



EIGHTH NATIONAL ASSEMBLY

PARLIAMENTARY DEBATES

(HANSARD)

(UNREVISED)

FIRST SESSION

FRIDAY 10 OCTOBER 2025

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Dr. the Hon. Navinchandra Ramgoolam, GCSK, FRCP	Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister of Finance, Minister for Rodrigues and Outer Islands
Hon. Paul Raymond Bérenger, GCSK	Deputy Prime Minister
Hon. Shakeel Ahmed Yousuf Abdul Razack Mohamed	Minister of Housing and Lands
Hon. Rajesh Anand Bhagwan	Minister of Environment, Solid Waste Management and Climate Change
Dr. the Hon. Arvin Boolell, GOSK	Minister of Agro-Industry, Food Security, Blue Economy and Fisheries
Hon. Govindranath Gunness	Minister of National Infrastructure
Hon. Anil Kumar Bachoo, GOSK	Minister of Health and Wellness
Hon. Christian Harold Richard Duval	Minister of Tourism
Hon. Ashok Kumar Subron	Minister of Social Integration, Social Security and National Solidarity
Hon. Gavin Patrick Cyril Glover, SC	Attorney-General
Dr. the Hon. Mrs Jyoti Jeetun	Minister of Financial Services and Economic Planning
Hon. Patrick Gervais Assirvaden	Minister of Energy and Public Utilities

Hon. Dhananjay Ramful	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Darmarajen Nagalingum	Minister of Youth and Sports
Hon. Muhammad Reza Cassam Uteem	Minister of Labour and Industrial Relations
Hon. Mahomed Osman Cassam Mahomed	Minister of Land Transport
Hon. Mrs Marie Arianne Navarre-Marie	Minister of Gender Equality and Family Welfare
Hon. John Michaël Tzoun Sao Yeung Sik Yuen	Minister of Commerce and Consumer Protection
Dr. the Hon. Kaviraj Sharma Sukon	Minister of Tertiary Education, Science and Research
Hon. Sayed Muhammad Aadil Ameer Meea	Minister of Industry, SMEs and Cooperatives
Dr. the Hon. Mahend Gungapersad, PDSM	Minister of Education and Human Resource
Dr. the Hon. Avinash Ramtohl	Minister of Information Technology, Communication and Innovation
Hon. Lutchmanah Pentiah	Minister of Public Service and Administrative Reforms
Hon. Ranjiv Wochit, OSK	Minister of Local Government
Hon. Mahendra Gondeea, OSK	Minister of Arts and Culture

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MAURITIUS

Eighth National Assembly

FIRST SESSION

Debate No. 34 of 2025

Sitting of Friday 10 October 2025

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

The National Anthem was played

(Madam Speaker in the Chair)

ANNOUNCEMENT

OBITUARY – MR F. A. CANABADY

The Prime Minister: Madam Speaker, it is with sadness that we have learnt of the demise of Mr France Antoine Canabady, former Member of Parliament, who passed away on 02 October 2025 at the age of 82.

He was born in 1943, in Port Louis, and he completed his primary schooling at the Central Boys Government School. He then attended the Royal College of Port Louis for his secondary school and pursued his tertiary education at the University of Manchester as a Commonwealth Scholar. He also held *maîtrise en droit* from *l'Université de la Réunion* and a *Diplôme du troisième cycle* in Cooperation and Development from *l'Université Libre de Bruxelles*.

Mr Canabady had a distinguished professional career. Upon his return to Mauritius in 1967, he joined the Collège du Saint Esprit where he taught English, English Literature and General Paper. He later became the Head of the English Department and served as the Dean of Studies until 1990.

In 1993, he joined Le Bocage International School as Head of English of the English Department and taught English and English Literature. He became Deputy Headmaster before embarking on a new career as a Patent Translator with the World Intellectual Property Organisation until 2025.

Madam Speaker, Mr Canabady joined politics in 1967 on his return to Mauritius. He was elected in Ward II of the town of Quatre Bornes at the Municipal Council Elections of December 1982. He was elected Mayor of Quatre Bornes on 01 January 1984 – a position which he held until 31 December 1984.

He stood as a candidate of the 1982 General Election for the Legislative Assembly under the banner of the alliance MMM-PSM for the Constituency No. 16, Vacoas-Floréal. He was returned as a Second Elected Member for the said constituency. He then stood for the 1983 General Election for the same constituency under the banner of the Mouvement Militant Mauricien and became the Fourth Member for Vacoas-Floréal after having been appointed best loser. Mr Canabady resigned as a member of the Legislative Assembly in April 1984.

Although he was not involved in active politics, he remained a keen observer throughout his life. As a patriot and with a deep sense of civic duty, he translated, on a pro bono basis, the Mauritius submission to the International Court of Justice. He also edited the book of late Jayen Cuttaree, *Behind the Purple Curtain*.

Madam Speaker, Mr Canabady will be remembered as a man of high principles and integrity. We offer our sincere condolences to his spouse, Mrs Usha Dwarka-Canabady, to his children and all those who are afflicted by this demise.

May I kindly request you, Madam Speaker, to direct the Clerk of the National Assembly to convey the deep condolences of this Assembly to the bereaved family. Thank you.

Madam Speaker: Thank you. Yes, hon. Deputy Prime Minister.

The Deputy Prime Minister: Madame la présidente, je me joins à tout ce que le Premier ministre vient de dire.

Madame la présidente, c'est un militant pur et dur qui nous a quitté. En tant que militant, comme nous tous, il refusait les compromissions. Mais en tant que militant pur et dur, il a refusé aussi certains compromis que beaucoup parmi nous, dans le MMM, estimions nécessaires *at a given point in time*.

Je me joins à tout ce que le Premier ministre vient de dire et j'exprime toute ma sympathie à ses proches. Merci, Madame la présidente.

Madam Speaker: Je vous remercie. Monsieur le leader de l'opposition !

The Leader of the Opposition (Mr G. Lesjongard): Thank you, Madam Speaker. Madam Speaker, on behalf of the Opposition, I wish to associate myself to the tribute paid by Dr. the hon. Prime Minister to late Mr France Canabady. Madam Speaker, may I request you to direct the Clerk of the National Assembly to convey our deep condolences to the bereaved family. Thank you.

Madam Speaker: Thank you. Hon. Members, I am also saddened by the passing of Mr France Antoine Canabady, whom I have personally known during his tenure as a Member of Parliament and also as a friend.

I, therefore, associate myself with the tribute paid to the memory of late Mr France Antoine Canabady, former Member of Parliament, by Dr. the hon. Prime Minister, by the hon. Deputy Prime Minister and the hon. Leader of the Opposition, and I direct the Clerk to convey the deep condolences of the Assembly to the bereaved family.

PAPERS LAID

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

- A. Prime Minister's Office**
Ministry of Defence, Home Affairs and External Communications
Ministry of Finance
Ministry for Rodrigues and Outer Islands

Certificate of Urgency in respect of the Senior Counsel and Senior Attorney Bill (No. XXIII of 2025). (In Original)

- B. Ministry of Arts and Culture**

The Annual Report and Report of the Director of Audit on the Financial Statements of the Islamic Cultural Centre Trust Fund for the year ended 30 June 2024.

ORAL ANSWER TO QUESTION

Madam Speaker: Yes, hon. Leader of the Opposition, your Private Notice Question!

ASSAULT OFFENCES – REPORTED CASES, ARRESTS & UNRESOLVED MATTERS – JANUARY-OCTOBER 2025

The Leader of the Opposition (Mr G. Lesjongard) (by Private Notice) asked the Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister of Finance, Minister for Rodrigues and Outer Islands whether, in regard to assaults, he will, for the benefit of the House, obtain from the Commissioner of Police, information as to the number of reported cases thereof since January 2025 to date, indicating the number of –

- (a) fatal ones;
- (b) arrests effected in connection therewith, further indicating if suspects are habitual criminals and/or suspected of having committed same whilst on bail in respect of other offences or whilst on release on parole;
- (c) such assaults perpetrated on Police Officers in the line of duty, and
- (d) unresolved case.

Madam Speaker: Hon. Prime Minister!

The Prime Minister: Madam Speaker, with your permission, I would like to put this PNQ in context and I would like remind the House of the chaotic situation prevailing in the Police Department when we assumed office in November 2024.

As the population would recall, the former Commissioner of Police had become *la risée de la nation mauricienne* by his acts and doings characterised by malfeasance and incompetence, to say the least.

As I said before, during the past decade, the Police Force was turned into a textbook example of institutional decrepitude. The House would recall the scandalous conversations revealed by the *Moustass* Leaks where the population found out to its disbelief that the Headquarters of the Police Force was no longer at Les Casernes, Port Louis, but in Angus Road, Vacoas!

It is not, Madam Speaker, surprising as we are witnessing since November 2024, how a much broader Machiavellic strategy was put in place to undermine the independence and

integrity of our institutions with the sinister motive of exerting absolute control over them. Just like some tinpot dictators, they were hell bent on transforming our country into an *État voyou*, without caring about the law and order situation.

They were more interested in satisfying their insatiable greed for money.

I should also refresh the memory of the Leader of the Opposition how the previous Commissioner of Police, with the blessings of the then Minister of Interior, undermined the then Office of the Director of Public Prosecutions, Mr Satyajit Boolell – an act unprecedented in the history of the Commonwealth.

The hon. Leader of the Opposition would recall how the Government, of which, he was, himself, a prominent member, attempted to arrest the former Director of Public Prosecutions, Mr Satyajit Boolell. This was clearly a political act to intimidate him and curtail his independence of action.

We recall the abhorrent tactic by the then Commissioner of Police of bypassing the Attorney General's Office and the Office of the Director of Public Prosecutions for criminal proceedings before our court of law.

The Commissioner of Police, instead, retained the services of Counsels and Attorneys from the private practice from the coterie of lawyers and attorneys at the service of the MMM, and a King's Counsel from the UK, for a total amount of Rs14,288,825 – a totally unprecedented and unheard practice. Unbelievably, the Commissioner of Police even sued the DPP!

Madam Speaker: I am sorry, did you say the MMM or did I not...

The Prime Minister: MSM.

Madam Speaker: Okay.

The Prime Minister: MSM! Never the MMM!

Madam Speaker: No, no, I know but...

The Deputy Prime Minister: Merci! Merci!

Madam Speaker: There was a slip of your tongue!

The Prime Minister: Was it? Oh, I am...

Madam Speaker: Sorry to have stopped you!

The Prime Minister: No, don't worry.

Madam Speaker: I just checked. Everybody heard MMM!

The Prime Minister: It is good you remind people that it is the MSM!

All of this was clearly done to undermine the professional integrity of the Office of the Director of Public Prosecutions and other relevant institutions. I leave it to Members of the House to ask the question why and at whose behest all these practices were resorted to.

The revelations regarding the issue of reward money and the allegations of drug planting targeting members of the civil society, critical of the then government, give us an idea of the political weaponisation of the Police Force under the previous regime.

The involvement of the former Commissioner of Police and his closest collaborators at the helm of the Force have sent shockwaves in the nation.

Madam Speaker, we find ourselves today in the shameful position where –

- a former Commissioner of Police;
- two Assistant Commissioners of Police;
- a Superintendent of Police
- two Assistant Superintendents of Police;
- a Police Sergeant, and
- other subordinates are currently on bail, under charges of embezzlement and corruption of a magnitude never, never heard before!

Madam Speaker, that was the putrescent state of the Police Force that the previous government bequeathed to the nation.

Today, fortunately, that era is behind us. We are restoring direction, discipline and dignity within the Police Force. The days when the command of the Police echoed from private addresses rather than Les Casernes are well over.

Madam Speaker, when my Government came to Office, we took a firm and unequivocal stand that the Police Force must once again embody integrity, fairness, and professionalism.

We are modernising the Police through the revival of the National Policing Strategic Framework, built around six key pillars: community policing, respect for human rights, leadership development, intelligence-led operations, strategic planning, and stronger reactive capacity.

Madam Speaker, since his appointment in November 2024, the Commissioner of Police has injected new energy and discipline into the Force. His leadership has been guided by professionalism and fairness, and his actions have already produced tangible results.

Madam Speaker, the offence of Assault as defined under Section 228 (1) of the Criminal Code is such that –

“(1) Any person who wilfully inflicts any wound or blow, or is the author of any other violence or assault, shall, if such act of violence has caused any sickness or incapacity for personal labour for more than 20 days, be punished by imprisonment and a fine not exceeding 100,000 rupees.”

In regard to an aggravated assault the penalty can go up to 20 years penal servitude.

Madam Speaker, with regard to part (a) of the question, from January 2025 to 10 October 2025, I am informed by the Commissioner of Police that the number of reported cases of assault is as follows –

- a) Simple assaults – 4,247
- b) Assault with premeditation – 112
- c) Wounds and blows causing deaths without intention to kill – 1
- d) Assault against an agent of civil authority – 104
- e) Attempt at murder – 24
- f) Murder – 24

In spite of the impression that is being created, the statistics for this year clearly show a decreasing trend in the commission of such offences as compared to the previous years.

The total number of fatal ones, comprising murder and wounds and blows causing death without intention to kill is 25.

Madam Speaker, with regard to part (b) of the question, I am informed by the Commissioner of Police that the number of arrests in connection with those cases is 1,185. This number comprises 108 habitual criminals. The number of persons suspected to have committed the offence whilst on bail or whilst on release on parole is 100.

Madam Speaker, as regards part (c) of the question, I am informed by the Commissioner of Police that there have been 95 cases of assault on Police Officers.

As regards part (d) of the question, I am informed that 24 of the 25 fatal cases, that is, from January to October 2025 have already been resolved, thus there is only one case where the investigation is ongoing. This constitutes a success rate of 96%.

I wish to inform the House that over the period 2015 to 2024, there are 6 unresolved cases including the mysterious death of a well-known MSM political agent, Mr Soopramanien Kistnen. The case remains unresolved as at date.

However, I have commissioned the services of expert homicide detectives from overseas to review the inquiries pursued by the Police into the unexplained death of Mr Soopramanien Kistnen.

Those experts visited Mauritius for several weeks to carry out their review. They have reported, as we suspected, that the initial police investigations and inquiries were seriously deficient. Critical evidence from the scene was not preserved. It appears even destroyed. Important lines of inquiry were not followed up. Ask yourself why? A judicial inquiry by a Senior Magistrate was done and look, it was in the papers; I am quoting from that. He says –

“I consider the conduct of the Police in this case to be abhorrent. The manner in which the inquiry was conducted fell so below what may be considered reasonable that it marks a new level of incompetence.”

That is what the Magistrate said.

After their initial review, that is, the overseas experts, which has included seeking the expert opinion of an international forensic scientist specialising in deaths by fire, I can inform the House that the investigators have concluded there are sufficient indications to conclude

that the death of Mr Soopramanien Kistnen was neither accidental nor self-inflicted but that he was, indeed, murdered.

Government will not allow the murderers to rest, undisturbed, in their beds. I can announce that the investigation into the unlawful killing of Mr Soopramanien Kistnen will be formally reopened next month and that the Government intends to introduce legislation soon to permit, in certain limited and controlled circumstances and in matters of great public interest, the use of specialist and expert investigators from abroad.

I am informed, Madam Speaker, by the Commissioner of Police that cases of fatal assaults are resolved on average within 48 hrs. This, in itself, is an indication that the authorities are well coordinating their efforts on the ground to elucidate such heinous crimes. Since my Government came to power and with the appointment of the new Commissioner of Police, there has been a major overhaul in the police department to render it more efficient. Of course, there is room for further improvement. When it comes to law and order, we cannot remain complacent because as we always say '*un crime c'est un crime de trop*'.

The last case of murder which shocked us all was in Baie du Tombeau, recently, on 02 October 2025. It was that of a businessman who was brutally murdered by five suspects, including his own son who was apparently the mastermind. The case was resolved within 24 hours by the Major Crime Investigation Team and those suspects arrested.

