bill puts order in all this. It repeals both the 1989 Act and the 2003 Act and we are saying Parliament is sovereign. What the Minister has done already was

being done under the 1989 Act. In any case, the Minister could make proposals, nothing sinister about this and now to add to this, section 9 allows you to go to the President, the President has all the powers, to go and tell him that you are not happy with the boundaries, you think this is wrong and he has the power to call and say: "Look, we have to relook at this", he has all the powers, it is there.

Mr Speaker, Sir, I hope that, after what I have just explained, hon. Members, on the other side, will realise that the qualms they have expressed are not at all justified. Perhaps, they were in doubt, because that's why I thought I should explain it fully, more in details. There is absolutely no comparison between what they did and what we are doing in 2011. The measures we are introducing today, Mr Speaker, Sir, are, in fact, revolutionary measures and these measures will make sure that power of the public services is held as locally as possible, that local councils are given power to run services and take control of the area of the people so that the people have greater control on things that matter to them, improvement to the streets, roads, local parks and so on.

We are not paying lip service. I'll come to another criticism about localism on the contrary. I understand the criticism, I must say, of the hon. Leader of the Opposition and other hon. Members about the *droit de regard* of the Minister and Central Control, Mr Speaker, Sir. I understand the criticism, but let us be reasonable. We have not done this, because you think we do not have enough jobs, you think the Minister is not busy and ask: now who is going to get a stall? Who is going to get a street lighting? He has no time for this, but what we want to do and I must say it, maybe we have differences here, but in all honesty, what have we witnessed? Building permits being given when they should not have been given, it has happened, all sorts of things going on, Mr Speaker, Sir - I don't want to go into details without justification. Mr Speaker, Sir, I know hon. Bhagwan was saying: "But you have been in power for five years, I think."

(Interruptions)

You have been saying we have been in power for five years, we were complaining about when we were in power ourselves...

(Interruptions)

Six years! Mr Speaker, Sir, that is why I said let us be reasonable, because we might want to do things one way, but we do not control others, it is for people to take their responsibility. I always say that: "If only people acted responsibly", but we cannot change people, unfortunately. There is a change of mindset that we have to bring in this country. Now don't

forget, go and read the Audit Reports when the MMM controlled all the five municipalities. Same thing! I am not blaming anyone here. I am saying it is the same thing. Go and look at the reports, especially the young ones. You know, you will see same things, stalls being given to people who should not be given stalls, rents not paid and then written off, permits given without any reason, no control, same things repeating. In fact, we always say it. When we are in Opposition, we say it; when you are in Opposition you say it, the Director of Audit writes reports and then same thing over again, year in year out.

We want to put some order. I honestly think, maybe we have difficulties on this. I know what the Leader of the Opposition said, but there is ICAC. We know, they themselves have complained, we also have said in the past, I don't say we haven't said, that it takes a long time. By the time the thing is reported and the inquiries started, the whole building has gone up. We have one glaring example in Quatre Bornes where a huge building actually encroaches even on the pavement, inquiries are going on and all this, but the building is there. The fact that the hon. Minister wants to have a *droit de regard* does not mean that the hon. Minister ...

(Interruptions)

You are here, you will leave us alone, certainly you will not leave us alone!

(Interruptions)

I am sure and it is good, keep us on our feet, it's good. That's what the Opposition is for. The *droit de regard* does not mean that the hon. Minister will go and intervene every time because he does not like the face of this one or whatever, no. I give you a guarantee of this. What we want to do and it is important that we do it, Mr Speaker, Sir, is that he must have a *droit de regard* so that they can nip an obvious wrong in the bud. That is what we want him to do and he is answerable to Parliament also. He will answer questions here. I heard somebody, but I do not think he has got a chance to reply. I think the hon. Leader of the Opposition was saying it, you have to answer questions in Parliament, but you can get the information. Do you know how many times because you send the question, we get it, I think, on Thursday. We look at it, as you do also when you were in Government, on Friday. Then we ask for questions. I always ask them additional questions: go and check this, go and check that. Do you know how many times Ministers have come to see me to say: you know this is the information that I have been given. I, having a suspicious mind, as you all know, never believe anything I hear or see, I said no, this is not possible. Hon. Baloomoody did not put this question for nothing. I said all this. I said: no, go and check. Even though she is in our

