



**EIGHTH NATIONAL ASSEMBLY**

**PARLIAMENTARY**

**DEBATES**

**(HANSARD)**

**(UNREVISED)**

**FIRST SESSION**

**FRIDAY 29 MAY 2026**

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

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. Mrs Marie Arianne Navarre-Marie	Deputy Prime Minister Minister of Gender Equality and Family Welfare
Hon. Shakeel Ahmed Yousuf Abdul Razack Mohamed, GCSK	Minister of Housing and Lands,
Hon. Rajesh Anand Bhagwan, GCSK	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. 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**

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**FIRST SESSION**

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**Debate No. 12 of 2026**

**Sitting of Friday 29 May 2026**

The Assembly met in the Assembly House, Port Louis, at 3.30 p.m.

**The National Anthem was played**

*(Madam Speaker in the Chair)*

**PAPERS LAID**

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

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

- (a) The Annual Report and Report of the Director of Audit on the Financial Statements of the Employees' Welfare Fund for the year ended 30 June 2025.
- (b) The Annual Report of the Probation and Aftercare Service for the financial year 2024.
- (c) The Annual Report and Report of the Director of Audit on the Financial Statements of the Independent Police Complaints Commission for the year ended 30 June 2025. (In Original)

**ORAL ANSWER TO QUESTION****RESIDENTIAL CARE INSTITUTIONS & SHELTERS FOR MINORS –  
OCCUPANCY RATE – POLICE COMPLAINTS & REPORTS**

**The Leader of the Opposition (Mr G. Lesjongard)** (*by Private Notice*) asked the Deputy Prime Minister, Minister of Gender Equality and Family Welfare whether, in regard to Residential Care Institutions and Shelters for minors, she will state the –

- (a) number thereof currently registered with her Ministry, indicating the number operated by Government and their current occupancy rate;
- (b) total number of police complaints and serious reports lodged against all such facilities since December 2024 to date, and
- (c) number of meetings held by the Inter-Ministerial Committee set up to review the situation at shelter Cap de L'Espoir, indicating whether the Committee has submitted its recommendations.

**Madam Speaker:** Yes, hon. Deputy Prime Minister, Minister of Gender Equality and Family Welfare!

**The Deputy Prime Minister:** Madam Speaker, I wish to thank the hon. Leader of the Opposition for his question that would allow me to shed light on the situation at the Residential Care Institutions (RCIs) and apprise the House on actions taken in relation thereat.

Madam Speaker, this Government remains firmly committed to ensuring that all RCIs for minors operate in a manner that safeguards the dignity, welfare, protection, and best interests of every child placed thereat.

Residential Care Institutions, as defined in the Children's Act 2020, means a non-family-based group setting, such as a place of safety for emergency care, a transit centre in emergency situations and any other short-term and long-term residential care facility, which provide care.

The Residential Care Institutions for Children Regulations 2022 under section 71 of the Children's Act 2020 provides for –

1. Registration and licensing requirements;
2. Standards relating to accommodation, care, supervision, and welfare of children;

3. Staffing and operational obligations;
4. Safeguarding and protection measures;
5. Recordkeeping requirements, and
6. Inspection, monitoring and enforcement mechanisms.

Madam Speaker, RCIs constitute permanent alternative care placements for children committed to a place of safety following a determination of the court. The objective of RCIs is to provide children who cannot remain in parental care with a safe, stable, and protective environment. Residential care is not merely accommodation. It encompasses protection, rehabilitation, supervision, emotional support, education, and preparation for reintegration into society. Children placed in residential care often present complex emotional and development needs requiring specialised care, trained caregivers, and coordinated interventions. The purpose of residential care is to ensure that children who are victims of abuse, neglect, abandonment, or severe family difficulties are protected from further harm while receiving appropriate care and support.

Madam Speaker, section 5(b) of RCIs for Children Regulations 2022 stipulates that State-owned residential care institution for children shall be exempted from registration under these regulations. My Ministry carries out regular inspections, monitoring exercises, and follow-up actions to ensure compliance with prescribed standards. Where shortcomings are identified, appropriate corrective measures are initiated in accordance with the law and established procedures.

Madam Speaker, with regard to part (a) of the question, I am informed that, as at date, seven Residential Care Institutions are duly registered under the Residential Care Institutions for Children's Regulations 2022. In addition, one is managed by the National Children's Council (NCC) which operates under the aegis of my Ministry.