The downward trend is the result of the measures taken by the Commissioner of Police to ensure effective enforcement of law and order, public safety, crime prevention, emergency response and victim support. I have previously enumerated the measures that have been taken and those which will be implemented in my reply to the PNQ of 19 June of this year, amongst others is the setting up of a National Crime Agency and the introduction of a Police and Criminal Justice Bill.

Madam Speaker, my Government will leave no stone unturned to bring efficiency in the Police. As I said earlier, we have already initiated a number of actions to achieve that objective.

Madam Speaker: Thank you.

Your first supplementary, please!

Mr Lesjongard: Thank you, Madam Speaker, and I hope that I shall be given enough time to put my supplementary questions.

Madam Speaker: We will do our best. But go straight to your question, please!

Mr Lesjongard: Yes, my first supplementary question, Madam Speaker, is with regard to the figures that the hon. Prime Minister has shared with the House and when I refer some of the figures, the situation is quite alarming. I can see that we have, from the figures given, 15 cases of assaults per day and 10 Police Officers assaulted per month. That is why I am saying that the situation is alarming.

Now, Madam Speaker, since my last PNQ on the subject, I believe we all agree that the situation on the streets has worsened. For the month of September only, we have cases of assault in the Metro, domestic violence, a case of murder, the use of fire arms and assault with offensive weapons in the premises of a hospital...

(Interruptions)

Madam Speaker: Question! Question!

Mr Lesjongard: Can the hon. Prime Minister inform the House what additional measures is he planning to take to curb that situation prevailing with regard to law and order in the country?

The Prime Minister: The hon. Leader of the Opposition might be surprised to learn. I have given the figures but if you were to compare these figures to last year when you were in power, let me remind you, simple assault, I said, 4,247.

Madam Speaker: Yes!

The Prime Minister: In 2024, do you know how many it was? 5,458!

Ms Anquetil: Shocking!

The Prime Minister: Over 1,300 more! Assault with premeditation is, I quoted, 112. In 2024, it was 143. As for assault against any agent of civil authority, I said 104; in 2024, it was 133.

Let me also say this: it is unacceptable that someone should be allowed to assault a Police Officer. That is something that we will have to address; we will have to tighten the law. That will be totally unacceptable!

As for attempt at murder, I said 24; it was 25 in 2024. As for murder, 24 this year, so far, as compared to 35 in 2024. That is why I said there is an impression but when you look at the figures, it was much, much worse. I have information. I do not want to go through it; you will say I am taking time. I have said what measures we are taking.

As I said, there is always room for improvement. *Un crime c'est un crime de trop* but still, we are moving towards that.

Madam Speaker: Your second question!

Mr Lesjongard: Yes, thank you, Madam Speaker. In a reply to a supplementary question from my colleague hon A. Duval, last Tuesday, the hon. Prime Minister said, I quote

—

“You know, this is a country that attracts tourists; we do not want to give the impression that it is a Police State, but it is being done.”

Is the hon. Prime Minister aware that even tourists are being attacked and robbed in broad daylight? For example, yesterday, two tourists were attacked at the Promenade Dauguet in Port-Louis. Will he, therefore, agree, Madam Speaker, that if we cannot protect our tourists, this will give a very bad reputation to our country...

(Interruptions)

... and we will have to face...?

The Prime Minister: Again, I say to the Leader of the Opposition as if nothing happened, no tourist was attacked for the last ten years.

(Interruptions)

Mr Jhummun: *Nanye pa ti ena. Tou ti bon.*

Ms Savabaddy: *Reputation ti top.*

The Prime Minister: As I said, there is room for improvement. We are tackling it; the Commissioner of Police is looking into all this. I said that I don't want to give the impression that it is a Police State but we are using the SMF, we are doing these routine checks. All this are going on but not as if everywhere over the whole island. We are changing spots from time to time.

Madam Speaker: Your third question, please.

Mr Lesjongard: Madam Speaker, during my last PNQ, the hon. Prime Minister mentioned the lack of Police Officers in the Force while today we are asking Police Officers to register dogs. May we know where matters stand regarding recruitment of new Police Officers?

The Prime Minister: I think the Leader of the Opposition did not hear me last time. We have just recruited a whole batch of new Police Officers and we are in the process of same... but we have to do one thing, we want Police Officers to deliver also. We want people to respect Police Officers, but the rogue police officers, we will get rid of them.

The Deputy Prime Minister: Bravo! Rogue politicians *aussi!*

Mr Lesjongard: Madam Speaker, as per my information – and this is confirmed – more and more Police Officers in the Force are dejected with the present situation. May we know what proposals have been made by the Office of the Prime Minister to the PRB and the DFSC to improve working conditions of Police Officers that is, hours of work, equipment and salary?

(Interruptions)

The Prime Minister: I know that the Commissioner of Police is putting order. Of course, some people won't be happy when he is putting order. You can't just decide to work on a Sunday just to get extra money. He is putting order in all this.

An hon. Member: Reward money!

The Prime Minister: Reward money! We are stopping this. We can't give reward money like he did. You saw how many millions? You must have been shocked yourself because you were not the Home Minister; I don't think you were.

Madam Speaker: Another question?

Mr Lesjongard: Yes.

Madam Speaker: You have got ten minutes left.

Mr Lesjongard: Yes, I have got a lot of questions.

Many units such as the SSU, the SMF are still underutilised, Madam Speaker, despite the answer given by the hon. Prime Minister to my first PNQ on the same subject matter. Will the hon. Prime Minister consider deploying these special units now across the country in order to stop this crime wave prevailing in the country?

(Interruptions)

The Prime Minister: This is what I said earlier, Madam Speaker. I did say that the Commissioner of Police is looking into it. Don't forget what the Constitution says at section 71. I can give general directions but it is for the Commissioner of Police to determine the use and control of his force and he is doing it; that I am satisfied with.

Madam Speaker: Okay.

Mr Lesjongard: In his reply, the hon. Prime Minister mentioned about PACE, that is, the Police and Criminal Evidence Bill. Can we, hon. Prime Minister, finally have a timeframe?

(Interruptions)

The Prime Minister: I might have to remind the Leader of the Opposition that I had brought the then Attorney General, Mr Razak Peeroo on my demand. We had worked very hard on it and we brought the Police and Criminal Evidence Bill here in Parliament. It was read a first time; there were some queries by the then DPP and then the election came. That Bill had already been read a first time.

Now, you had ten years in government. The Bill was there; you never brought that Bill. And now you are asking me for a timeframe? Reconsider yourself.

(Interruptions)

An hon. Member: *Zot pena prev!*

Madam Speaker: Yes!

Mr Lesjongard: In a reply to a question, last Tuesday again, the hon. Prime Minister stated that he would consider the use of bodycam by prison officers. Will he consider extending same to police officers?

The Prime Minister: Yes, we actually are.

Madam Speaker: Good?

Mr Lesjongard: Will the hon. Prime Minister also consider introducing in our penal system the use of electronic bracelets for habitual criminals and sexual offenders?

(Interruptions)

An hon. Member: *Kifer zot pa ti fer li zot? 10 an zot pann fer li!*

The Prime Minister: That I think, as far as I remember, had already been started but we will definitely extend that. As I said, Madam Speaker, we inherited a Police Force totally upside down. So, we can't do everything at one go. I don't have the magic wand as I keep saying, but this is also being considered.

The Deputy Prime Minister: *Aprè tou lapolis pe trap sa ban voler la.*

Mr Lesjongard: Madam Speaker, the hon. Prime Minister cannot indefinitely blame the previous government. He has been in Office for almost a year now, Madam Speaker.

(Interruptions)

Madam Speaker, the very existence of dens in a country such as Mauritius is not acceptable. We have specialised units such as the GIPM, the MARCOS at our disposal. Will the hon. Prime Minister consider conducting dedicated operations to dismantle gangs and put the perpetrators behind bars once and for all?

The Deputy Prime Minister: Striking Team!

Mr Mohamed : *Sa gang dans Sun Trust la aussi bizin dismantle.*

The Prime Minister: As the Deputy Prime Minister reminds me, there is no striking team there anymore, but you know each unit has its own protocol on when you use them. For example, the GIPM have their own protocols. But we are looking at all this.

Mr Lesjongard: Madam Speaker, since the case of assault that occurred in the Metro Express, can the hon. Prime Minister inform the House if police presence in the Metro and at Metro stations has increased and what solid measures have been taken to protect, at the same time, the commuters and the employees of the transport sector?

The Prime Minister: I did address that question in the past. The problem is, Madam Speaker, as you have seen, the FCC is asking for more Police Officers to do their work because there are so many people who have stolen, from the previous government that we have to look for people.

(Interruptions)

And they have to be trained; we can't just take a man from the street and tell him to become a policeman. They have to be trained.

Mr Lesjongard: With regard to firearms, Madam Speaker, will the hon. Prime Minister consider conducting a national survey and a crackdown operation on illegal possession of firearms, and, if yes, how does he intend to proceed?

Madam Speaker: On legal or illegal ones?

Mr Lesjongard: Illegal.

Madam Speaker: Illegal ones. Yes.

The Prime Minister: Yes, we have done that before when I was the Prime Minister. We are going to do it again. This is being done. As I said, we can't do everything at one time. But there are some people very close to you, who have been shown to have that...

Mr Jhummun: *Pwason.*

Mr Mohamed: Fishy! Fishy!

Mr Lesjongard: I heard a comment with regard to *fizi delo*. Can the hon. Prime Minister confirm to the House whether the revolver used at Grand Baie was one with a silencer?

Madam Speaker: Are you going to know that?

The Prime Minister: How will I be able to say that?

Madam Speaker: How will he know?

(Interruptions)

Mr Lesjongard: Madam Speaker, many....

Mr Mohamed: *Video la pa ti ena son?*

Mr Lesjongard: It is something very serious, Madam Speaker.

Madam Speaker: No, but some things...

Mr Lesjongard: Many of our senior citizens...

Mr Mohamed: *Video la pa ti ena son?*

Mr Lesjongard: Some even of foreign nationality have been brutally attacked in their homes. Will the hon. Prime Minister consider a special desk in all divisions across the country to assist those persons, such as regular visits or exchanges, Madam Speaker?

The Deputy Prime Minister: *Ala mo tap plein!*

The Prime Minister: One of the reasons this is happening is because under the previous regime, drugs were available everywhere.

An hon. Member: Yes!

The Prime Minister: In the unfortunate case at Baie du Tombeau, the son who was arrested was looking for money to buy drugs. This is the origin of the problem.

Mr Lesjongard: Let me come to...

Madam Speaker: One moment! Maybe you want to consider this special desk. It is interesting.

The Prime Minister: I will have to discuss this with the Commissioner of Police.

Madam Speaker: Yes!

Mr Lesjongard: Thank you, Madam Speaker. Based on the figures provided by the hon. Prime Minister himself, assaults seem to be a daily occurrence. And we have not even spoken about crimes related to drug trafficking and drug use, but I will come to that at a later stage. One year down in his mandate...

(Interruptions)

... is the hon. Prime Minister satisfied with measures that have been taken by his Government to fight crime in this country?

The Prime Minister: I thought I explained all this at the beginning, Madam Speaker. We have results to show; I compared figures. For example, I gave you a figure on this crime, 96% success. Never happened under your Government!

Madam Speaker: Two minutes left!

Mr Lesjongard: I have one last question for the hon. Prime Minister.

Madam Speaker: Yes!

Mr Lesjongard: I come back to what I said last time in my PNQ. Can the hon. Prime Minister inform the House when does the present contract of the Commissioner of Police come to end and whether he intends to renew his contract?

The Prime Minister: It is too early for me to say that.

An hon. Member: Wishful! Wishful thinking!

The Prime Minister: He is doing his work. Let him do his work.

Madam Speaker: Okay, thank you. Thank you very much both of you.

MOTION

SUSPENSION OF S.O. 10(2)

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

The Deputy Prime Minister rose and seconded.

Question put and agreed to

Madam Speaker: Hon. Attorney General!

PUBLIC BILL

First Reading

On motion made and seconded, the Senior Counsel and Senior Attorney Bill (No. XXIII of 2025) was read a first time.

Second Reading

THE SENIOR COUNSEL AND SENIOR ATTORNEY BILL

(NO. XXIII OF 2025)

Order for Second Reading read.

(3.40 p.m.)

The Attorney General (Mr G.P.C. Glover, SC): Madam Speaker, Sir, I beg to move that the Senior Counsel and Senior Attorney Bill (No. XXIII of 2025) be read a second time.

Madam Speaker, I never thought I would be bringing such a Bill before this House whilst I am Attorney General. It was never my intention nor part of my instructions when we were preparing the Government Programme to do so. There other enactments which we were looking at, and some of them have already been passed this year. However, here we are today with a proposed legislation to clarify and improve the process for the appointment of Senior Counsel and Senior Attorneys. One born out of necessity and forged in a spirit of dialogue. One which, I hope, will put to rest the utter confusion that has reigned recently on the subject.

But first, Madam Speaker, allow me to address a vital question. How did we get to this? You see, the tradition of conferring titles upon lawyers did not begin in our part of the world. It began as many of our legal habits did, like addressing the Chief Justice as 'My Lady' in

England. The title of King's Counsel or Queen's Counsel, depending on the Sovereign, first appeared in the early 17th century. It was a recognition of seniority, skill and service to the Crown. For centuries, it remained one of the most visible markers of professional distinction at the English Bar.

Originally, the title was a personal mark of favour – of royal favour, granted directly by the Monarch on the advice of the Lord Chancellor. It was not the Judiciary that conferred it, but the Executive acting through the Sovereign's prerogative.

After all, it was the King's or Queen's Counsel. Yet, the courts themselves quickly gave it life. They recognised the precedence that came with the title and allowed those appointed His Majesty's Counsel learned-in-law to enjoy privileges that ordinary counsel did not.

They were heard first in court, they sat within the inner bar, as opposed to the utter bar, and they wore silk gowns. Hence, the term that survives to this day, 'taking silk.'

Those privileges, though symbolic, were not without consequence. They signified a degree of mastery of advocacy and of trust in the advocate's independence.

Today, in the United Kingdom, the system still bears the imprint of its royal origins, but it has been modernised to reflect democratic and merit-based principles.

The appointment is now handled by an independent body. Applications are invited publicly. Candidates are assessed against clear criteria, including –

- Integrity;
- Understanding of the law;
- Excellence in advocacy, and
- Contribution to the profession.

Recommendations are made to the Lord Chancellor who then advises the King.

And we all know who the Lord Chancellor is and where does he sit in Parliament. You will have noted, of course, Madam Speaker, that the Lord Chancellor, being the Minister of Justice in the United Kingdom and a member of Cabinet, the role is that of someone of the Executive.

The final step is the issue by the King's letters patent. But the process itself is essentially the result of the work of the independent panel which includes lay members alongside judges and senior lawyers. The idea is to ensure that excellence at the Bar is recognised by the society at large, not merely by the profession itself.

Now, across the Commonwealth, the model evolved in different ways. In some jurisdictions, especially those that have become Republics, the title of King's or Queen's Counsel have been replaced the title Senior Counsel.

In Australia, for instance, Senior Counsel are appointed by the Chief Justices of each state, often upon the advice of the selection committee that consults widely amongst judges, peers and the profession. The criteria are again merit-based – demonstrated ability in advocacy, integrity and independence.

In Canada, the evolution followed a somewhat different path. The title of Queen's or King's Counsel remained, but responsibility for appointments passed to provincial governments under statute. In most provinces, the Attorney General or Cabinet makes the appointment, sometimes, following the advice of the Chief Justice or of an advisory committee composed of senior members of the bench and the Bar. Eligibility criteria are often codified – a minimum number of years in practice, record of integrity, significant professional achievement, contribution to the administration of justice or the community.

Let us take the precise examples of British Columbia in Canada. The King's Counsel title is conferred under the King's Counsel Act by the Lieutenant Governor in council, acting on the recommendation of the Attorney General.