party, she asks us difficult questions. Hon. Reza Issack said it in his speech. We don't have this culture of saying to our backbenchers that they cannot ask questions. I am asked very difficult questions. I don't like it, but I have never told them not to ask me this question. This is different. We have difficulties in getting information, Mr Speaker, Sir. Even if you remember - and I remind Members – I was sitting here, there was Mr Collendavelloo. I think hon. Baloomoody was here, I still remember, hon. Bérenger was Prime Minister. He has asked questions about the Police. I was laughing here. He replies. What can he do? He is not going to go to the Line Barracks to go and refer things. He gets information from the Police, he answers. I know the comments we were making behind because we knew what he was saying was not true. We were saying "*alla mem zaffaire encore, la Police re couyone li, même couyonade encore*". Sorry, I use these words, I know they are unparliamentary. In fact, I understand what happens, it's not his fault. If they don't give him the true information, how can he give the information to the House? For him, it's even worse. When we asked about questions, it's a headache, Mr Speaker, Sir. That's why we have done it.

Let me also say a few words about the increase of participation of women at Local Government level. I hope and I am sure this will come for the general elections at a later stage and I thank again hon. Members for voting that Constitution (Amendment) Bill unanimously yesterday. In this Bill, Mr Speaker, Sir, all Local Authorities elections will require, at least, one third, as you know, of candidates must be of a different sex which is gender neutral and avoids the possibility of a legal contest against a quota for women. It avoids that possibility. This measure will also apply to the reserve group list. I will come to the reserve group list quickly. On average, the number of women candidates - we have worked it out - will raise from 44, which is was in 2005, according to us to about 120 for the Municipal elections, and from 398 to over 2000 for the village elections.

Mr Speaker, Sir, my Government has always been encouraging greater participation of women in the social and political life of our country. Admittedly, the debate about representation and participation of women in Local Government is not only about numbers. I know hon. Ms Deerpalsing quite rightly said it from time to time, even if the men don't like it, women are doing better generally. If you see the results of the School Certificate and the HSC, the girls are doing better than the boys. They probably can do better, but, Mr Speaker, Sir, it is about issues of justice, equity and human rights. The representation and inclusion of women's experience into the decision-making processes inevitably, we think, will lead to solutions that are more viable while also redressing this gender gap issue that we really have.

Notwithstanding the fact that equal rights of men and women are guaranteed in our Constitution, patriarchy, subordination of women and the deep-rooted perception for the public domain remains a challenge and we have to change it.

Today, even the women have won the right to vote and they have become members of institutions of governance. The overall representations continue to be low. Today, I was at the President's State dinner, I think I can say that, I don't think there is any harm in it. The wife of the South African High Commissioner was sitting next to me. She said to me: you are right to have pointed it out. She must have listened to it that in SADC, we are among the lowest. She picked it up. She said you are right in doing something about it, but all Members voted for it, I am not making complaint.

Another new aspect in this Bill is the formal recognition of groups. I know there have been questions about groups taking part in Municipal and Village Councils. We say groups must include at least one third of candidates of different sex at all levels. We are also putting a reserve list by the groups of names at the time of the election. Now, this new Bill makes provision to fill a vacancy occurring in any council during a term of office from the reserve group list. I know there have been criticisms, I want just to address it, maybe we won't agree, but I want to tell you what's the reasoning behind it. Replacing the need for by-elections, yes, in Municipal elections and abolishing the filling of vacancies in village councils by nominated members of the Local Government. Mr Speaker, Sir, we have seen. You, yourself - I did a lot of research before I make my speech - on the other side, I am talking about the MMM, have been complaining about that in some cases. We have seen how some councillors, I say some – not all, obviously as somebody else said, not all, but some councillors. Sometimes what happens? I think Mauritius is a special country. In the U.K, you are a Minister today in Government, if you read books about Cabinet you will see, the Prime Minister calls you to his office, he said: I am removing you as a Minister. Do you know what the Minister says? Thank you Prime Minister, it was an honour to serve under your Government, he goes. Here, no, Sir, he becomes an enemy immediately. He says: I will get you next time. It's like this. I am sure you also have experienced this.