With regard to occupancy, the current occupancy rate across the only Government-operated residential care facility for boys, Residential Care Institution Cap l'Espoir, stands at 80% – 24 out of a maximum capacity of 30.

Madam Speaker, the occupancy levels and the composition of the child population in RCIs are not static. Children enter and leave residential care in accordance with court orders, case management decisions, and the availability of family-based or community-based alternatives. Periodic review of placement in all RCIs is undertaken on a weekly basis.

With regard to part (b) of the question, I am informed by the Commissioner of Police that since December 2024 to date, a total of 34 police complaints has been lodged in relation to RCIs for minors registered with my Ministry. I wish to draw the attention of the House that each report is subject to due process, whether through administrative inquiry, police investigation, or regulatory review.

My Ministry cooperates fully and without reservation with all relevant authorities. However, the volume of reports emanating from Cap l'Espoir, in particular, reflects a pattern of institutional difficulty that started long before I took office. The previous Government, regrettably, has not been able to redress the situation.

With regard to part (c) of the question, I wish to inform the House that on 01 June 2025, my Ministry was informed that three minors absconded from the RCI Cap l'Espoir. They were found and brought back to the RCI institution. They appeared disoriented and had reddish eyes. They were conveyed by the staff of the RCI to SSR National Hospital, where, after examination, they were admitted. A rapid drug test was conducted, revealing positive results for cannabis in two children, while the third child was tested negative.

In view of the seriousness of the matter, I instituted an internal inquiry. Consequently, in order to prevent interference with evidence and intimidating the minors, six caregivers, who were on duty at the material date and time and who were directly responsible for the care of these minors, were suspended on 09 January 2026.

Government took note of the situation at shelter Cap l'Espoir at Cap Malheureux, which was reopened on 05 December 2025, with new amenities and programmes designed to strengthen a child-centred approach. A Shelter Manager was appointed on 05 December 2025 and he resigned on 20 January 2026.

Following a request from the Chief Government Whip, a delegation of Members of the National Assembly visited the Residential Care Institution Cap l'Espoir on 29 December 2025. Thereafter, Cap l'Espoir encountered repeated difficulties, disrupting its operation. Several incidents have been reported. The prevailing situation has resulted in persistent caregiver shortage, which compromises supervision and safety. Officers of my Ministry, including Psychologists, have conducted counselling sessions to address behavioural issues, trauma, and substance abuse, and a 24/7 police presence was provided.

In light of the above, it was decided that an Inter-Ministerial Committee, comprising representatives of relevant Ministries, would be set up to review the whole situation,

including proposed amendments to the Children's Act of 2020. Given the complexity of the issues identified and the emerging challenges being encountered by multiple stakeholders engaged in the assessment procedures involved, rehabilitation, reintegration, and reinsertion of Children with Serious Behavioural Concerns (CSBC), an Inter-Ministerial Committee has been set up, co-chaired by the Attorney General and myself. The Minister of Education and Human Resource was later roped in, and the Ombudsperson for Children was co-opted. The objective of the Committee was to come up with concrete solutions in addressing the existing gaps concerning children with serious behavioural concern and those in conflict with the law.

The Committee also comprised the Chief Government Whip, the hon. Ms Stephanie Anquetil, the hon. Dr. Ms Babita Thannoo, Member of the National Assembly, representatives of the Office of the DPP, the Probation Office, the Police, as well as officers of my Ministry and that of the Prime Minister's Office.

As at date, four meetings have been held. A first meeting was held on 04 February 2026, at which the stakeholders present were requested to submit proposals aimed at addressing loopholes in the current legislative framework, policies, and infrastructural arrangements.

On 10 March 2026, a second meeting was held to take stock of the proposals received. Given the complexity of the issues, the Committee considered it more appropriate to establish two distinct sub-committees – one dealing with matters involving CSBC and the second one regarding children in conflict with the law, in order to undertake an in-depth analysis of the submissions made by all stakeholders concerned.

A third meeting of the main Committee was held on 29 April 2026, to which the hon. Minister of Education and Human Resource, as well as the Ombudsperson for Children were invited. During that meeting, it was agreed that there was an urgent need for an infrastructural facility specifically designed to cater for CSBC, separate from children who are in conflict with the law. Thus, consideration would be given to the requisite rehabilitation youth centre infrastructure and trained staff being dedicated to an institution which would centralise service delivery for CSBC.