Before making any recommendation, the Attorney General must consult a small advisory group composed of the Chief Justice of the British Columbia, the Chief Justice of the Supreme Court of British Colombia and two lawyers nominated by the Law Society. In practice, this group is supported by a broader advisory committee. The Attorney General retains the final discretion to advise Cabinet.

India's system for designating senior advocates, roughly analogous to our Senior Counsel, had long been criticized for arbitrariness and lack of transparency.

In the case of Jai Singh in 2017, practitioners challenged the existing practice as a beauty contest because the process lacked objective criteria, public call or reasoned rejections.

As a result of that litigation, the Court framed guidelines in 2018 for designating senior advocates. Under those guidelines, a permanent committee for designation of senior lawyers was to be constituted comprising of the Chief Justice of India as Chair, two senior Supreme Court judges, the Attorney General and a Bar Member nominated by the Chair. Applications are evaluated via a Secretariat that collects data on reputation, volume of work, nature of

work, advocacy record and professional standing. All this is then forwarded to the committee for its decision.

Madam Speaker, I could go on and on and speak about Singapore, Hong Kong, South Africa but it would belabour my point which is, there is a great variety of systems in place around the world in established democracies and they all have chosen particular combinations of roles for the Judiciary and/or the executives and/or their professional peers.

Now, let us see what avails here, today. In Mauritius in 1984, the Law Practitioners Act did not provide for the titles as the British award of QCs were still in place. Things changed with the advent of the Republic.

In 1992, Counsel Emeritus and Solicitor Emeritus were introduced in Section 9A of the Law Practitioners Act and their mode of designation was one we still use today. The said Section 9A was by virtue of Act 6 of 1995 amended and the appellations of Counsel Emeritus and Solicitor Emeritus were changed to Senior Counsel and Senior Attorneys in 1995. And in 2001 Section 9A was again amended to provide for a minimum of 15 years standing as sole eligibility criteria for appointment.

Therefore, Madam Speaker under the current law, the appointment of Senior Counsel and Senior Attorney is a shared process between the Judiciary and the Executive.

Section 9A of the Law Practitioners Act provides that the President may and I stress the word “may” as opposed to “shall”, on the recommendation of the Chief Justice, to appoint Barristers and Attorneys to these honorary titles. The word “may” is key. It means the President retains a discretion but a discretion limited to the recommendation, nothing more. There is no power to add to the recommendations.

Under Section 64 and Section 64 (1) of the Constitution, the President exercises that discretion in accordance with the advice of Cabinet. In other words, the Chief Justice recommends that the President, acting on Cabinet’s advice if he so wishes, decides. It is therefore a collaborative process not one belonging exclusively to either branch. The Judiciary identifies merit. The Executive ensures propriety and acts through the Head of State. Together, they give effect to a constitutional balance that respects both independence and accountability within the separation of powers.

But truth be told, its application has never been easy or straightforward. I will concede that.

In June 2010, then Chief Justice Yeung Sik Yuen broke a 15-year silence in the appointment of Senior Counsel. Only two had been named since 1995 and this was in 2003; creating what he called a barren period. His decision to recommend 16 new appointees as Senior Counsel at once was in his own words and I quote – “an act of corrective justice” meant to restore balance after years of stagnation to replenish the ranks of seniors at the bar that had grown in size and to ensure that the profession could transmit its best traditions to younger lawyers.

The then Chief Justice therefore introduced a method that was his own but it had its merit. He said that he undertook written consultations with all Judges, all QCs and all Senior Counsel and he relied on guidelines which had been drawn up after discussion with the Bar Council and the Law Society. Chief Justice Yeung Sik Yuen wanted these guidelines published on the Supreme Court’s website for the sake of added transparency. This practice, it would appear, Madam Speaker, has not been followed since.

In fact, Madam Speaker, there have been many difficulties over the years in the appointment process. The last 32 years, this exercise has been carried out on very few occasions, 1993, 1995, 2003, 2010, 2016 and in August of this year.

I have been informed that the 2016 nominations was the subject to a back and forth between the President and the Chief Justice of the time, leading to some questioning whether process had been followed by all.

I also know for a fact, Madam Speaker that under the previous government, recommendations of the then Chief Justice was not acted upon by the President at all. A decision which he was entitled to take but which left, of course, a bitter taste for many in the legal and judicial sphere.

Madam Speaker, over the years, the recommendation process became seen as a burden for the different Heads of our Judiciary. None were willing to single-handedly pick names and then potentially engage in a tug-of-war with the Executive without mentioning the criticism from those that who were not picked.

The situation became such that upon stepping in as Attorney General in November 2024, I immediately started discussions with the hon. Chief Justice on this issue. I put forward the fact that no new appointments had been carried out since nine years and I pledged to support any efforts he would undertake to remedy this.

Madam Speaker, unfortunately, once again the appointment process for Senior Counsel and Senior Attorneys has reached an *impasse*. A few months ago, recommendations were submitted to the President in a list of 33 names of Counsel and Attorneys for appointment.

Acting on Section 9A of the Law Practitioners Act, the President appointed 31. He did not add any new names. The President simply declined to act on two recommendations and I can say, Madam Speaker, that the President was in law and conscience perfectly entitled to act as he did.

What followed, however, was gridlock. No ceremony to hand over the letter's patent, apprehensions on whether the process was valid, a judicial review based on these apprehensions, all paralysing what ought and should be a very simple process of collaboration between two branches of power in Mauritius.

But mistrust, speculation based on misinterpretation of existing law cannot be allowed to endure, Madam Speaker. This Bill before Parliament, therefore, seeks to restore clarity, transparency and institutional balance.

This Bill remedies the shortcomings of the existing Section 9A of the Law Practitioners Act by replacing a system centred on a single office holder with a structured, collective process.

Its central innovation is the creation of a Recommendation Panel, which we have seen, avails in most Commonwealth countries which will replace the Chief Justice acting alone as the body responsible for proposing names to the President of the Republic.

Madam Speaker, under clause 4(3) of this Bill, the panel will consist of the Chief Justice as Chairperson, the Senior Puisne Judge and the next two senior-most Judges – therefore, the numbers 1, 2, 3 and 4 of the Supreme Court – the Attorney General, the Chairperson of the Bar and the President of the Mauritius Law Society Council. And where any of the two professional representatives is not a Senior Counsel or a Senior Attorney, their Council must designate one who is. This ensures that the voices of both branches of the profession are represented.

There is a provision for a quorum of five members on the panel and a possibility for designated replacement should conflicts of interest make a quorum impossible. This is therefore a clear mechanism to avoid the stagnation of the past.

The eligibility threshold for appointments, 15 years, remains unchanged.

Madam Speaker, under clause 3(1), a nominee must or must have been a barrister or an attorney for at least 15 years and his name must not have been erased from the role of law practitioners.

Clause 3(2) makes it explicit that non-practising barristers may be appointed, recognising that some who have served their country in public office or other capacities, continue to embody the distinction and contribution that the title seeks to honour.

The Bill also makes it clear that the title of Senior Counsel or Senior Attorney is honorary and creates no legal right or entitlement.

The Bill introduces for the first time, a regular timetable for appointments. Under clause 6(1), Madam Speaker, the panel will meet as and when required but it shall, in any case, every three years, make recommendations, if any, to the President. There might not be anyone to recommend but they must at least meet and decide that there are no one who can be recommended. In its deliberations, the panel may be guided by broad, merit-based criteria as set out in clause 6(2). The criteria, Madam Speaker, include contribution to the development of the law, special skill or expertise in the legal field, academic or professional distinction, good standing at the legal fraternity and personal qualities of competence, integrity and fairness.

Clause 7 provides for a ceremony at the Supreme Court to confer the Letters Patent issued by the President to the new appointees. No more gridlock.

The remaining provisions regulate the use of the honorary title and provide for its cancellation where a practitioner is struck off the role or otherwise ceases to be qualified as a law practitioner under the Act.

In essence, Madam Speaker, the Bill widens the base of recommendations, diversifies participation, replaces opacity with procedure and it introduces a framework that blends judicial leadership with professional representation and constitutional oversight.

Madam Speaker, I have elaborated on the why this Bill was needed and what it contains. I will now, with your leave, address two important subjects of ongoing debate or should I say ongoing confusion on the subject.

First, Madam Speaker, is the idea that we are somewhat depriving the Chief Justice of inherent prerogative of their office. I stress, ‘inherent prerogative’.

An inherent prerogative, Madam Speaker, is one which, even if not defined in statute, must necessarily exist for an institution to fulfil its role.

For instance, the Supreme Court decision in *Geemul* in 1993 recognised that admitting or removing a barrister from the role is an inherent disciplinary function the judiciary; that is, a power essential to maintaining the integrity of the Court and therefore, part of its core judicial authority.

That arises because the Courts must be able to control who appears before it as an aspect of administering justice.

The designation of Senior Counsel, however, Madam Speaker, is of an entirely different nature. It does not determine whether a person will practice nor does it discipline or regulate advocates.

It is an honorific recognition of standing and contribution created purely by statute under section 9A of the Law Practitioners Act. It confers no special right of audience and does not affect the exercise of judicial power.

Crucially, as we have seen, the law provides that such appointments are made by the President after receiving the recommendation of the Chief Justice.

By contrast, the admission or removal of counsel from the role of barristers lies exclusively within the Court's jurisdiction. The Executive has no part to play in it.

This clear difference confirms that the appointment of Senior Counsel is administrative and collaborative, not an inherent judicial prerogative like the admission on the roll and the two issues must not be hastily conflated.

Indeed, Madam Speaker, the designation of Senior Counsel or Senior Attorneys is not a judicial function because it does not involve any exercise of judgment over legal rights, the interpretation of the law or the resolution of disputes which are the essential elements of judicial power.

Thus, nothing in the Constitution or in the inherent powers of Courts creates or implies such a function.

Its source is therefore purely statutory at section 9A of the Law Practitioners Act. In other words, the judiciary's role here exists only and only because the law expressly provides it. There are no inherent powers in the judiciary for that function which is not a judicial function.

Secondly, Madam Speaker, some have sought to rely on the Indian case of Jaising 2017 which I mentioned earlier. One of the very rare authorities on the issue to argue that the part to designate Senior Advocates is inherently and exclusively vested in the Courts.

Very far from the truth I am afraid, Madam Speaker. Such a view is, in my humble view, most incorrect. The actual issue in Jaising was how the Courts should exercise their statutory powers, not who, executive or judiciary, possess the powers. That was the *ratio decidendi* of that case.

Jaising confirmed that the part which designated Senior Advocates comes from statute, the Advocates Act, just like we have the Law Practitioners Act in Mauritius.

The Court treated it as a statutory function, not a judicial function. One that must be exercised with fairness, transparency and clear criteria, and issued guidelines to ensure that standard.

And when the Jaising judgement says that the power, and I quote –

“(...) is always vested in the judiciary.”

It was merely and only saying that the Indian statute already says so and that there was no need for the new guidelines to re-establish it.

In fact, Madam Speaker, to say otherwise, that is, to argue that such a process is necessarily part of the exclusive functions of the judiciary would be to imply that somehow any other country, any state where the judiciary does not hold complete control of the process is encroaching on the prerogatives of its judiciary.

So, from Canada to England, dangerous breaches of the democratic principles would thus be taking place and be accepted by the Courts. Does it make sense, Madam Speaker? The answer is a resounding no!

Madam Speaker, clear rules, balanced participation, avoidance of gridlocks, this Bill restores order in a climate of confusion and distrust. Each branch will have its role. The judiciary will lean on assessing merit assisted by the Bar. The President will continue to act as guardian of the Constitution. That is the choice of balance which we have made.

The Bill is not about power, Madam Speaker. It is about putting things right. We are not here to defend habits but principles. The rule of law is not weakened by clarity. It is strengthened by it.

Mauritius deserves institutions that work together and this Bill helps them do just that.

I therefore commend this Bill to the House.

The Deputy Prime Minister rose and seconded.

Madam Speaker: Hon. Leader of the Opposition, you are on my list! Yes, please!

(4.07 p.m.)

The Leader of the Opposition (Mr G. Lesjongard): Madam Speaker, I rise today, in this august Assembly, as Leader of the Opposition, to express my deep concerns on the Senior Counsel and Senior Attorney Bill.

Je ne suis pas contre le fait qu'on revoie le processus de nomination des *Senior Counsels and Senior Attorneys*, mais je suis contre cette proposition de loi en tant que telle.

Mon premier point, Madame la présidente, ma première réflexion, c'est sur le timing de la présentation de cette nouvelle législation. Quelle est l'urgence de présenter ce projet de loi ? Est-ce plus important de nommer une cinquantaine de *Senior Counsels* ou de *Senior Attorneys* que de résoudre, par exemple, comme on l'a entendu tout à l'heure, le problème de *law and order* dans le pays ou de voir comment réduire la cherté de la vie ou de résoudre les problèmes d'indisciplines et de *bullying* dans nos écoles ?

Madame la présidente, le peuple est asphyxié depuis des mois par la hausse des prix, mais ce gouvernement trouve le temps de faire un *special Cabinet meeting* un lundi juste pour finaliser ce projet de loi et de le circuler le lundi soir. Ce gouvernement a trouvé du temps pour préparer cette loi, mais ne trouve pas le temps pour nommer la *Constitutional Review Commission*.

Pourtant, Madame la présidente, voilà ce que dit le paragraphe 6 du *Government Programme* –

“Government will appoint, within 6 months, a Constitutional Review Commission which will make recommendations on constitutional and electoral reforms as well as on enhanced protection of fundamental rights.”

Within 6 months avait-il dit, Madame la présidente ! On est presque à un an des dernières élections.

Par contre, en un an, ce gouvernement a revu les pouvoirs de deux fonctions constitutionnelles, à commencer par l'amendement du projet de loi concernant le *Public Inquiries Act* qui a éliminé l'institution des commissions d'enquêtes. C'était le président qui avait le pouvoir d'instituer une commission d'enquête. Et, aujourd'hui, Madame la présidente, on est appelé à revoir le pouvoir de la cheffe juge ou des prochains chefs juges.

Madame la présidente, this Bill is not simply an amendment to the law. It goes to the heart of the independence of the legal profession, the integrity of our judicial system and the trust of the public in the administration of justice. Why is there the urgency to legislate?

My first questions, Madam Speaker –

1. Have there been adequate consultations?
2. Have the Bar Council and the Law Society been consulted?
3. Are the barristers and attorneys concerned by the changes being given enough time to reflect on this piece of legislation and voice out?

Madam Speaker, this Bill has been in circulation since about one week only. It is, therefore, with deep concern that I take note that this Bill is being introduced at a time when a case of judicial review is pending before the Supreme Court concerning the very process for the appointment of Senior Counsels and Senior Attorneys. This, for me, Madam Speaker, raises serious questions of principle: whether the timing of this Bill respects the separation of powers and the independence the Judiciary, and whether it risks creating the perception that the Government is seeking to pre-empt the court's decision?

Ce gouvernement ne respecte rien. Ce gouvernement contrôle la législature. Maintenant, il veut petit à petit ligoter sur le judiciaire afin de s'en assurer le contrôle.

Mr Jhummun: *Bat dan latet!*

Mr Lesjongard: Madame la présidente, c'est l'infiltration du gouvernement au sein du judiciaire qui devrait nous inquiéter. Ce projet vient ouvrir une ère de tractations et de manigances, Madame la présidente. Et ce projet de loi vient politiser le judiciaire.

On the surface, this Bill pretends to enshrine merit and transparency in the conferral of honorary legal titles. But beneath that surface of reform, we find a structure that risks

undermining the very values it claims to protect: independence, fairness, equality of opportunity within our justice system, and more importantly, Madam Speaker, the system of checks and balances that guarantees the separation of powers between the Legislative, the Executive and the Judiciary.