(Interruptions)

Mr Speaker, Sir, we have seen. They do not get – I say not all, some – the position. When I came to this country, I was involved for the first time, I said: what the hell am I doing and have I gone into? For local elections, I have never seen this. People being taken and put into a hotel and not allowed to leave. This is not third world, it's fifth world! How do we accept all

these things? One thing that still amazes me, why is it, some people I find - I am saying it generally - they are not interested in being Chairperson or Lord Mayor, they are interested in dealing with the finance there. I ask myself why? It is a difficult job. I say some again. When they don't get the position they expect, they become frustrated, they become anti-party, they are trying to impede the deliberations. I say this with reserve because I don't think somebody mentioned this councillor in Beau Bassin/Rose Hill. I am not saying he is part of this, he might have some genuine concerns. I did not see him, I don't know what the concerns are. He might have some genuine concerns. You are revolted sometimes from the things you see, you get so annoyed, but let's suppose we get into a situation like this.

Look what has happened in Rodrigues - and we are going to have electoral reforms. If you get into a situation where somebody decides to block the proceedings and not resign, you cannot have by-elections because he is not resigning. This is happening now! I think hon. Bhagwan, himself, mentioned it.

Mr Speaker, Sir, we might not agree with it. It does our democracy no good to have a permanent electioneering campaign during five years. Believe me or not, it does us no good. I think so, and you might not agree with me. We feel that this is not good for the country; it is more appropriate. I think that it is an exaggeration to say that every whim that we have, we will dismiss an elected councillor. Suppose we were to do this; if we do not like this one, we say 'okay, get him out'. The electorate of this country will punish us for it. Make no mistake! They will punish us for it. They will not leave it unsanctioned if we reach a point where the councillor is becoming totally unreasonable, and then I think we should consider replacing him. It is not something that we will do like this; if he votes against us for a Bill, we would say 'get him out!' No!

Furthermore, the reserve list, Mr Speaker, Sir, is also an attempt to discourage people who would try, just by moving, to change a small majority. Some fundamental changes are being brought to the local government election procedures. In the present situation, Mr Speaker, Sir, a person may stand for election if he is qualified to be an elector in any local authority. Requiring a person to actually be on the electoral register will prevent the possibility of a candidate living in other areas to stand for political motives. I know, in our own party, some people have some qualms about this, but we are doing it. We will see how it works, but we want to pass some regulations. There will also no longer be a separate list of local government electors, that is, ratepayers living outside the municipal council area but owning or renting a property, as they will only be allowed to vote in one council election

where they reside. It is important to have the principle of one man one vote. It is not so at the moment. We were told that it is not so. There is this possibility; there is a loophole there.

(Interruptions)

Yes, but I am told this is not necessarily so. The hon. Member might have his opinion, but that does not mean that he is the big authority on law. He does not claim to be that! We have opinions. He might have his opinion and I do not disagree with that, but I have been told this. Anyway, I think that it is better like this.

They complained about Members of Parliament not being allowed to stand at the local government elections. Mr Speaker, Sir, we have decided on this for three reasons. Let me be clear. The workload has changed. Today, it is not the same workload as in the 1960s for a councillor. It is not the same workload. Today - and I think quite rightly - people have higher expectations. These need to be addressed. This is why we decided that all Municipal and District councillors as well as the chairperson of Village councils should receive an allocation. We cannot expect them to do this heavy schedule without any pay. It is not going to be worked for free. We have decided this already; this is on.