Madam Speaker, a fourth meeting of the committee was held on 21 May 2026, and it was proposed that an interim report be drafted and Government be apprised of the work conducted by the committee.

Madam Speaker, since I took office in November 2024, I initiated the creation of a structured and inclusive governance model for Cap l'Espoir. A steering committee has been established, which meets on a monthly basis, comprising officers of my Ministry, two representatives among the caregivers, and children, as well as, staff of the National Children's Council. This goes beyond cosmetic change and builds a platform for accountability, collaborative solution finding, and the identification of problems of a more challenging nature that may arise.

I can reassure the House that this structure has resulted in several positive changes, most notably, the lines of communication between the management and the staff have been significantly improved. Certain operational processes have been reviewed and enhanced. My Ministry conducted a dedicated training programme in collaboration with an NGO in November 2025 for the upskilling of care staff.

I must express my honest opinion. The children, who are the focus of our attention, deserve much more than the disgraceful low level of interest and enthusiasm demonstrated by some staff members during the training. Some staff members' attitude towards such training in this highly important field is extremely worrying. My Ministry regularly communicates with the General Workers Federation (GWF), which represents some of the caregivers employed at the RCI. We meet often and share information with the Federation. The stance of the National Children's Council is to protect caregivers' jobs and work in close collaboration with them.

Madam Speaker, there has been a deliberate pattern in this RCI. It has been observed that some caregivers have developed a clan-like behaviour, which leads to manipulation of children, resulting in uncontrollable disruptive behaviour. This type of behaviour is irreconcilable with child care standards and the profession's ethics and goes against the overall objective of child care. I wish to highlight that most of this Residential Care Institution staff have political affiliation, which seriously compromise the smooth running of the institution.

Madam Speaker, following the resignation of Mr S.B., Shelter Manager of Cap l'Espoir, on 20 January 2026, urgent measures were required to ensure continuity of the operations of the RCI. All Assistant Child Programme Officers (ACPO) were formally asked whether they would accept to act in the interim, and only Mrs S.M. together with two Assistant Child Programme Officers, Mrs N.B. and Mrs M.M. as support officers, accepted to

assume responsibility. The Board of the NCC approved these interim appointments on 12 January 2026.

On 20 April 2026, Mrs S.M. stepped down due to health reasons, and the two support officers also, subsequently, stepped down. The Board of the NCC approved the assignment of Mrs B.S. as Acting Shelter Manager and the support officers on the 23 April this year.

In the light of the persistent management challenges, my Ministry has, on several occasions, launched Expressions of Interest, inviting NGOs to take over the management of Cap l'Espoir.

I regret to inform this House that none of these exercises have been responsive. My Ministry has thus launched another Expression of Interest on 12 May 2026 with closing date on 12 June 2026.

I thank you.

**Madam Speaker:** Yes, your first question!

**Mr Lesjongard:** Yes, Madam Speaker, I understand the situation is quite important. The hon. Deputy Prime Minister has taken more than 20 minutes in her reply. I hope you will give me enough time to put my supplementary questions.

**Madam Speaker:** Of course!

**Mr Lesjongard:** Thank you, Madam Speaker.

Can the hon. Deputy Prime Minister inform the House whether the Inter-Ministerial Committee has identified any proposed amendments to be brought to the Children's Act? If yes, can she inform the House of the proposed amendments?

**The Deputy Prime Minister:** Madam Speaker, as I explained in the answer, there is a committee which has been set up. There is a report which is being prepared. The report will be submitted to Cabinet, and then we can give instructions to the State Law Office to whatever amendments need to be made to existing legislations.

**Madam Speaker:** Yes, your second question!

**Mr Lesjongard:** I hope the Deputy Prime Minister is aware of the urgency of the situation, Madam Speaker.

**The Deputy Prime Minister:** Yes, I am.

**Madam Speaker:** I cannot hear you well!

**Mr Lesjongard:** I said I hope that the Deputy Prime Minister is aware of the urgency of the situation, Madam Speaker.

Can the hon. Deputy Prime Minister inform the House where matters stand concerning the transfer of the Rehabilitation Youth Centre from the purview of the Prime Minister's Office to her Ministry?

**The Deputy Prime Minister:** Madam Speaker, this is still being discussed. As I said, this will form part of the decisions, of the recommendations made by the Inter-Ministerial Committee, which will be submitted to Cabinet shortly.