Nous considérons, aujourd'hui, le projet de loi le plus scandaleux de cette législature. Le gouvernement vient confirmer sa volonté de s'ingérer continuellement dans le fonctionnement des institutions de notre pays. Après l'ingérence du gouvernement dans le *Local Government Service Commission* pour priver 2 000 travailleurs de leurs emplois au sein des collectivités locales ; après les ingérences du ministre du Sport dans les affaires du Comité olympique mauricien ; et après avoir nommé un juge, sans consultation avec la cheffe juge, comme inspecteur spéciale dans l'affaire AFRINIC, voilà qu'ils veulent s'ingérer maintenant dans le choix des *Senior Counsels* et *Senior Attorneys*. Une sinistre intention d'empêcher et de favoriser tel avocat.

Nous savons, Madame la présidente, comment le leader du MMM, lors d'une régionale dans la circonscription numéro 11, avait expliqué pourquoi un certain avocat ne méritait pas d'être *Senior Counsel*. Je me pose la question : est-ce que le nom de cette personne a été enlevé après intervention politique ? Je me pose aussi cette question : est-ce qu'il est une victime puisqu'il est le représentant légal de certaines personnes ou de certaines compagnies, Madame la présidente ?

An hon. Member: *Kisanla?*

Mr Lesjongard: Que veut faire le gouvernement à travers l'*Attorney General* qui n'est que le porte-voix du Premier ministre pour présenter ce projet de loi.

(Interruptions)

Pour moi, avant tout, c'est infiltrer dans le judiciaire.

(Interruptions)

Sous la section 9A du *Law Practitioners Act*, c'était la cheffe juge qui recommandait au président de la République la nomination des avocats et des avoués à la distinction de *Senior Counsel* et *Senior Attorney*. La tradition a toujours voulu que les chefs juges consultent les

juges et certains *seniors* de la profession, mais il n’y a jamais eu de consultations avec le pouvoir. Et le pouvoir se gardait bien de s’ingérer dans cette prérogative du chef juge.

(Interruptions)

An hon. Member: Raouf sa!

Mr Lesjongard: C’est ainsi, Madame la présidente, par exemple, que Sir Seewoosagur Ramgoolam avait conseillé, sans broncher, le gouverneur général de l’époque du Sir Anerood Jugnauth, alors leader du MMM et candidat à la succession de Sir Seewoosagur Ramgoolam, soit élevé au rang de Queen’s Counsel sur la recommandation de Sir Maurice Rault.

De même, Madame la présidente, sur la recommandation de Sir Victor Glover, le père de l’actuel Attorney General, Sir Anerood Jugnauth n’avait pas hésité à conseiller au président de la République que Ivan Collendavelloo soit élevé au rang de Senior Counsel alors que Ivan Collendavelloo était, à cet époque, secrétaire générale du MMM et en grande opposition à Sir Anerood Jugnauth. C’était cela, Madame la présidente, le sens de l’état. C’était cela le respect des institutions et c’était cela le respect de la séparation des pouvoirs. Et si demain, posons-nous la question – nous nous retrouvons dans un cas ou un ministre, démocratiquement élu, détient aussi les fonctions d’Attorney General comme cela a déjà été le cas dans le passé et que ce ministre répond à tous les critères pour être *Senior Counsel*, *who will sit on the panel, that is, the Recommendation Panel* ?

Even more worrying, Madam Speaker, is the inherent conflict of interest. The Attorney General, a political figure, will sit on the same panel that determines who among the legal profession should be elevated. Can we seriously claim independence when a government member helps decide who receive titles of honour in the profession that so often challenges government itself in court. *En d’autres mots, Madame la présidente, le loup est dans la bergerie.*

I do not agree that the Attorney General sits on that Recommendation Panel because...

Mr Jhummun: *To pou gagn repons taler la, to atann!*

Mr Lesjongard: ... he represents the Executive and his presence on that panel would,

—

- (i) to say the least in the Mauritian context, give the strong perception which would distort the concept of independence after appointment process and the separation of powers.
- (ii) He is an unelected political nominee.
- (iii) He is the principle legal advisor of government and drafts bills to be enacted in Parliament and he sits in Cabinet and participates in its deliberation and its decision-making process, Madam Speaker.

Madam Speaker, I will make some further comments on the Attorney General sitting on the Recommendation Panel later. Now, at section 4 where—

- “(a) the Chairperson of the Bar Council is not a Senior Counsel, the Bar Council shall designate a Senior Counsel to form part of the Recommendation Panel;
- (b) the President of the Mauritius Law Society Council is not a Senior Attorney, the Mauritius Law Society Council shall designate a Senior Attorney to form part of the Recommendation Panel.”

The present Attorney General is a Senior Counsel, however, Madam Speaker, the next Attorney General may not be a Senior Counsel. So, will it be a Counsel nominating a Senior Counsel, Madam Speaker?

Section 4 (3)(d) provides that the Attorney General shall form part of the Recommendation Panel, apart from the principle at stake regarding the separation of powers, it is only coincidental that the present Attorney General, like I said, is himself a Senior Counsel and a Counsel of repute, Madam Speaker.

Madam Speaker: Wow!

Mr Lesjongard: But what if the Attorney General of the day is a young member of the Bar or, even if experienced, is not a Senior Counsel, will that young Attorney General not be tempted, first of all, to nominate himself or his friends, Madam Speaker?

(Interruptions)

Ms Anquetil: N’importe quoi !

An hon. Member : *Zanfan rezonn pli bien ki li...*

Mr Lesjongard: Je me réfère à la section 4 (5)(a) et (5)(b), le choix de nommer un *Senior Counsel* et *Senior Attorney* par le Président de la République ou au cas où le *Bar Council* et le *Mauritius Law Society Council* ne peuvent prendre une décision, qui va représenter leur organisation pour siéger au sein de ce *Recommendation Panel*, est éminemment politique, Madame la présidente. La nomination par un président ou une présidente de la République est politique. Il agit dans la plupart des circonstances selon les recommandations du Premier ministre. Ces choix de *Senior Counsel* et *Senior Attorney* pour siéger sur le *Recommendation Panel* seront *tainted of political motives*, Madam Speaker.

Madame la présidente, dans le contexte mauricien, ni le président du Bar Council ni le président du Law Society ne doivent former partie du *Recommendation Panel* et je vais vous expliquer et expliquer à la Chambre pourquoi je pense comme ça. *We live in small country, Madam Speaker, where everyone interacts with everyone and has views and opinions about everyone and everything. First, this Bill does not impose a duty on them to consult the Bar Council and/or the Law Society. Now, even if the Bar Council or the Law Society were to be consulted in a meaningful manner, they are not competent, independent and impartial to judge whether a peer is competent to become a Senior Counsel or Senior Attorney...*

Mr Mohamed: Counsel pas Council!

Mr Lesjongard: They may have ulterior motives. They may dislike a candidate. They could have a political motive. This is certainly not how King's Counsels are appointed, for example, Madam Speaker, in the United Kingdom.

(Interruptions)

Mr Jhummun: ... *kot lakaz minis!*

Mr Lesjongard: The appointment of a Senior Counsel or Senior Attorney can only be considered by their peers, who already are Senior Counsel or Senior Attorney. This is already provided for in clause 6(3) of the Bill. Madam Speaker, the proposals that I make is to delete clauses 4(3)(d), 4(3)(e), and 4(3)(f) of the Bill and by deleting those three clauses, clauses 4(4) and 4(5) then become redundant and also must be deleted, Madam Speaker.

Now, since we recommend that the composition of the Recommendation Panel only consist of the four members of the judiciary, we propose in clause 4(7) that the Panel can be convened by the Chief Justice or at the request of two members, therefore, making it a quorum of three members, Madam Speaker.

Now, with regard to the appointment of non-practicing barrister, Madam Speaker, I do not agree with clause 3(2), that is...

(Interruptions)

An hon. Member: *Delete tou!*

Mr Lesjongard: ... the appointment of a non-practising barrister or attorney as Senior Counsel and Senior Attorney because, first, this is unfair and arbitrary towards law practitioners in practice and undermines the selection process which has to be rigorous. Should the Recommendation Panel appoint any such non-practicing barrister or attorney as Senior Counsel and Senior Attorney which includes a Minister in Office, given the reality in Mauritius, this would give the strong perception that the Judiciary is favouring the Executive and undermine the concept of independence of the Judiciary and separation of the powers. And if the Judiciary were not to appoint such a person, then this would lead to animosity and tension between the Executive and the Judiciary.

Now, Madam Speaker, in Clause 2, the definition, section Roll is defined as –

“Roll” –

- (a) means the Roll of law practitioners kept under section 10(1) of the Law Practitioners Act; ...

Which reads –

“(1) The Registrar shall, for the purposes of this Act, keep a Roll of law practitioners in such form as the Chief Justice may approve.”

This is the role of the date of call of every law practitioner but excludes the list in section 10(4) of the Law Practitioners Act, meaning barristers in private practice, legal offices, law firms and their practitioners, law practitioner in employment and legal consultancy.

Therefore, Madam Speaker, Clause 4 (11) must be deleted as it peters independence of the judiciary. In Clause 5, Madam Speaker, on conflict of interest, I propose that Clauses 5(2)(b), the Attorney General, and Clauses 5(2)(c) and 5(2)(d) be deleted for the reasons that I have already given above, Madam Speaker.

Now, the Attorney General said that in his intervention but I do not agree that the titles of Senior Counsel and Senior Attorney are merely honorary as in truth and in fact, this

entitles the Senior Counsel and the Senior Attorney to the privilege of sitting at the inner Bar, that is, in the front benches of any court of law and on top of that, claiming higher fees. Hence, it directly results in higher financial reward. Then, neither in the UK nor in India, do they accept that it is honorary. I propose therefore to delete, Madam Speaker, the word ‘honorary’ wherever it appears.

Dr. Aumeer: Senior Counsel and Senior Attorney deleted with.

Mr Lesjongard: And, Madam Speaker, I propose to make those amendments at Committee Stage.

An hon. Member : *Ah zot pu rester !*

Mr Lesjongard: À la section 7(3), Madame la présidente, qui fait mention que la chef juge devra suivre les directives du président de la République. Elle sera obligée d’obéir au président et donc notre Premier ministre.

Mr Mohamed : *Eta, trouve to pas ene avocat twa ta.*

Mr Lesjongard: Madame la présidente, elle sera obligée, je le redis...

Elle sera obligée...

Mr Mohamed : D’apprendre la Constitution.

Mr Lesjongard: Elle sera obligée à suivre les directives du président de la République et cela veut dire les directives du Premier ministre pour remettre les *letters patent* dans un délai de quatre semaines.

(Interruptions)

Et elle devient en d’autres mots, malheureusement, je dois me servir de cette expression, ‘l’ère subalterne’, Madame la présidente.

Mr Jhummun : *Lakwizinn !*

Mr Lesjongard: En dix mois, voilà où nous sommes rendus dans ce pays au lendemain de la visite du chef juge de l’Inde qui nous avait bien sermonné sur la séparation de pouvoirs.

Madame la présidente, je le dis et je le redis, il n’y a pas de transparence dans le processus de sélection.

This Bill sets out broad criteria for appointment but does not provide adequate safeguards against irregularity. There is no requirement to publish reasons for selection or

rejection. The Bill contains no provisions for review, appeal or reconsideration of the panel's recommendation as it is the case in other Commonwealth jurisdiction such as the UK, Australia and India.

My question, today, Madam Speaker, to this House, is – why such safeguard have been omitted?

The selection of the King's Counsel is transparent. Such a process should first and foremost start with an application from prospective and interested counsels and attorneys. Receiving such application as opposed to mere selections will give more transparency to the overall process. And having received the applications, the panel ought to proceed with selecting those which meet all the necessary criteria as described under section (2) of the Bill, and then the panel can proceed for the selection through an interview, Madam Speaker.

And as analogy, we should not forget that today even judges of the Supreme court are selected after having done an examination as well as going through an interview, Madam Speaker.

Madam Speaker, the King's Counsel panel is comprised of two retired senior judges, senior barristers, senior solicitors and also lay members, that is, persons that are not legally qualified.

Madam Speaker, regarding clauses 6 and 7, I propose that the following be adopted, that there should be an advertisement inviting those interested to be appointed as Senior Counsel or Senior Attorney to apply. The application process must be scrutinised to ensure eligibility of applicants. The eligible applicants must be called for an interview and the best suitable candidate must then be appointed.

Now, let us assume for example, Madam Speaker, that the Attorney General, the Chairman of the Bar Council and the President of the Law Society are from the same background and that those seven members of the Recommendation Panel discuss the present list of 20 proposed senior barriers and attorneys. Let us take that the four judges approve and the three other members disapprove. The list goes to the President of the Republic for his assent and the Prime Minister is not agreeable. What happens then ?

Est-ce que le président de la République a-t-il la prérogative d'enlevé un nom qui ne lui plait pas de cette liste ?

Madam Speaker, the Bill also suffers from a striking lack of clarity. It fails to establish any objective or measurable criteria for assessing good standing, integrity or contribution to the law. These are noble words, Madam Speaker, but without transparency, they become subjective tools that can be twisted to justify almost any decision.

Clause 6 of the Bill on the Selection Exercise is very vague and can lead to arbitrariness, Madam Speaker –

“(2) In selecting an eligible person for recommendation under subsection (1), any member may propose any barrister or attorney to be appointed as Senior Counsel or Senior Attorney and the Recommendation Panel shall, in addition to the eligibility criteria specified in section 3, take any of, but not limited to, the following into consideration –

- (a) Any contribution made by the person to the development of the law; [This needs to be defined, Madam Speaker.]
- (b) any specialised skill possessed by the person in the legal field; [This also needs to be defined.]
- (c) any academic or other distinction obtained by the person in the legal field;
- (d) the good standing of the person in the legal fraternity.”

This needs to be defined. Would a clean character certificate be enough or will there be a certificate of good standing. If so, who will give that certificate?

Madam Speaker, what I have said above is so subjective and will be abusively used to reward political friends. The process as outlined, Madam Speaker, allows for excessive discretion and no right of appeal. In simple terms, it opened the doors for favouritism, inconsistency and political influence, that is, the very ills that a reform of this nature should eliminate.

Now, is this the reform our legal profession has been waiting for or is it a political exercise to decorate friends and solidify an inner circle of the chosen few, Madam Speaker? This Bill risks entrenching elitism under the banner of reform. It creates a hierarchy in the legal profession that rewards the well-connected while ignoring the hard working, that is, the diligent and the deserving practitioners who serve justice quietly and honourably every day.

Now, to add insult to injury, Madam Speaker, at clause 3 (2), we are opening the door to the appointment of non-practising barristers and attorneys as Senior Counsel and Senior Attorney.

Je ne peux m'empêcher, Madame la présidente, de penser que certains de l'autre côté de la Chambre se frottent déjà les mains.

Mr Jhummun: *Kot sa?*

Mr Lesjongard: This Bill does not empower the legal community.

(Interruptions)

It centralises power in the hands of a few. It repeals section 9(a) of the Law Partitioners Act without offering a more democratic or transparent alternative. Reforms should widen opportunity, not narrow it.

Madam Speaker, the people of Mauritius expect better. They expect justice to be fair, impartial and accessible.

(Interruptions)

An hon. Member: *Zot ki pe vin koz justice la?*

Mr Lesjongard: Not elitism, exclusive or politically. For these reasons, Madam Speaker, we cannot and will not support Bill in its present form. It must be revisited. It must be rebalanced and it must be aligned with the spirit to true justice and equality before the law.

Madam Speaker, when power is concentrated in the hands of the few, fairness for the many is always at risk.

Madam Speaker, I am done. I thank you.

Madam Speaker: Thank you. I think we can take a break.

Hon. Members: Yes!

Madam Speaker: We take a break.

At 4.40 p.m., the Sitting was suspended.

On resuming at 5.19 p.m., with the Deputy Speaker in the Chair.

The Deputy Speaker: Please be seated. Hon. K. Lobine!