With this new and large responsibility, and being paid for it already, I think we should do what other countries have done and abolish *cumul des mandats*. I think we should do this. We think that way; you might not think that way, but we think there is no place for it and that is why we have done it. We should give greater opportunities to others; young Mauritians who aspire to serve the country. Let them have a chance. Hon. Bhagwan, how many times are you going to stand in municipal elections? How many times?

(Interruptions)

Enough! Let the others do it!

(Interruptions)

You hold the record.

This measure, Mr Speaker, Sir, will be extended now to all councillors, including those in the villages. Additional allowances will also be paid for councillors with extra responsibilities - that was not on before. An Executive Committee will be created to approve permits and procurement recommendations made by the administration; therefore, restoring major powers back to the councillors. All councils will meet at least once every fortnight, as opposed to every three months as it is presently. In this respect, there will be no committees, apart from the Executive Committee, and all decisions other than permits and procurement will be decided in Council.

Presently, the Chairperson of a District council may be revoked following a motion of no-confidence or by the Minister of Local Government, if he believes that the Chairperson no longer has a majority. However, these provisions, Mr Speaker, Sir, did not apply to Municipal Councils as they do in District Councils. This new Bill takes care of that.

The presentation, Mr Speaker, Sir, of these two Bills is a milestone in the history of local government. Through these Bills, we are not only fulfilling yet another of our electoral commitments, but we are at the same time devolving more power to our citizens and revitalising local democracy in this country. It is a decisive step of this Government in the modernisation of our institutions and building more sustainable, stronger and prosperous communities, where people are empowered to play a more meaningful role in the management of affairs of their locality.

Mr Speaker, Sir, let me end on a very important point to allay the apprehensions of hon. Members. Let me say this, Mr Speaker, Sir. We do not intend to postpone local elections for another year. We do not! I say it in Parliament here today.

(Applause)

That is not our intention.

(Interruptions)

I told hon. Uteem! You are in the opposition today, but when your party was in Government they postponed local elections for two years and three years for District council. As I said earlier, we, on the contrary, in 2005, moved it forward. We have democratic feelings too. This democracy is not a monopoly of the MMM. Hon. Members must realise I am sure - from the debates we can see - that this Bill is very extensive and radical changes are being brought to local government. These changes had to be examined in detail, and I do not blame hon. Members for speaking - so many Members took part - because it is important. Clearly, we also needed time, and it is obvious now that the local government elections cannot be held in December. It is obvious. Mr Speaker, Sir, let me give an assurance to the House. We will have local elections as soon as practically possible.

(Interruptions)

No, I will tell you why the first quarter is not possible. I will give you the reason. We have had an extensive debate on this Bill, Mr Speaker, Sir. We were here yesterday until half past three in the morning; today it is already half past midnight, and we are still debating. When the Bill is adopted and becomes law after assent by the President, there will be the minimum delay possible. I take this pledge with you. I must tell you something that perhaps some

people do not realise. I have to take into consideration certain practical difficulties that we have. We live, Mr Speaker, Sir, in a multicultural and multi ethnic society. There are various religious ceremonies and fast during the fast quarter of the year. This is one of the difficulties.

(Interruptions)

Wait! Let me just give you an idea!

(Interruptions)

Choose a date on one of these festivals and I will do it on that date. Choose the date yourself!

(Interruptions)

Mr Speaker: Order!

The Prime Minister: Chinese Spring Festival on 23 January, Abolition of Slavery on 01 February, Cavadee on 07 February, Maha Shivaratri on 20 February, Christian Lent starts on 22 February and ends on 07 April. Our National Day, as everybody knows, is on 12 March. We are going to have an important Head of State for our National Day. Ougadi is on 23 March. Good Friday is on 06 April. Easter is on 09 April. All these come together; unfortunately maybe. I have to take all this into consideration because there are sensibilities in this country.