**Madam Speaker:** Yes, third question!

**Mr Lesjongard:** Can the hon. Deputy Prime Minister assure the House that every minor, currently accommodated in Government shelters, is subject –

- (i) to regular risk assessment and independent monitoring, and
- (ii) an individualised care plan to guarantee their physical safety, psychological well-being and protection from harm?

Can you confirm that?

**The Deputy Prime Minister:** Yes, they are.

**Mr Lesjongard:** Ah, let me come to the next question then, which is related to Shelter Cap l'Espoir. Can the hon. Deputy Prime Minister confirm whether any reports have been received regarding minors at the Shelter Cap l'Espoir having been tattooed while in care, and if so, will she inform the House what protocols are in place, and what measured measures have been taken to investigate same?

**The Deputy Prime Minister:** Madam Speaker, I am informed that on 10 May 2026, at approximately 16:00 hrs, a caregiver reported by text message that certain residents appeared to have tattoos on their hands. Immediate follow-up was undertaken at Shelter Cap Malheureux. Upon arrival, caregivers confirmed observation of a tattoo on a minor. Questioning of residents in the elder boys' section revealed five minors with tattoos. Additional information indicated that some minors had also tattooed themselves, while one had refused to be tattooed. Residents stated that the tattoos were made voluntarily and confirmed use of a shared needle.

Actions taken –

- Caregivers accompanied the five residents to SSRN Hospital for immediate medical assessment. Rapid tests were conducted. All results were negative.
- On 11 May 2026, some minors underwent rapid testing at Goodlands Mediclinic. Results were negative. These minors had initially resisted testing.
- On the same day, four residents underwent blood withdrawal at SSRN Hospital and were referred to Candos Hospital for further testing.

The current status is as follows –

- All residents concerned are reported to be in good health.
- No illness has been detected to date.
- Police inquiry is ongoing.

**Madam Speaker:** Yes!

**Mr Lesjongard:** This is a very serious matter. Can the hon. Deputy Prime Minister confirm whether her Ministry has established protocols governing medical examinations, including blood test for minors in such situations?

**The Deputy Prime Minister:** I have already answered that question, Madam Speaker.

**Madam Speaker:** Yes !

**Mr Lesjongard:** Pourrais-je demander à l'honorable vice-Première ministre combien d'enfants fréquentent actuellement l'école? Parce que selon certaines informations recueillies, il y a pas mal d'enfants qui ne sont pas scolarisés.

**The Deputy Prime Minister:** Selon mes informations, Madame la présidente, tous les enfants sont scolarisés.

**Mr Lesjongard:** Can the hon. Deputy Prime Minister confirm to the House if Police Officers maintain a permanent presence within the shelter? And may I ask her whether she finds that normal?

**The Deputy Prime Minister:** Madam Speaker, this is a very good question because we have discovered that the security at the gate was not very effective. So, we have to have recourse to Police Officers to guard the gate. This morning, we have addressed a correspondence to the security company to change the present security guard and replace him.

**Madam Speaker:** Yes! I am not keeping count, but go ahead!

**Mr Lesjongard:** Can the Deputy Prime Minister then confirm that the permanent presence of Police Officers inside a children's shelter reflects a serious institutional failure?

*(Interruptions)*

**The Deputy Prime Minister:** Madam Speaker, we have to look at the security and safety of the children. As I have just explained, ...

*(Interruptions)*

**Madam Speaker:** *Chut!* I cannot hear her!

**The Deputy Prime Minister:** ... the company, which ensures the safety of the children, has proved to be ineffective. We have written to them. But meanwhile, for the safety of the children, we have to have recourse to Police Officers.

**Madam Speaker:** Your next question!

**Mr Lesjongard:** Yes, Madam Speaker. Following reports of food safety concerns at the shelter, including spoiled food items served to minors in early May, can the hon. Deputy

Prime Minister confirm whether a formal enquiry was conducted, and what are the measures which have been implemented to improve the situation?

**The Deputy Prime Minister:** Madam Speaker, I think that last week, I answered a question following a PQ put by hon. Ms Anquetil with regard to mould bread which was served to children.

An enquiry has been conducted. It avers that the cook stated that she did not find that the food was not appropriate because there was not enough light in the kitchen. The officers went there and found that this was not true. The cook was immediately removed and was replaced by another one. I must say that the officers of the Ministry of Health come regularly at the shelter to check the health protocol.