Mr K. Lobine (First Member for La Caverne & Phoenix): Thank you Mr Deputy Speaker, Sir.

Mr Deputy Speaker, Sir, the hon. Attorney General has been very clear, very explicit as to why this Bill is before this House today. He has gone in length with regard to the history attached to our colonial past, that is, from the Queen's Counsel, King's Counsel to Senior Counsel. He has gone in length to explain to this House how it all functions.

However, listening to the hon. Leader of Opposition, who is not here...

An hon. Member: As usual!

Ms Anquetil: Tu m'étonnes!

Mr Lobine: ... to listen to the rebuttal. Unfortunately, I do see it as something very abnormal in a democracy. You intervene on a Bill and you are not here to hear the rebuttal and the hon. Deputy Prime Minister pointed it out yesterday, also. It is just *scandaleux*, using their words.

But what is very disturbing, Mr Deputy Speaker, Sir, is the way, the mindset of the Leader of the Opposition, it reflects a culture. A culture of conservatism, a culture that do not want to go the extra mile, a culture that I would describe as *scandaleux* because when he was using the term "*scandaleux*". What was *scandaleux*, Mr Deputy Speaker, Sir, was when he was with his former Prime Minister and his party, the MSM, what was *scandaleux* was when there is an attempt to curtail to the powers of the DPP with their infamous Public Prosecution Commission Bill, they wanted to amend the Constitution. This was *scandaleux*!

What was *scandaleux*? When under their government, their Commissioner of Police wanted to go and arrest the former DPP, Mr Satyajit Boolell, as rightly pointed out by the hon. Prime Minister earlier today. That was *scandaleux*! What was *scandaleux* also, Mr Deputy Speaker, Sir, is that for 10 years they have been sitting in government doing nothing with regards to reform of the Judiciary, reform of the Police Force and now, they have got the guts to come and say: 'we have to go through these amendments, we have to go through all these clauses that he is proposing'. What have you been doing for 10 years sitting in government? These are things that are *scandaleux*.

What is also very *scandaleux* – these are being said outside – is when there was some conspicuous relationship between some members of the Judiciary and the Executive at the time when the case of hon. Dr. Navinchandra Ramgoolam was being entered before the

Supreme Court. That was *scandaleux*! We have got evidence; we have got proofs. It is on a camera but we do not want to go the extra mile as they do with regard to describing things as *scandaleux*. So, these are things that the MSM and the hon. Leader of Opposition have not taken into account at all with regard to what is happening today.

He is talking about timing! If we go to the length of talking about timing, what was the timing of the judicial review being entered before the Supreme Court when President of the Republic has already issued his recommendation and for the letters patent to be issued to those people that have been selected as Senior Attorneys and Senior Counsels? What about this timing? What about the privileged information that he has got in his possession that was privy to certain people that he is now taking in his intervention. These are things that are *scandaleux*! What is *scandaleux*? When he says that there was no consultation, there was no dissemination of information, he has to read the press. I am in presence of a very nice interview that I will quote from a member from the Bar, Mr Nabil Moolna, member of the Bar. He was asked by the press, recently, Mr Deputy Speaker, Sir, in *Le Mauricien* of Thursday 09 October 2025 and this describes the mood of the legal profession, the mood of those new hundreds of barristers but has just been called to the Bar and almost 1500 people of the legal profession.

To a question asked –

« *Qu'elle est l'utilité de la fonction de Senior Counsel et de Senior Attorney?* »

This is what he replies –

« Ce n'est qu'un titre honorifique »

This is what the Bill is all about. We are qualifying the title that those are thinking that these are very titles that they need. These are only honorary titles.

“Ce n'est qu'un titre honorifique, pas une fonction.”

He goes on to say I quote –

« Son utilité, si tant est qu'elle en a une, se limite à honorer symboliquement les membres de la profession légale ayant atteint un niveau d'excellence et d'exemplarité.

Une utilité que beaucoup contestent, car dans une république démocratique, »

Mr Deputy Speaker, Sir, he says –

« il est sain de se rappeler que tous les citoyens sont égaux devant la loi et que donc leurs représentants doivent également être égaux devant la justice. Après tout, la vraie hiérarchie, celle du mérite, ne se décrète pas par Letters Patent. »

C'est clair, this reasoning from the Bar, is the reasoning of hundreds of barristers that see, not title but merit, and this is what this Bill is all about: merit, inclusiveness and fairness in the way to appoint those people, to honor those people that have been serving our legal profession for more than 15 years. And, we have to dig into the past. This has not been the case for the last 10 years.

The last time that we have nominated Senior Counsels and Senior Attorneys was in 2016 and from thereon, no nomination, no appointment was made. And this Bill is trying to restore some degree of fairness in the way we select those people. Yes, true it is; there are reasonings that these are the remnants of our colonial past. Yes, we have to assume it – from Queen's Counsel, King's Counsel to Senior Counsel. These are the remnants and I have got another colleague who has, in an article published in *l'Express* – 17 September – Attorney Gilbert Noël titled Lords of our Republic. So, his reasoning, again reflected by many people from the Bar, he says –

“The controversies around the appointments of Senior Counsel and Senior Attorney are symptomatic of our young island state wrestling with the shackles of colonisation. One can only be bewildered by the over importance the legal profession and Judiciary subscribe to titles and entitlements instead of the core issues affecting the legal profession and the Judiciary.”

This is what we are saying in this Bill. There has been a practice, there was a law, there was that famous section 9 of the Law Practitioners Act that was allowing only one person, the Chief Justice, to take things in hand. This was the practice as per the law. This was also a sort of a convention and we have seen over the years in only limited space of time, he/she has used this prerogative in law to come forward with a list of Senior Attorneys and Senior Counsels. Here we are codifying the way things should be done with a proper timeframe, with a panel which is inclusive and when I hear the Leader of the Opposition challenging as to why the hon. Attorney General should be on this panel, but then if we go further, why should we have the Chief Justice on the panel?

So, if we start questioning everyone, he is saying that if the hon. Attorney General is not a Senior Counsel, that if, the Chief Justice is not a Senior Counsel, we do have because

the post of Chief Justice is not opened just to people coming through the ranks, through seniority. Anyone, any barrister above 15 years old can apply to become a Chief Justice. So, what will it mean if the Chief Justice is not a Senior Counsel? If we go with all these assumptions and perceptions and reasonings, we will never end but at the end of the day, what the Bar, what the legal profession needs is a piece of legislation that will give them some comfort that we are moving away from this practice of our colonial past. At least, it is a step in the right direction to have this recommendation panel with regard to appointing Senior Counsels and Senior Attorneys.

Another point I would like to raise, Mr Deputy Speaker, Sir, when the Leader of the Opposition tackles clause 3(2) of the Act with regard to non-practising barrister or attorney to be appointed as Senior Counsel and Senior Attorney. Again, what a misnomer. He is out of touch. I do not know who has briefed him but nowadays, Mr Deputy Speaker, Sir, the legal profession is evolving. We do not have only Counsels, lawyers going to Court to do litigation. We have got specialised fields, we have got arbitration, we have got mediation, we have got advisory roles, very specific in our financial services sector. The world of the legal profession is evolving. Even a book I am reading these days is talking about end of lawyers with the advent of AI and other software coming in.

So, the world of barristers and attorneys are evolving so that non-practising barristers should also be considered for those honorary posts and I thank the hon. Attorney General and his office for putting this in this Bill because nowadays, most of the lawyers are not practising barristers. We are talking about 15,000 members of the Bar and you will see when you go to Court, only a hundred few are practising and doing litigation. Most of them are in advisory, most of them are in specialised sectors, most of them are doing private mediation and arbitration. So, again, this is a step forward and when the hon. Leader of the Opposition is talking about the President being advised by the Prime Minister, again, he does not understand that the President is advised by the Cabinet under section 64 of our Constitution. Except in few cases but in these particular cases, this is the case.

Mr Deputy Speaker, Sir, we need a Leader of the Opposition to come and talk facts and not mislead the House or the population listening to us. There are genuine suggestions from the legal profession that are being taken into account in this piece of legislation but there are also many questions that are arising. This is a step in the right direction for us to get away from our colonial past and here, the hon. Attorney General took the case of Jaising from India

but again, India got what you call the Advocates Act. They are going a bit further and we also, it is my humble view, we need to go a bit further.

We will have the Constitutional Review Commission, we will be able to debate with regards to amending our Constitution but there in India, since 2009, they have been discouraging barristers, lawyers to address the Court and saying ‘my Lord, my Lady’. They said we have to get rid of this colonial past, the shackles of our colonial past and many countries of the Commonwealth have adopted this principle; in Australia, in New Zealand. They say ‘your Honour, Sir, Madam’. We are still here in Mauritius addressing our Court, addressing our honourable Judges as my Lady, my Lord. Is it still something that we need to continue within our republican values in a sovereign and democratic state? So, these are the questions that this Bill is coming forward with as a stepping stone to those arguments that have now already become law in India. And there is a judgment and stand of the High Court of Madras in 2021. They banned the use of calling a Judge ‘my Lady’ and ‘my Lord’. It is Sir, Madam or your Honour.

So, again, I commend the approach of Government and of the hon. Attorney General to bring – this is a first stepping stone to move away from our colonial past – but I think we also need in the very short term, to apply this Bill but in the very long term, when will have the Constitutional Review Commission, look at certain practices with regard even in our judicial system. No one in the Constitution, the constitutional arms, the Judiciary or the Executive, we should sit in an ivory tower. Even the Judiciary should look at modernising the way things are moving around the world and I salute the courage of the Government and the Attorney General to come with this Bill amidst criticism from certain quarters that are close to certain people in certain parts of the Judiciary. I am not here to veil the fact. This is what is being said and this is what we have been hearing. This why we have this Bill today, to unblock a situation that should never have happened.

I shall again urge the hon. Attorney General to continue with this step to modernise our laws, to make it more inclusive and fairer but, also, I would like to answer...

The Deputy Speaker: You have two minutes.

Mr Lobine: ... to the Leader of the Opposition when he says that there are political motivations and other considerations. I would refer him to an answer of my dear friend, Nabil Moolna, in his interview. He says, in a question with regard to Senior Counsel pleading at the Supreme Court –

« En passant, c'est vraiment le comble que dans une démocratie, les seuls qui sont élus par le peuple soient ainsi constamment entachés de soupçons, comme si les apolitiques n'avaient pas eux aussi des intérêts privés et des agendas personnels. »

The Deputy Prime Minister: Et cachés !

Mr Lobine: Et cachés !

To those that these are being referred, they have to listen to the voice of the people of Mauritius. We are evolving. We are an evolving democracy. In an evolving democracy, we should not continue to sit in our ivory towers.

I thank you, Mr Deputy Speaker, Sir, for your kind attention.

The Deputy Speaker: Hon. Seeburn, you have 15 minutes!

(5.37 p.m.)

Mr M. Seeburn (Second Member for Vieux Grand Port & Rose Belle): Mr Deputy Speaker, Sir, it is with great honour and conviction that I rise today to express my full support for the Senior Counsel and Senior Attorney Bill. The Bill is a landmark piece of legislation introduced by this Government that will strengthen our justice system, modernise our legal framework and uphold the values of merit, integrity and excellence at the heart of our Republic.

Mr Deputy Speaker, Sir, the Leader of the Opposition is not here in the House, but he was asking whether the timing is right. The answer is, yes, as there is confusion at the recent exercise for the proposed nomination of Senior Counsels and Senior Attorneys that has reached a deadlock, which must be addressed as a matter of urgency. As the Attorney General earlier said in his address, this is a legislation born out of necessity.

Mr Deputy Speaker, Sir, the object of this Bill is to provide for the setting of a Recommendation Panel consisting of –

- (a) the Chief Justice+ as Chairperson;
- (b) the Senior Puisne Judge;
- (c) the next 2 senior-most Puisne Judges;

- (d) the Attorney General;
- (e) the Chairperson of the Bar Council, and
- (f) the President of the Mauritius Law Society Council, who will, henceforth, be responsible to make recommendations to the President of the Republic of Mauritius for the appointment of barristers as Senior Counsels and attorneys as Senior Attorneys.

This Government has always believed in building strong institutions that are transparent, fair and worthy of the trust of our citizens. The Bill before us today is another proof of this Government's commitment to good governance and the rule of law.

For several decades, the titles of Senior Counsel and Senior Attorney have represented the pinnacle of achievement within the legal profession. But until now, these honours have not been governed by a clear and structured process. The Bill puts an end to this ambiguity. It establishes a transparent and a merit-based system through which the titles will be awarded as recognition of true excellence.

Mr Deputy Speaker, Sir, the Bill provides that in selecting an eligible person as Senior Counsel or Senior Attorney, the Recommendation Panel will take into consideration –

- (a) any contribution by the selected person to the development of the law;
- (b) any specialised skill possessed by the person in the legal field;
- (c) any academic or other distinction obtained by the person in the legal field, and also,
- (d) the good standing of the person in the legal fraternity; or
- (e) any other trait of distinction demonstrated by the person in the practice of law, including competence, integrity and a sense of fairness.

Mr Deputy Speaker, Sir, the Senior Counsel and the Senior Attorney Bill affirms that recognition within the legal profession must be based on merit, on integrity and professional contribution. It will also be a reminder that in the Republic of Mauritius honour is earned on excellence and service. This legislation will ensure that every barrister or attorney, aspiring to

this title, knows the criteria, the process and the expectations. It enriches the principles of equal opportunity that this Government has consistently emphasised in our democratic system. By passing this Bill, we are saying loudly and clearly that our Republic rewards merit, establishes good governance and aims to bring clarity and fairness.

Mr Deputy Speaker, Sir, Section 3 of the Bill provides that for someone to be eligible for the honorary title of Senior Counsel and Senior Attorney, they must be on the respective role for at least 15 years and that their names have not been erased from the Roll of Practitioners.

The Bill provides that the Recommendation Panel shall be independent and shall establish its own practice and regulate its own proceedings and make recommendation to the President of the Republic for those appointed as Senior Counsel and Senior Attorney.

The Bill provides that where a member has personal interest in the selection process, he shall not take part in any proceedings or vote to avoid any conflict of interests. Where the quorum is not reached, then it is the President who appoints instead of the Recommendation Panel.

Section 6 of the Bill provides that the Recommendation Panel shall meet anytime, but on a frequency of at least 3 years and make recommendations to the President of the Republic for the selection exercise.

Section 7 of the Bill empowers the President of the Republic to transmit the Letters Patent to the Chief Justice and appoint Senior Counsel and Senior Attorney. The Chief Justice shall, thereafter, hold an honorary ceremony before the Supreme Court for the handing over of the Letters Patent to the newly appointed Senior Counsel and Senior Attorney.

Mr Deputy Speaker, Sir, this Bill shows a deep understanding of the structure of our legal system. In Mauritius, both barristers and attorneys play a vital role in the justice system and represent clients in their time of need, and serve as trusted advisers and as essential pillars in the preparation and administration of justice.

For the first time in the history of Mauritius, this Bill provides a parallel recognition for both branches: for Senior Counsels for barristers, and Senior Attorneys for attorneys. This is

a matter of fairness and balance. It acknowledges that justice is a collective effort and that both professions deserve honour for their respective contributions.

Mr Deputy Speaker, Sir, the days of speculation and subjectivity are over. This Government believes in process over discretion as we know that transparency is the cornerstone of public trust. By clearly defining the process of selection, by ensuring that appointments are made in accordance with the provisions of this Bill, this Bill, therefore, protects the integrity of the title.

Mr Deputy Speaker, Sir, we are not alone on this journey. Across the Commonwealth, from the United Kingdom to Australia, from Singapore to India, similar frameworks exist to honour senior members of the legal professions. The titles of Senior Counsel or Queen's Counsel or King's Counsel are well-established, but are always supported by clear rules. By introducing this legislation, Mauritius joins the ranks of jurisdictions that place institutional integrity above tradition and transparency above uncertainty. It strengthens our country's reputation as a modern and democratic nation guided by the rule of law.