You know for Rodrigues, when we declared this in the Assembly, I had letters that they were fasting, but then when will I have the election. At some point, we need to have the election. It was not as important as this, it was a small thing.

Mr Speaker, Sir, I have also spoken to the Electoral Commissioner and he tells me for practical reasons, with the new law, because of this new type of register that we are having for people who are going to stand as candidates, it is for him practically impossible. He can try, but it is practically impossible to be ready in the first quarter. First quarter, I take it that it means January, February and March. It is very difficult for him as well.

Even though it is my sole prerogative - I don't have to say this in the House - to decide on the date, I am prepared to give an assurance to the House - believe me, I have given you already an indication - the local elections will be held as soon as it is practicable. They will not be postponed. They will not be postponed for December 2012, as some are saying. They will be held as soon as practicable, given all the constraints that I have explained. Mr Speaker, Sir, and this, I take a pledge to the House because this is our intention.

Thank you, Mr Speaker, Sir.

(00.31 a.m.)

The Minister of Local Government and Outer Island (Mr H. Aimée): M. le président, avec votre permission, je voudrais remercier tous ceux, des deux cotés de la Chambre, qui ont participé au débat sur le *Local Government Bill*.

Je voudrais en particulier remercier le Premier ministre pour son support et les membres de la majorité pour leur soutien inconditionnel et leur appréciation apportés sur ce projet de loi. Il est malheureux que les membres de l'Opposition aient critiqué ce projet de loi, mais cela fait partie du jeu démocratique, car ils sont payés pour le faire et je les comprends bien.

Il y a eu au cours de ce débat, ...

(Interruptions)

Mr Speaker: Order! Order!

Mr Aimée: M. le président, il y a eu au cours de ce débat beaucoup de questions sur le découpage électoral et de la formation des arrondissements. Je ne m'attarderai pas sur ce point, car certains membres de la majorité qui sont aussi d'éminents légistes, se sont prononcés sur la question et ont habilement démontré la légalité du processus de découpage électoral.

M. le président, je voudrais, encore une fois, n'en déplaise aux membres de l'opposition, souligner que ce projet de loi va délibérément donner un nouveau souffle aux collectivités locales. Il responsabilisera davantage les membres élus tout en leur accordant des pouvoirs réels de décision. Le projet de loi assure et garantit l'autonomie et l'indépendance du corps élu au niveau local. Le rôle du ministre, M. le président, a été mal compris ou a été intentionnellement mal compris.

(Interruptions)

Mr Obeegadoo: Mr Speaker, Sir, on a point of order. We know the Standing Order against imputing motives. What does '*intentionnellement mal compris*' mean?

(Interruptions)

Mr Speaker: Order! Order, now!

Mr Aimée: Le ministre est le garant du bon fonctionnement des collectivités locales. Par exemple, M. le président, le pouvoir d'intervention du ministre dans le cas de l'octroi d'un permis n'est aucunement un droit d'ingérence, mais plutôt un rôle de facilitateur et de médiateur. Mais la décision finale d'octroyer ou non le permis revient au seul conseil démocratiquement élu. D'ailleurs, toute personne se sentant lésée par une décision peut alors

faire appel au *Town and Country Planning Board* - dont il venait de discuter tantôt – et éventuellement à la Cour Suprême.

M. le président, je voudrais rapidement me référer à la déclaration faite par l'honorable *Leader* de l'opposition. Tout ce que recherche l'opposition à travers ses questions parlementaires, ou à l'ajournement ne sont que des informations, et non des actions du ministre. L'honorable Premier ministre vient d'énumérer là-dessus. Il y n'a pas que des informations dont j'ai besoin moi, aux collectivités locales, pour pouvoir répondre devant ce Parlement. C'est pour cela qu'il est indispensable que le ministre ait un droit de regard, M. le président.