**Madam Speaker:** Yes!

**Mr Lesjongard:** May I put that question to the hon. Deputy Prime Minister: whether she can confirm to the House whether the personnel responsible for food preparation hold the relevant certifications and have received training on food hygiene standards?

**The Deputy Prime Minister:** I must check that information, Madam Speaker.

**Madam Speaker:** Alright, good. Yes, hon. Leader of the Opposition.

**Mr Lesjongard:** Yes, thank you, Madam Speaker. Can the hon. Deputy Prime Minister inform the House which categories of officials or authorised visitors are permitted to interact directly with minors in those shelters, and whether there are requirements with regard to vetting and training?

**The Deputy Prime Minister:** Madam Speaker, whenever someone wants to visit the shelter, a formal letter has to be sent to the Ministry. The letter is examined by the PS, and the authorisation to visit the shelter is given or not given.

**Madam Speaker:** Yes!

**Mr Lesjongard:** Yes, Madam Speaker. Can the hon. Deputy Prime Minister then confirm whether any senior political appointee or adviser her Ministry has engaged in direct interaction with minors at Shelter Cap L'Espoir?

**Madam Speaker:** Yes, hon. Deputy Prime Minister.

**The Deputy Prime Minister:** Madam Speaker, any officer authorised by the Ministry, by the PS, can interact with the children in the shelter.

**Madam Speaker:** I am sorry. Can you answer the question?

**An hon. Member:** *Fini repon!*

**The Deputy Prime Minister:** Just answered.

**Madam Speaker:** Alright.

**Mr Lesjongard:** The answer is positive, Madam Speaker. Then, can the hon. Deputy Prime Minister outline the professional qualifications, the child protection training or relevant expertise that authorise such engagement and whether these interactions were recorded or logged in accordance with the shelter's safeguarding policy?

**Madam Speaker:** Yes, hon. Deputy Prime Minister!

**The Deputy Prime Minister:** I need notice of the question.

**Madam Speaker:** Okay. The hon. Chief Whip is asking for a question.

**Mr Lesjongard:** Please, of course.

**Ms Anquetil:** Je vous remercie, Madame la présidente. L'adjointe au Premier ministre pourrait-elle indiquer à la Chambre quelles mesures correctives et immédiates ont été prises afin de démanteler les clans au sein du personnel du Shelter Cap L'Espoir auquel elle a fait référence la semaine dernière dans cette Chambre sur ma question. Je vous remercie, Madame la présidente.

**The Deputy Prime Minister:** Madame la présidente, une enquête est actuellement initiée par le ministère et les actions appropriées vont être prises.

**Madam Speaker:** *D'accord.* You have got one more?

**Mr Lesjongard:** *Vont être prises.* Let me come to my next question, Madam Speaker. In December...

**Madam Speaker:** I am giving you more time.

**Mr Lesjongard:** Yes, thank you, Madam Speaker.

In December 2025, the hon. Deputy Prime Minister indicated to the House that solutions would be found to stabilise the shelter. We are now in May, and the situation has gone from bad to worse, Madam Speaker. Can the hon. Deputy Prime Minister confirm to the House when will sustainable reforms be implemented for that shelter?

**An hon. Member:** *Pe gete la!*

**The Deputy Prime Minister:** Madam Speaker, I do not agree at all that the situation has come from bad to worse. We are doing all that we can to ensure that things go smoothly in the shelter, and I am satisfied that things are getting better.

In spite of the fact that there are clans. As I said, there is an inquiry which has been initiated by the Ministry on these caregivers who are manipulating the children. And measures will be taken; actions will be taken as appropriate.

**Ms J. Bérenger:** When? When?

**Mr P. Bérenger:** *Li deza kone ... pe manipile...*

**Mr Lesjongard:** May I put my last question, Madam Speaker?

**Mr Etwareea:** *Si pena kestion, assize!*

**Mr Lesjongard:** Since the hon. Deputy Prime Minister stated that the children were consuming drugs in that shelter – maybe I will ask it differently – is she aware that they are also consuming synthetic drugs in that shelter?

**The Deputy Prime Minister:** Madam Speaker, each and every time there is suspicion that there is a child who is consuming drugs or whatever illicit products, immediately, the child is taken to hospital for appropriate tests. I can assure the House of this.