Mr Deputy Speaker, Sir, in the landmark case of *Indira Jaising v. Supreme Court of India*, in 2017, as highlighted by the Attorney General, the Supreme Court of India made it clear that the process for designating senior lawyers must be transparent, fair and based on a well-defined objective criterion. This Bill aims to achieve that.

Mr Deputy Speaker, Sir, the passage of this Bill is not only about recognition. It is also about inspiration for several of our young barristers and attorneys entering the legal profession every year. This legislation sends a strong and powerful message that if you work hard and to uphold the law with honour and distinction, your efforts will be recognised and rewarded. Mr Deputy Speaker, Sir, this is how we build a profession rooted in excellence and a justice system anchored in trust.

The Bill aims to fit squarely within the Government's broader agenda for reform that seeks to modernise our legal and institutional frameworks, from judicial efficiency to access to justice.

This Government has demonstrated, time and again, that it is committed to strengthening the pillars of our democracy. The Senior Counsel and the Senior Attorney Bill is another brick in that strong foundation, that ensures justice, fairness, transparency for all.

Mr Deputy Speaker, Sir, the value of any title depends on its credibility of the process behind it. This is why the Bill provides for independent assessments and clear guidelines. It ensures that selection process remains free from political influence and thus being anchored in professional standards. This is what our people and our citizen out there expect; this is what our legal community deserves and this is what this Government delivers.

Mr Deputy Speaker, Sir, the Bill is not just a procedural reform, it is a symbolic affirmation of what we stand for as a nation. It is merit over privilege. It is transparency over discussion. It is excellence over mediocrity. By supporting this Bill, we are building a future where the titles of Senior Counsel and Senior Attorney become true beacons of honour and also trusted by the public at large.

Mr Deputy Speaker, Sir, this is a proud day for our Parliament, for our Government, and for the Republic of Mauritius. I therefore, wholeheartedly supports this Bill and I thank the hon. Attorney General and his team for the great work, and the Prime Minister and our Government for his vision, leadership and the unwavering commitment to justice.

Mr Deputy Speaker, Sir, with these words, I thank you.

The Deputy Speaker: Thank you.

Hon. Baboolall!

(5.48 p.m.)

Mr C. Baboolall (First Member for Montagne Blanche & GRSE): Thank you, Mr Deputy Speaker, Sir.

I rise today to address the House on the Senior Counsel and Senior Attorney Bill (No. XXIII of 2025) that will fundamentally and positively reshape the process by which our most distinguished legal practitioners are recognised and appointed in Mauritius.

Mr Deputy Speaker, Sir, receiving the title of Senior Counsel and Senior Attorney is known as taking silk because those appointed wear a special silk gown in court. It is a tradition that dates back hundreds of years and remain a powerful symbol of trust, respect, legal excellence, although the purpose is an honorary title.

Mr Deputy Speaker, Sir, the object of this Bill is to provide for the setting up of a Recommendation Panel under Section 4, as already mentioned by the hon. Attorney General and the hon. Members. The Recommendation Panel will consist of –

- (a) the Chief Justice, as Chairperson;
- (b) the Senior Puisne Judge;
- (c) the next 2 senior-most Puisne Judges;
- (d) the Attorney-General;
- (e) the Chairperson of the Bar Council, and
- (f) the President of the Mauritius Law Society Council.

Mr Deputy Speaker, Sir, the issue of how Senior Counsel and Senior Attorney are appointed, is very important because it touches on transparency, fairness and meritocracy in the legal profession. This Bill maintains collaboration between the Judiciary and the Executive. The Recommendation Panel has clear criteria and procedures, and the candidates understand how decisions are made and processed.

Mr Deputy Speaker, Sir, actually in Mauritius, appointments of Senior Counsels and Senior Attorneys are made under section 9A of the Law Practitioners Act. It is the President of the Republic of Mauritius on the recommendation of Chief Justice who appoints Senior Counsels and Senior Attorneys and there are no defined criteria other than the 15 years of practice.

Mr Deputy Speaker, Sir, while we respect this tradition, this Bill marks a clear path forward, aligning our system with the best practices observed in common law jurisdiction globally. For example, in the United Kingdom, the appointments are made by the monarch on advice of the Lord Chancellor. Candidates apply through a competitive application process overseen by the King's Counsel Selection Panel which is independent. The agreed process provides for independent selection panel, comprising of two retired Senior Judges, Senior Barristers, Senior Solicitors and a lay member. The panel is chaired by the lay member. In Singapore, Senior Counsels are appointed by the Chief Justice under the Legal Profession Act. The selection committee includes the Chief Justice, the Attorney General, President of the Law Society and a Senior Counsel. Candidates are evaluated on professional ability, standing at the Bar and contribution to the legal profession.

Mr Deputy Speaker, Sir, this Bill will lead to well-rounded informed decision about who deserves to be appointed as Senior Counsel and Senior Attorneys. A more transparent and fair process improves public perception of the judiciary and the legal profession. In India

also, after the case of Jaising as mentioned by the hon. Attorney General, hon. Kushal Lobine and hon. Manoj Seeburn. After the case of Jaising in India, now, we have a committee for designation of Senior Lawyers, the Committee comprises of the Chief Justice of India as its Chairperson along with two senior most Supreme Court Judges, the Attorney General of the State and a distinguished jurist who is nominated by the Committee.

Mr Deputy Speaker, Sir, this Bill is a way forward in relation to transparency and fairness. The Recommendation Panel, not only has the Chief Justice as Chairperson but also the Senior Puisne Judge and the next two senior-most Puisne Judges but also having the Attorney General, the Chairman of the Bar Council, the President of the Law Society on the Recommendation Panel paves the way for increased transparency as the role of the judiciary in granting honorary title to lawyers is separate. If we listen to the hon. Leader of the Opposition, he was telling why the Attorney General should be on the Panel. But if we look at England and India, the Attorney General is present on the Panel or the Committee.

Mr Deputy Speaker, Sir, the composition of the Recommendation Panel allows for a broader assessment of the candidate suitability. The key lies in transparency and meritocracy.

Mr Deputy Speaker, Sir, the legal profession depends on the public confidence. A more open and inclusive approach enhances that trust to the wider public. Section 3 deals with the eligibility of appointment of Senior Counsel and Senior Attorney who is not less than 15 years of standing. Section 6 explains about the selection exercise as has already been explained by my learned friends.

Mr Deputy Speaker, Sir, the Recommendation Panel also have very specific criteria from (a), (b), (c), (d) and (e) which have already been elaborated by my friends.

Mr Deputy Speaker, Sir, the Bill will make the process to appoint Senior Attorney and Senior Counsel a transparent one, merit-based process that one unequivocally reflects our society's core values of fairness, accountability and professionalism.

Mr Deputy Speaker, Sir, I wholeheartedly thank the Attorney General for bringing this essential Bill to the House. He has summarised his position fully and clearly. This Bill is a powerful reminder that even the most traditional parts of our legal system can and must evolve to serve the public with greater openness, fairness and trust. This Government's convictions are based on transparency and equality. By continuing to move forwards, greater

transparency we uphold not only the quality of our legal professionals but, crucially, the confidence of the community in the justice system.

Mr Deputy Speaker, Sir, I commend the Senior Counsel and Senior Attorney Bill to the House.

Thank you.

The Deputy Speaker: Hon. Pentiah!

(5.56 p.m.)

The Minister of Public Service and Administrative Reforms (Mr L. Pentiah): Mr Deputy Speaker, Sir, I stand before the House in support, first and foremost, of the Senior Counsel and Senior Attorney Bill (No. XXIII of 2025).

Prior to my address concerning the Bill, I wish to say a few words concerning the hon. Leader of the Opposition.

Sitting alone there on the solitary chair. Perhaps it is having some psychological effect on the hon. Member of the Opposition. Perhaps he should, at some point, besides taking nutrients and medically advised substitutes, read the papers circulated for the purpose of gathering in this august Assembly.

Not because he sits on the chair of the Leader of the Opposition, is he bound to say anything and everything while the camera is pointed towards him. It is not because he sits on the chair that he uses that position not to benefit the people of this country, to enlighten the people of this country but to take the people of this country towards darkness where the MSM is standing today.

Why is he not at least sincere to himself? Why is he, at each and every time, being dishonest to what is called intellectual dishonesty? Why does he misinterpret the provisions of the law? When I say provisions, I mean all the time he stood up to speak, Mr Deputy Speaker, Sir, he misled the people. Why? If you got nothing better to say, then at least we know, Mr Deputy Speaker, Sir, for the last ten years he took the vows of silence. Perhaps now, he is venting his vocal cords.

Mr Deputy Speaker, Sir, this Bill addresses issues and ambiguities within the Law Practitioners Act relating to the recommendations and appointment of Senior Counsel as

emphasised by all the interveners today and fundamentally and primarily by the Attorney General.

This Bill brings transparency, consistency and confidence to a process that carries high symbolic and professional value with and within the legal community of our country. I lay emphasis on the 'with' because it guarantees that there are representatives from the Law Society and from the Bar Council and they have got a say in the process.

While doing so, I must emphasise that as the Minister of Public Service and Administrative Reforms, as a lawyer and former Magistrate of the IC, the Intermediate Court, my contribution in this debate is not only as a Member of the Parliament but a responsibility which is inherent in all law practitioners of our land, but with personal commitment to the principles of justice that is within us and the principles good governance that guide us and underpin our democracy.

Mr Deputy Speaker, Sir, over time, the practical application of section 9A of the Law Practitioners Act has revealed certain challenges, to say the least, in the way recommendations for Senior Counsel and Senior Attorneys are made. While the existing provisions were conceived with the best of intentions, time has shown that the process demands greater clarity and structure to preserve public confidence and safeguard the dignity of our institutions.

The present framework entrusts the Chief Justice with the responsibility of making recommendations to the President of the Republic. Both offices are cornerstones of our constitutional democracy. However, even well-intentioned provisions can sometimes give rise to differing interpretations or perceptions that may inadvertently place these highly esteemed institutions under unnecessary public scrutiny.

It is therefore both prudent and timely to review the existing mechanism, not as a criticism, Mr Deputy Speaker, Sir, but as an act of reinforcement, to ensure that the process continues to command public trust and reflect the values of transparency, merit and fairness.

Mr Deputy Speaker, Sir, the present Bill seeks to reinforce the integrity and credibility of the appointment process by providing a structured framework within which, recommendations are made through a process that is objective, consultative, and above all, transparent.

The Senior Counsel and Senior Attorney Bill therefore provides for the establishment, as we have said, and we say it again and again, of a Recommendation Panel composed of

respected and independent figures which will henceforth be responsible for making recommendations to the President of the Republic. This shifts the process to a collective and deliberative approach, thus, ensuring that decisions are made through consensus and diverse perspectives. The panel reflects the highest echelons of our legal and judicial community, fostering balance and impartiality. As we have said, this panel, as misinterpreted by the Leader of the Opposition once more, consists of seven members. And the quorum is not three; it is five.

Mr Deputy Speaker, Sir, it should be duly emphasised that where necessary, provisions are made for substitutions to maintain the panel's integrity, such as designating Senior Counsel or Senior Attorneys if the respective chairpersons or presidents do not hold those titles, or appointing alternatives by the President of the Republic in cases of failure to designate.

This collegial structure mirrors successful models in fellow Commonwealth countries closer to our legal traditions. We have named the UK, we have named British Columbia, Australia, Canada, India. Well, there is also Jamaica. A seven-member committee chaired by the Chief Justice and comprising the President of the Court of Appeal, the Attorney-General, the Chairman of the General Legal Council, presidents of the Jamaican Bar Association and Advocates' Association, and a representative from the existing King's Counsel group, review annual applications based on criteria like advocacy excellence and integrity, before recommending to the Governor-General on the Prime Minister's advice.

A country closer to us again, South Africa. A Judicial Service Commission, including judges, legal practitioners, and a nominee of the President, assesses candidates for Senior Counsel appointments with a focus on merit and public interest, recommending to the Minister of Justice. *On ne réinvente pas la roue.*

Mr Deputy Speaker, Sir, we are but reflecting the evolution and development of the needs of a society which is aiming to refine and ensure that its institutions functions to the optimum.

As I said, this collegial structure is further strengthened by clear operational rules. Meetings will be convened by the Chief Justice first and foremost or at the request of at least three members, with a quorum of five members required. Decisions will be taken by a simple majority of those present and voting, thus, promoting democratic deliberation. The panel will establish its own practices and with the Chief Justice as the Chairperson and regulate its

proceedings, but crucially, the first meeting must be held within four weeks of the Act coming into operation.

The Bill provides explicit mechanisms to safeguard – I underline the word – ‘safeguard’ – against conflicts of interest. Any member with a personal interest in a selection exercise must recuse himself and not participate in related proceedings. If conflicts prevent the formation of a quorum, the President of the Republic may appoint substitutes, such as the next senior most Puisne Judge in place of judicial members, the Solicitor General in place of the Attorney General or other Senior Counsel or Senior Attorneys as needed.

These appointments are limited to a specific exercise in question, ensuring temporary and targeted resolutions without compromising the panel’s overall independence. Such provisions, Mr Deputy Speaker, Sir, aligns with the recusal protocol seen in Jamaica and South Africa and other parts of Commonwealth countries, reinforcing a shared Commonwealth commitment to impartiality.

Moreover, the Bill introduces a statutory frequency for recommendations, mandating that the panel meets as required, but at least every three years, to consider and make recommendations, if any. This was notably absent in the previous regime, under section 9A, where the lack of a timeline contributed to perceptions of irregularity and delay. Now, the process will be predictable and proactive, honouring deserving legal professionals on a regular basis comparable to other countries around us.

In selecting candidates, the panel will consider eligibility criteria. It is well provided in the law: there must be at least 15 years of standing as a barrister or attorney, with names on the roll and not erased while evaluating contributions to the development of the law, specialised skills, academic distinctions, good standing in the legal fraternity, and other traits of distinction such as competence, integrity and fairness.

Mr Deputy Speaker, Sir, it is worth emphasising that the title of Senior Counsel or Senior Attorney maybe an honorary distinction, but I firmly believe that it is also a mark of excellence, a recognition of years of dedication, competence and integrity in the service of justice. It is a distinction that should inspire public confidence and set an example for younger members of the profession to emulate.

By introducing a clear and transparent process for nominations, the Bill helps restore that sense of prestige and impartiality which such appointments deserve. It ensures the selection is based solely on merit and professional distinction.

Mr Deputy Speaker, Sir, I quote –

“It is not merely of some importance, but it is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done.” –

Lord Hewart, Lord Chief Justice in the case of *Rex v. Sussex Justices* (1924) Volume one, King’s Bench 256.

This Bill, Mr Deputy Speaker, Sir, is nothing else but a reflection in a fundamental belief in this dictum. We do not want just to do something; we want the people of our country to know what we are doing in transparency, in clarity, in objectivity.

With these words, Mr Deputy Speaker, Sir, I commend the Bill to the House.

The Deputy Speaker: Thank you. Hon. Members, Madam Speaker will resume the Chair.

At this stage, Madam Speaker took the Chair.

Madam Speaker: You may be seated! Yes!

(6.12 p.m.)

The Deputy Prime Minister: Merci, *Madam Speaker*. *Madam Speaker*, je ne le fais pas à chaque fois qu’un projet de loi est devant cette Chambre, mais en cette occasion, je tiens à féliciter le plus chaleureusement possible l’honorable l’*Attorney General* pour la présentation de ce texte.

Madam Speaker, avec ce projet de loi, nous passons d’un système arbitraire à un système démocratique et transparent. Et cela, sans léser ou humilier qui que ce soit. En soi, c’est un exploit. C’est une chose extrêmement importante.