Allow me, Mr Speaker, Sir, to recall that the power of the Minister for intervention in a specific application for building and land use permit, already exists in law, namely in the Finance (Miscellaneous Provisions) Act 2009, where the Minister is required to approve, or not, to issue the permits for development on mountains, river reserves, place of worship and development along motorways, Mr Speaker, Sir. When we are introducing in the new Bill the concept of *un droit de regard*, this is nothing new, but only extending the surveillance of the Minister to these cases, where the Executive Committee of a Council cannot agree with the recommendation made to it by the Building and Land Use Permit Committee.

Mr Speaker, Sir, much have been said on the reserve list and criticism has being levelled that when the reserve list is exhausted, it is the Minister who fills the vacancies. In fact, this is already the case for vacancies occurring in a village Council, Mr Speaker, Sir.

Mr Speaker, Sir, suffice it to say that even under the present regime, by-elections are not always held when vacancies occur, especially when such a vacancy does not upset the relativity between the majority group and the minority.

Furthermore, the law provides that Commissions may be set up in lieu of holding elections. This is being the case, naming of a replacement by the Minister is only a final resort.

M. le président, permettez-moi de dire quelques mots sur les reproches faits quant au renvoi des élections municipales et villageoises. Je ne crois pas que je dois autant m'attarder là-dessus, parce que le Premier ministre a longuement énuméré, l'honorable Faugoo a longuement énuméré et aussi l'honorable Mohamed qui a amplement parlé là-dessus, M. le président.

There have been a lot of discussions about the introduction of the provisions with regard to crossing the floor, *les transfuges*. Section 37(3) concerning the prevention of crossing the floor has largely been commented upon.

Mr Speaker, Sir, allow me to recall that many discussions have been held on this issue for decades, and we all have agreed that crossing of the floor is immoral, and not acceptable, but no real serious initiative has been taken to entrench the prevention of such a practice in a piece of legislation. We have done it for the first time in history. However, if the Opposition has another formula to control crossing the floor, it may inform us otherwise we will take it that the Opposition has no intention to really prevent crossing of the floor.

Mr Speaker, Sir, next year will mark the 50th anniversary of the Local Government Ordinance, commonly known as *la loi Laventure*. Though Local Government, in this country, is mostly covered now by the Act of 1989 and partly by the Act of 2003, the fact is that many of the underlined principles of both these laws stem from the provision of that legislation passed in 1962. Mr Felix Laventure, first Minister of Local Government started his political career...

Mr Speaker: Is this the speech of the hon. Minister on the Second Reading of the Bill or is he summing up?

Mr Aimée: I am summing up.

Mr Speaker: But the hon. Minister is talking about Mr Laventure; he should have said this at the Second Reading of the Bill.

Mr Aimée: Mr Felix Laventure was the first Minister of Local Government.

Mr Speaker: I said the hon. Minister cannot refer to Mr Laventure. He is summing up the debate; he is not on the Second Reading of the Bill.

Mr Aimée: Obviously, there has been some compromise. My initial project envisages the creation of new towns in rural areas to replace the large villages. This was not a copy of the proposal of the 2003 Act as stated by the Opposition.

Mr Speaker, Sir, with these words, I commend the Bill to the House.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Mr Speaker in the Chair)

The Local Government Bill (No. XXX of 2011) was considered and agreed to.

On the Assembly resuming with Mr Speaker in the Chair, Mr Speaker reported accordingly.

Third Reading

On motion made and seconded, the Local Government Bill (No. XXX of 2011) was read the third time and passed.

The Prime Minister: Mr Speaker, Sir, I do not propose to move the Piracy and Maritime Violence Bill (No. XXVIII of 2011) today.

ADJOURNMENT

The Prime Minister: Sir, I beg to move that this Assembly do now adjourn to Tuesday 13 December 2011 at 11.30 a.m.

The Deputy Prime Minister, Minister of Energy and Public Utilities (Dr. R. Beebejaun) rose and seconded.

Question put and agreed to.

Mr Speaker: The House stands adjourned.

At 00.54 a.m. the Assembly was, on its rising, adjourned to Tuesday 13 December 2011, at 11.30 a.m.