Je demande à tous les honorables membres de la Chambre de réfléchir un peu à ce qui se passe depuis lundi. Il n’y a eu presque aucune critique depuis lundi parce que je pense précisément que d’abord, les femmes et les hommes de la profession légale réalisent que vraiment, nous passons d’un système arbitraire à un système démocratique et transparent. Nous avons fait bien attention en se faisant de ne léser ni d’humilier personne. Bravo à l’honorable *Attorney General*. Bravo au gouvernement. Bravo à nous tous quand nous allons voter cette loi aujourd’hui !

Comme toujours, l’absence d’un soi-disant leader de l’opposition qui annonce en longueur les amendements qu’il va *move* et qui *move himself out of the Chamber*!

Je suis plein de félicitations parce que l'*Attorney General* et le gouvernement ont trouvé le bon équilibre, qui fait donc le résultat – la quasi-unanimité aujourd'hui. Le bon équilibre avec quatre juges et trois membres de la profession légale représentant l'association des avocats sur un nouveau *recommendation panel*.

Madam Speaker, c'est ce *recommendation panel* qui recommandera dorénavant au président de la République celles et ceux appelés à devenir *Senior Counsel* ou *Senior attorney*.

Ce *recommendation panel* aura – c'est prévu dans la loi – à se réunir *as and when required, but at least every three years*. Ce sont ces petites touches, les unes après les autres qui font, de mon point de vue, de ce texte de loi un petit chef-d'œuvre.

Tout ce qui n'était pas prévu, sans humilier personne, sans revenir sur le passé, toutes les omissions dans la loi, nous les remplissons tranquillement, mais efficacement dans ce texte de loi.

Le président de la République est celui qui finalisera les noms de celles et ceux appelés à être nommés *Senior Counsel* ou *Senior Attorney*. Décidément, je suis en forme ce soir et pourtant il est trop tôt pour qu'il y ait une raison pour que j'ai la langue qui fourche. Mais, oui c'est le président de la République qui finalisera les noms. Mais, le président de la République restera, comme c'est le cas actuellement, comme le prévoit la Constitution, sous l'autorité générale du Cabinet.

Mon collègue et moi, tout à l'heure-là, nous vérifions la liste des cas où le président de la République a le pouvoir *to act in his own deliberate judgment*. Je ne réalisais pas qu'il y avait plus de 100 occasions parce que nous avons un vrai président de la République. Vraiment, je suis fier qu'on ait amendé la Constitution en 2003 ou 2002, 2002 je crois, pour donner plus de pouvoir et plus de responsabilités au président de la République. Mais, dans ce cas le président de la République agit sous l'autorité générale du Cabinet. Le Premier ministre rencontre le président chaque semaine et si le président lui demande de référer une question au Cabinet, cela se fera au terme de cette loi.

Le ou la Chef Juge sera tenu sous la loi d'officialiser la liste de *Senior Counsels* ou *Senior Attorneys* soumise par le président de la République – cela n'existait pas dans la loi – dans un délai de quatre semaines. C'est une demi-douzaine ou une douzaine de précisions pareilles qui donnent toute sa valeur à ce texte de loi, mais encore une fois, sans humilier personne, sans léser personne. Je considère vraiment que l'*Attorney General* et le

gouvernement, nous avons réussi ensemble un petit exploit d'arriver là où nous sommes. D'avoir rempli *all those gaps* mais sans humilier sans léser personne. C'est vraiment un petit chef-d'œuvre que nous avons réussi. Je lui dis cela en grosse tête ou sans vouloir précisément humilier qui que ce soit – pas du tout.

Je suis bien fier qu'on ait réussi ce texte de loi sans humilier personne, sans reprocher quoi que ce soit la personne. On tourne une page et on regarde l'avenir ou plutôt on laisse ce *Recommendation Panel* faire son travail d'avenir.

De plus, les critères à être utilisés, avant il y avait un seul critère – tant d'années comme homme ou femmes de loi. Maintenant les critères à être utilisés pour le choix des *seniors* sont dorénavant prescrits dans la loi. Le *Recommendation Panel* doit donc suivre ces *guidelines* raisonnable et qui aideront le *Panel* à faire son travail.

Madame Speaker, avant de préparer ce projet de loi et pendant que nous la préparions, nous avons examiné – l'Attorney General surtout, et les autres aussi, chacun a fait son *homework* – attentivement ce qui existe ailleurs mais pas seulement qu'en Grande-Bretagne et en Angleterre, mais en général pour désigner de par le monde, les *Senior Counsels* ou *Senior Attorneys* ou leur équivalent. Dans pas mal de pays, ce n'est pas l'appellation de ces *Seniors*.

Donc, Madame speaker, résultats de tout cela, mais résultats aussi d'avoir prêté l'Attorney General et chacun d'entre nous au Conseil des ministres, le résultat de tout ce travail fait, mais aussi d'avoir prêté une attention respectueuse et attentive à tout ce qui a été dit ici, à Maurice, ces derniers jours à ce sujet. Le résultat je le répète, aujourd'hui, nous tournons la page sur un système archaïque pour introduire un système démocratique et transparent qui fait la quasi-unanimité dans le pays et qui fait honneur aux pays.

Nous nous en félicitons, au gouvernement, nous avons toutes les raisons au monde de nous féliciter que nous ayons atteint ce résultat. C'est pourquoi je terminerais, Madame speaker, en disant bravo et merci pas seulement à l'Attorney General, bravo et merci à tous ceux qui nous ont aidé à finaliser ce projet de loi.

Merci, *Madam speaker*.

Madam Speaker: Hon. Prime Minister!

(6.23 p.m.)

The Prime Minister: Madam Speaker, our programme 2025-2029 speaks very clearly of our focus of a justice system: improving access for all, tackling financial and serious crime, reforming law enforcement and criminal enquiries and modernising our judiciary. Those are the reforms that matter most to our citizens. Those are the changes which we are working hard to bring to this country in this field of our national endeavour. Those, Madam Speaker, are our priorities.

Some people, including the Leader of Opposition are asking why are we passing this Bill, what is so urgent about it? He said that. Well, first of all, the need for a new Bill arose because the system broke down. What happened, Madam Speaker, is not well known and understood.

Earlier this year, the Judiciary transmitted to the President a list of 33 names recommended for appointment as Senior Counsel and Senior Attorney. 33!

The President, acting under section 9(A) of the Laws Practitioners Act and section 64 of the Constitution, decided to appoint 31 of them, that is, all except two. But let me say to the Leader of Opposition, he did not add any name to the list; he had no power to do so. But he did not approve of all 33; he approved of 31.

He could however exercise his discretion, a discretion that the law grants him. The Laws Practitioners Act says that the President “may” appoint, not “shall”. There is a difference between “may” and “shall”. It says clearly “may”. It did not say “shall”.

And, as you know, Madam Speaker, the Constitution provides in such cases, the President acts upon the advice of the Cabinet.

In this case, the President deemed it inappropriate to endorse two of the names. Why? Because indeed, a couple of weeks earlier, the President had issued a proclamation ordering an investigation under the Companies Act into alleged malpractices involving Afrinic. People seem to have forgotten that! Those investigations included looking into whether “disciplinary actions should be contemplated” against those very two persons that he did not appoint.

In such circumstances, Madam Speaker, any responsible Head of State should have done the same and would have done the same. The President had to be coherent – you cannot ask that someone be investigated and then, at the same time, give him a distinction for integrity before the end of the investigation. The President had to protect the reputation of our country, which I must say, he did admirably well, and as the hon. Deputy Prime Minister said, he should, in fact, be congratulated. He has acted independently as he should.

Now, the Judiciary was informed of this decision, by writing, to appoint 31 out of the 33 recommended names but then, the President was sent a request to disregard its previous letter of recommendations. But unfortunately, it was too late given that the decision had already been taken, that is, appointment of 31 and not 33. The Letters of Patent were issued and the appointments published in a communiqué.

It was at that point, Madam Speaker, that rumours started about the list being modified by the President, about the so-called political interference. This situation led to a case being brought to the Court, challenging the appointments. And up until now, no ceremony has been called to hand over the Letters of Patent, leaving the 31 new appointees in limbo. No letters have been sent! These 31 professionals were recommended by the Judiciary and not by the President! By the Judiciary! And they did not ask for it, they did not ask for anything, they did nothing wrong. That is what is regrettable.

It thus became clear that Government should prevent such a situation from happening again. In considering reform, the Attorney General maintained a dialogue with the Judiciary, knowing that reason and cooperation would ultimately prevail. The aim was not to impose but to improve: to make the law clearer, fairer and more transparent for everyone.

Unfortunately, that spirit was soon drowned by a campaign which spread confusion and mistrust. Over the past weeks, we have read headlines claiming that the President had added names to the list, which is false; he never did. Then, we saw the headlines that the Bill was designed to bypass the Judiciary, which it does not; that it was a threat to judicial independence, which it is not.

These claims have been amplified in print and online and by the Opposition, by people who should have known better, including the Leader of the Opposition. The result was confusion that was harmful to the image of our jurisdiction.

Madam Speaker, that is why it was urgent that we clarify everything and we had to act with speed and determination. We have brought this Bill before the House today – First, Second and Third Reading on the same day – because we had to act urgently to prevent this confusion to go on and on. When misunderstanding goes unchecked, it corrodes confidence in our institutions. It is our duty to restore clarity swiftly before rumour and speculation harden into division and before people start believing what they are hearing. I think the Leader of the Opposition falls in that category. He has believed it, I suppose. Our citizens and our international partners should know that this Government will not, will never waver in our

democratic ideals. That the separation of powers and the independence of the Judiciary is safe, respected and needs to be consolidated.

Indeed, Madam Speaker, the Bill respects the separation of powers, as, I think, the Attorney General has explained lengthily.

The appointment of Senior Counsel and Senior Attorney is not, and has never been, a judicial function. This is the first mistake that a lot of people are doing. It has never been a judicial function nor is it the exclusive prerogative of any Chief Justice. It is not! It is the fruit of a collaboration between the Judiciary and the Executive conferred by the President acting on the advice of the Cabinet, after recommendation by the Chief Justice. That is what the law says today.

They are saying that the Attorney General should not be included, as the Leader of the Opposition said – and in fact, he has brought an amendment to that – that the Attorney General should not be included as he is a political nominee sitting in the Cabinet, and therefore part of the Executive. For the education of those who do not understand: first of all, the Attorney General, a real Attorney General, is meant to give independent advice to the Government. It is true that unlike the actual Attorney General, the previous one did not give independent advice to the Government.

(Interruptions)

They acted as if they were the lawyers of the political party in power. That is how they acted. I can assure the House – not this Attorney General!

The Deputy Prime Minister: In this Government!

The Prime Minister: In this Government!

Secondly, let me point out, for a long time until some time back, it is Prime Minister Anthony Blair who changed it again for improvement. Before, you know, in the UK, it is the Lord Chancellor who is at the very top of the judicial system and is a very Senior Judge. You do not become a Lord Chancellor in the UK if you are not a very Senior Judge. The Lord Chancellor actually sits in the Cabinet. He or she is a political Minister, as opposed to the Attorney General who is supposed to give independent advice. And you know what that Lord Chancellor does in the UK? He or she – so far, I think that it has been ‘he’ – takes soundings from the Judiciary to establish whether someone was sufficiently distinguishable to be given the title of Queen or King’s Counsel. That is what he does.

Now, after Prime Minister Blair changed it, there is an independent panel which has judicial representatives together with lawyers and non-lawyers. There is a similar system in India as well.

So, the Bill does not take power away from the Judiciary. It simply clarifies how that power should be exercised, through a transparent, structured and balanced process.

In so doing, we have taken onboard several suggestions made by the Judiciary. We have not ignored suggestions. As the hon. Deputy Prime Minister rightly pointed out, this new Bill increases the number of Puisne Judges on the Recommendation Panel from two to four. It gives the Chief Justice the chairpersonship and ensures that the Judiciary has a majority on that panel. It also includes the Attorney General, the Chair of the Bar Council and the President of the Law Society because it is right that all branches of the legal profession be represented.

But, Madam Speaker, consultation does not mean subordination. The principle of separation of powers means that we consult the Judiciary when it is likely to be affected by the law; it does not mean that it has a veto over such legislation. There is no principle in constitutional law that provides for such an idea, which becomes even less credible when we try to apply it to a non-judicial function such as the conferment of a professional rank. The independence of the Judiciary implies that we should never hinder its ability to decide cases without fear or favour, whether in terms of procedures, budgets or otherwise. Not just independent, they have to be impartial, which is very often lacking sometimes, at least.

We have, therefore, taken onboard some of the main suggestions of the Judiciary. We do not believe, for instance, that we should remove the President from the process. On the contrary, the President, fortunately acted as he should have had.

Separation of powers is not a slogan; it is a constitutional discipline. It requires each branch of the Government to respect its limits and fulfil its duty. The Judiciary must remain free to decide cases without interference.

The Executive must be free to propose and implement laws, subject, of course, to parliamentary oversight. And Parliament must be free to debate, scrutinise and enact them. That is how a democracy functions. When one branch claims a monopoly over a function that is not inherently its own, as I said, then the balance and the independence of that institution are put at risk.

The Government has never sought to undermine the judicial independence. On the contrary, we want to enhance its abilities. We have been saying it: we will invest massively in new judicial infrastructure, in technology for the courts, in reforming legal aid and modernising the appellate system. We are the Government that will deliver a modern and efficient Court of Appeal. We have already voted the Revenue Tribunal Bill, the legal aid and legal assistance have to be increased, a modern framework for civil and criminal appeals. More will follow.

This present Bill, Madam Speaker, is part of the broader effort. It replaces ambiguity with transparency. It creates an open, accountable system where recommendations are made collectively, and decisions are taken lawfully. It prevents paralysis. It preserves the pre-eminence of the Judiciary in the recommendations stage.

We all share the same objectives, Madam Speaker: a justice system that is fair, efficient and trusted. The titles of Senior Counsel and Senior Attorney are not privileges to be contested; they are professional ranks bestowed on merit. As the Leader of the Opposition was saying there should be an appeal. In no country, there is an appeal! Either you get it or you do not get it. I do not think that he has looked at it profoundly. If there were to be appeals and contentions, well, we will never finish! We will never finish! They should not divide the Bench and the Bar, or the Judiciary and the Executive. They should unite the legal community in service in the Republic.

That is why this Bill is being brought to the House today. Not to settle scores, but to settle the law. Not to assert dominance, but to restore confidence. We have listened, we have adjusted, and we now ask the House to act, to bring clarity where there was confusion, and decisiveness where there was drift.

The rule of law is not preserved by silence or paralysis. It is preserved by responsibility, by institutions that know their place, their purpose, and their limits. That is what the Government stands for, and that is what the Bill defends.

Thank you.

Madam Speaker: Thank you. Hon. Attorney General, your winding-up speech!

(6.40 p.m.)

Mr Glover: I hope that my winding-up speech, as you very ably characterised it, will not, at the end of the day, wind-up anyone!

Madam Speaker, I make no apology for taking the time that it takes to respond to the Leader of the Opposition and his quite extraordinary propositions of amendments and the arguments he put forth against the Bill, as it stands before the House today.

His first critic, his first salvo against this Bill was the timing. But let me make it clear, if it has not been made clear enough by my earlier speech and that of the Prime Minister, the necessity for this Bill can scarcely be contested. You see, after 22 Bills presented to the House since the start of this legislature, this one is the 23rd. 10 months after I stepped in the role!

The Leader of the Opposition must rest assured that this House will be awash with a number bills of varying importance for the people in the coming weeks. This law is also important for the people because the people need to know why there is this gridlock I referred to earlier on. It is also important for the 31 legal practitioners who have been appointed, whose names have been published, and who are still waiting for the official handing over of their letters patent. They are being humiliated by this gridlock, and this has to stop. We must dispel opacity. We must dispel doubts. We need transparency. We need certainty. This is what this law will give the people.

Now, let us turn to the proposed amendments, as I said, quite extraordinary. Let me take you to Clause 3 of the Bill, which the Leader of the Opposition says, we must delete sub-clauses (2) and (3). Sub-clause (2) that he wants to delete talks about non-practising barristers. Let me tell the House a little story. Most of us have heard, especially those who have studied the law, and know of Sir Ian Brownlie, QC. Now, he was no practising barrister. He was an academic. He taught me at Oxford. And you know what? He was the first lawyer approached by the Prime Minister to give advice on the Chagos, and we know what is the result of what he advised more than 20 years ago. So, should this eminent jurist not be given that distinction because he does not run around the County Courts of UK is abhorrent. That is why the amendment proposed by the Leader of the Opposition is not entertainable.

The second amendment is sub-section (3) of Clause 3, where we say that no barrister or attorney shall have a legal right to such title. As the Prime Minister rightly said, we cannot have a system which will end up in court every other year. We need to make sure that people

understand that there is clarity and certainty, and that no one will be able to challenge the ultimate appointment of the President of the Republic after the process through the recommendation panel, with the criteria that are being set out in this Bill. That is why this second amendment should also be rejected.

Now, if we go to Clause 4 which is sub-part (b) of the proposed amendments, which we received five minutes before Parliament started at 3.00 p.m. So, in Clause 4, the Leader of the Opposition says that we have to delete in sub-clause 3, which is who will sit on the Recommendation Panel, sub-paragraphs (d), (e) and (f), that is, the Attorney General, the Chairperson of the Bar and the President of the Mauritius Law Society Council.

Quite extraordinarily, however, there is no mention by the Leader of the Opposition of Clause 5 of the Bill. Can I take you to Clause 5, more particularly, to sub-clause (2) of Clause 5, where the Leader of the Opposition has asked only amendment. He only wants the name of the Attorney General to be deleted everywhere where it appears – where it appears only once. Now, more importantly, my alter ego, the Solicitor General, his name is not deleted.

What is even more is that although in clause 4(3), we have deleted the Chairperson of the Bar and the Chairperson of the Law Society, yet in Clause 5(2)(c) and (d), the names of the Chair of the Bar and the Chair of the Law Society are not deleted. What kind of amendment is that? It's a botched amendment. I presumed, maybe he would ask to amend his amendments.

Now, there is more to it. If you look at the amendment proposed at subparagraph (b), it starts in clause 4, let me take you to sub part (2), where it says –

“by deleting subclauses (4), (5), (11) and the existing sub-clauses (6) to (10) to be renumbered as clauses (4) to (8);”.

You are all with me. Now go down that same paragraph, in sub-section 5, it says –

“in subclause 9, as renumbered, by deleting the figure “3” and replacing by the figure “2”;

there is no subclause 9. What are we talking about here? What is this nonsense? And we are being kept away from our homes because of this.

(Interruptions)

Now, one of the issues raised by the Leader of the Opposition, which had nothing to do with this Bill, but he could not help not mentioning it is Afrinic. Okay, let's talk about Afrinic. What has been said about Afrinic, is that the President of the Republic had transgressed into the powers of the Judiciary when he appointed a Judge and relieved him of his duties to do a specific job, as they couldn't do it. There was a huge *houla* in the press fuelled by the Opposition. Well, it seems that no one in the Opposition realised that there was a decision which set that this was possible. Now, I will tell you who were the Judges who sat on that case in the fore bench of the court in 1995: Chief Justice Forget de Villerfaux, he was then Senior Puisne Judge, Chief Justice Ariranga Pillay, he was then Puisne Judge, Chief Justice Matadeen, he was then Puisne Judge and we also have a Chief Justice, he was then Assistant Solicitor General, Justice Caunhye who appeared for Sir Maurice Rault, the Attorney General.

Let me tell you the story. So, in 1995, if some of you remember, Sir Maurice Rault had retired as a Judge and as all judges, they give an undertaking that they will not practice after their retirement, they can be legal consultants but they can't practice at the Bar. Therefore, they are not on the list of practicing barristers. But when that government at the time needed an Attorney General, Xavier Luc Duval, who was in government, he went to see Sir Maurice Rault and asked him to come to become the next Attorney General but he could not because he was not a practicing barrister. He was not on the roll anymore. So, there had to be an application, it is called the Application of Sir Maurice, it's a very short and tense judgment as Chief Justice Pillay usually wrote them.

I will read some of it because I think it bears reflection and a lot of thinking about what we hear, the nonsense that we hear every day. "After taking cognisance of the relevant documents having heard the submission of learned counsel for the Attorney General, we are satisfied that his Excellency the Acting President has relieved Sir Maurice Rault, former Chief Justice of the Supreme Court, of his undertaking not to practice as a barrister in Mauritius for the period he will be serving as Attorney General. We take the view," the Court said, "that if the President can appoint a Judge of the Supreme Court, he may with the concurrence of that Judge, relieve him for a particular period of any condition attached to his appointment and reference is made to article 1134 of our Civil Code. He wanted Afrinic, this is Afrinic. And the President was abundantly right, just like he was abundantly right in taking the decision he took in the present matter.

Mr Pentiah: *Li pa pe gagn konpran la, bizin explik li en kreol !*

Mr Glover: Now, there is more to it. What the Leader of the Opposition has tried to portray is that this Bill supposedly alters the balance between the Judiciary and the Executive. With due respect, Leader of the Opposition, that view does not stand up to scrutiny. The power entrusted to the Judiciary has always been at par to recommend to the Executive not to decide. That is clear in Section 9A of the Law Practitioners Act and we are not changing anything. And, when you have asked, earlier on, an amendment, let me go back to your amendment. When you have asked about the amendment to delete subclause (3) of clause 7 and to amend subclause (2) of clause 7 by deleting the word “may” and replacing by “shall”, you probably do not have adequate and proper correct legal advice, you cannot do that because if you put “shall” there, you will need to amend section 64(1) of the Constitution.

So, it cannot be entertained in any case.

(Interruptions)

Let me finish!

When you also asked for the complete deletion of subsection (3) of clause 7, which places a duty on the Chief Justice to hold the ceremony, what did you say? He said: well, the Chief Justice has to take an order from the President. Come on, that’s why we have laws. When the Chief Justice has a law, she has got to abide by it, she abides by it. It’s very simple. The law says that she shall do something. It’s not the President asking her, it is the law. And have I not heard someone say that no one is above the law, Leader of the Opposition. Of course, Madam Speaker, no one is above the law. And, when the law says so, everyone must comply, whomsoever you are.

The present Bill, Madam Speaker, keeps the tradition that the function has been shared because it never belonged exclusively to one branch, the Judiciary or the Executive. That shared arrangement is now placed in a more transparent, collective and reasoned process of recommendation. True it is, that the choice has been to broaden the Panel with the presence of the Attorney General and the presidents of the Law Society and the Bar Association. But as the Prime Minister just said, not less than four members out of seven, the absolute majority remains in the hands of the Judiciary. And, as the Prime Minister rightly stated, that number has not been plucked out of thin air, it is the fruit of consultation with the Judiciary. We have listened, we have heard, we have acted, we have amended, why? Because we wanted a broad

consensus. We are not here to impose anything, we are here to make laws that apply, that are certain and, if at all possible, in consensus. And, why would we, if it was our ill-intention to remove the power from the Judiciary, give the Judiciary four seats out of seven?

Now the other legal point which the Leader of the Opposition actually dealt with was the separation of powers. And, I think that it is necessary for me to brush on this because again, let us not forget the obvious because shrouded in political mumbo-jumbo.

Madam Speaker, the separation of powers is the foundational principle of constitutional governance. Even the Leader of the Opposition would agree with that statement. And it is designed precisely to prevent the concentration of authority in any one branch. Montesquieu thus wrote that liberty depends on keeping law making, law enforcement and law interpretation in separate hands. If one person held all three, he said that there would be an end to freedom. This tripartite balance became the cornerstone of modern democracy, as I say, the balance.

In such a system, judicial independence is paramount; we have no qualms with that. Montesquieu, later Tocqueville, both stress that judges must be free from political interference so that the law alone governs outcomes in the judicial process. We are not in a judicial process here but preserving that independence does not mean that every judicial custom is beyond reform. The separation of powers protects the functions of judging, interpreting law, resolving dispute, not every practice that has grown around the courts.

Our own jurisprudence and I quote this very often, some of you might have heard me say that – our own jurisprudence echoes this principle. In *Noordally vs Attorney General*, in 1986, the Supreme Court declared that our Constitution rests on two fundamental tenets: the rule of law and the juxtaposition of powers as opposed to a separation of powers and that was not held very lightly. There was a lot of thinking behind that because precisely there is the interlink between all three branches of the state for it to work properly. It was held in *Noordally* that it is unconstitutional for the Executive to overstep or bypass the Judiciary in its essential roles, namely protecting the citizens under the law and safeguarding fundamental rights.

Now two points need to be made here. First, what is protected is the judicial function itself. The court's ability to adjudicate independently; that is the essential role. Second, the very expression juxtaposition of powers reminds us that whilst powers are distinct, they are often in close contact; they often interreact.

The Constitution provides many such examples. We can refer to section 77 of the Constitution, Madam Speaker. When we speak of the appointment of the Chief Justice, under that section, it must be worth reminding that this is a situation where section 64(4) of the Constitution would apply. Under that subsection –

“(4) Where the President is directed by this Constitution to exercise any function after consultation with any person or authority other than the Cabinet, he shall not be obliged to exercise that function in accordance with the advice of that person or authority.”

Even therefore, the Chief Justice’s appointment involves not only a consultation with the executive but also a sole discretion given ultimately to the President which as you will recall, Madam Speaker, is as per section 31 of the Constitution part of Parliament.

All this to say, Madam Speaker, that there is therefore nothing improper, nothing sinister in the law that requires co-operation between the branches of the judiciary, the legislator and the executive.

Now let me end with the wolf. Now, the wolf is me. *Je suis le loup dans la bergerie.*

Madam Speaker : Est-ce qu’il y a un berger ?

Mr Assirvaden : Il y a un loup-garou vis-à-vis.

Mr Glover: Can we get back to some serious matters and finish with this, please? Thank you.

So, the onslaught of the Leader of the Opposition on the role of the Attorney General is totally misplaced and misconceived. Now, if we insist and I did not hear the Leader of the Opposition said the contrary, that we are talking about Senior Counsel at the inner Bar and of the taking of silk, one must also accept another British convention, namely that the Attorney General is the head of the Bar. His seat on the Recommendation Panel is therefore not a political intrusion but a matter of professional propriety. The Attorney General sits not as a partisan but as a senior law officer of the Republic bound by the same duties of integrity and independence as every other lawyer on that panel. Dare I say, I would not think that I would have been chosen in 2010 to take silk if I didn’t have these qualities.

Similarly, it is being argued that the Attorney General because he sits on the panel and also in Cabinet, that will later advise the President there would be a serious case of conflict. This view again, Madam Speaker, as a barrister, you know this, wouldn’t you? It ignores the

fact that the Attorney General as a barrister is perfectly able to know when to abstain from a discussion on account of potential conflict. It is in fact his duty to ask himself that question each and every time the question arises.

And by subsuming that I would not, there is therefore the insinuation that I do not know what is my role fundamentally as a Barrister and as an Attorney General. I am not the wolf in the *bergerie*, but I can certainly say I will continue to be the wolf in this House. A wolf guards, a wolf attacks when he is attacked and, in this case, I have had to defend myself and I apologise if I went a bit too far. But the fact to the matter is this Bill is very close to my heart and as the Deputy Prime Minister said a number of times, we have worked very hard in the last few weeks to come up with this Bill with the several intricacies that it contains. We have tried to cover all bases, we have tried to avoid gridlock, we have tried to be as open and transparent as possible, we have tried to make sure that everyone understands what we want to do.

With these words, Madam Speaker, I commend the Bill to the House.

Madam Speaker: Thank you.

Question put and agreed to.

Bill read a second time and committed.

COMMITTEE STAGE

(Madam Speaker in the Chair)

THE SENIOR COUNSEL AND SENIOR ATTORNEY BILL

(NO. XXIII OF 2025)

Clauses 1 and 2 ordered to stand part of the Bill.

Clause 3 (Eligibility for appointment as Senior Counsel or Senior Attorney)

Mr Lesjongard: Mrs Chairperson, I move for the following amendment in clause 3 –

“in clause 3, by deleting subclauses (2) and (3);”

On question put, amendment defeated.

Clause 3, ordered to stand part of the Bill.

Clause 4 (Recommendation Panel).

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Lesjongard: Madam Chairperson, I move for the following amendment to clause 4

“in clause 4 –

- (i) in subclause (3), by deleting subparagraphs (d), (e) and (f);
- (ii) by deleting subclauses (4), (5) and (11) and the existing subclauses (6) to (10) be renumbered as subclauses (4) to (8);
- (iii) in subclause (5), as renumbered, by deleting the figure “3” and replacing it by the figure “2”;
- (iv) in subclause (6), as renumbered, by deleting the figure “5” and replacing it by the figure “3”;
- (v) in subclause (9), as renumbered, by deleting the figure “3” and replacing it by the figure “2”;

On question put, amendment defeated.

Clause 4 ordered to stand part of the Bill.

Clause 5 (Conflict of interests).

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Lesjongard: Madam Chairperson, I move for the following amendment to clause 5

“in clause 5 –

- (i) in subclause (2), by deleting the words “Attorney-General” wherever they appear;
- (ii) in subclause (3), by deleting the figure “5” and replacing it by the figure “3”;

On question put, amendment defeated.

Clause 5 ordered to stand part of the Bill.

Clause 6 (Selection exercise).

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Lesjongard: Madam Chairperson, I move for the following amendment to clause 6

“in clause 6, by adding the following new subclauses and the existing subclauses (2) and (3), be renumbered as subclauses (3) and (4) –

(2) The Recommendation Panel, in the process for the appointment of Senior Counsel or Senior Attorney, shall –

- (a) cause to be published, in such manner as may be deemed appropriate, a public notice inviting expressions of interest from duly qualified legal practitioners for consideration for appointment to the rank of Senior Counsel or Senior Attorney;
- (b) shortlist and invite to appear before panel for the purpose of conducting structured interviews and any other evaluative process as may be necessary.”

On question put, amendment defeated.

Clause 6 ordered to stand part of the Bill.

Clause 7 (Appointment of Senior Counsel and Senior Attorney).

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Lesjongard: Madam Chairperson, I move for the following amendment to clause 7

–
“in clause 7 –

- (i) in subclause (2), by deleting the word “may” and replacing it by the word “shall”;
- (ii) by deleting subclause (3).”

On question put, amendment defeated.

Clause 7 ordered to stand part of the Bill.

Clause 8 (Use of honorary titles).

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Lesjongard: Madam Chairperson, I move for the following amendment to clause 8

–
“in clause 8, by deleting the word “honorary” in the headings and wherever they appear.”

On question put, amendment defeated.

Clause 8 ordered to stand part of the Bill.

Clause 9 (Cancellation of honorary title).

Motion made and question proposed: “that the clause stand part of the Bill.”

Mr Lesjongard: Madam Chairperson, I move for the following amendment to clause 9

—
“in clause 9, by deleting the word “honorary” in the headings and wherever they appear.”

On question put, amendment defeated.

Clause 9 ordered to stand part of the Bill.

Clauses 10 to 11 ordered to stand part of the Bill.

The title and enacting clause were agreed to.

The Bill, as amended, was agreed to.

On the Assembly resuming with Madam Speaker in the Chair, Madam Speaker reported accordingly.

Third Reading

On motion made and seconded, the Senior Counsel and Senior Attorney Bill (No. XXIII of 2025) was read a third time and passed.

ADJOURNMENT

The Prime Minister: Madam Speaker, I beg to move that this Assembly do now adjourn to Tuesday 28 October 2025 at 11.30 a.m.

The Deputy Prime Minister rose and seconded.

Question put and agreed to.

Madam Speaker: The House stands adjourned!

At 7.12 p.m., the Assembly was, on its rising, adjourned to Tuesday 28 October 2025 at 11.30 a.m.