**Madam Speaker:** Yes, hon. Ms Anquetil!

**Ms Anquetil:** Je vous remercie, Madame la présidente. Dans sa réponse, l'adjointe au Premier ministre a indiqué tout à l'heure que la NCC gère le Shelter Cap L'Espoir.

*(Interruptions)*

**Madam Speaker:** *Chut!*

**Ms Anquetil:** Pourrait-elle indiquer à la Chambre si elle est satisfaite de la performance et du leadership de l'officier en charge de la NCC? Je vous remercie, Madame la présidente.

**Madam Speaker:** Yes, hon. Deputy Prime Minister!

**The Deputy Prime Minister:** Madame la présidente, je ne peux pas donner une opinion. C'est une question d'opinion.

**Madam Speaker:** Okay. Time is up! Thank you very much. Yes, hon. Prime Minister.

## 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) of Standing Order 10.

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

*Question put and agreed to.*

## PUBLIC BILL

*Second Reading*

### THE CONSTITUTIONAL REVIEW COMMISSION BILL

**(No. VI OF 2026)**

*Order read for resuming adjourned debate on the Constitutional Review Commission Bill (No. VI of 2026).*

*Question again proposed.*

**Madam Speaker:** Yes, hon. Third Member for Grand Baie and Poudre d'Or!

(4.08 p.m.)

**Mr R. Etwareea (Third Member for Grand' Baie & Poudre d'Or):** Voyez-vous, Madame la présidente...

**Madam Speaker:** Attendez! *Quietly please!*

Okay, go ahead hon. Etwareea, please.

**Mr Etwareea:** Voyez-vous, Madame la présidente, nous sommes devenus indépendants en 1968.

**Madam Speaker:** Voilà, parlez un petit peu plus fort.

**Mr Etwareea:** Vous aimeriez que je recommence ?

**Madam Speaker:** Non, non, allez-y mais faites un effort.

**Mr Etwareea:** Et depuis, vous-même, vous avez été témoin d'un certains nombres d'amendements de notre Constitution. Je vous donne trois –

1. En 1982, lorsque le gouvernement MMM/PSM rend les élections générales obligatoires tous les cinq ans ;
2. 1992, lorsque nous abandonnons le statut de monarchie constitutionnelle pour devenir une République souveraine, et
3. 2001, lorsque Maurice accorde l'autonomie à Rodrigues.

Au total, depuis 1968, il y a eu une vingtaine d'amendements techniques et politiques. Ce que nous abordons aujourd'hui, est un chantier d'une toute autre ampleur. Je salue donc l'initiative de l'honorable Premier ministre de vouloir moderniser notre Constitution. Avec la *Constitutional Review Commission Bill*, elle respecte une promesse électorale de l'Alliance du Changement de consolider notre démocratie et nos institutions démocratiques. Ce n'est pas encore la réforme, - cela viendra - c'est l'étape qui permet de dire : voilà ce qui doit changer, pourquoi et comment.

Ce que le projet de loi propose ne concerne pas seulement le gouvernement en place, il coule dans le bronze les principes fondamentaux qui vont guider les futurs gouvernements aussi dans leurs actions. Ce n'est pas une initiative partisane mais place la gouvernance du pays dans les giron du respect des uns et des autres.

Madame la présidente, nous saisissons aujourd'hui une belle opportunité. Les dernières élections ont donné à cette législature la majorité nécessaire pour apporter les changements fondamentaux dans la façon dont nous voulons conduire notre vie politique, économique, sociale et culturelle. Ce gouvernement fonce dans le même sens. Le projet de loi présenté par l'honorable Premier ministre définit clairement les champs d'intérêt pour les futurs amendements. Les orateurs qui m'ont précédé ont déjà parlé beaucoup. Je ne vais donc pas parler de la consécration du principe de la liberté d'expression avec un *Freedom of Information Bill* à la clé, ce qui est une avancée démocratique majeure.

Il ne s'agit pas d'un cadeau à ce métier d'informer mais simplement de créer les conditions dans lesquelles les journalistes et les gens qui travaillent avec l'information peuvent exercer leur métier y compris avoir l'accès à l'information. Je ne vais pas parler de la création d'une commission qui serait chargée de nommer des dirigeants à des fonctions stratégiques. Une telle instance, si elle fonctionne bien, assurerait la nomination des personnes crédibles, qualifiées, compétentes, propres à des postes de responsabilités. Je ne vais pas parler du droit de rappel des élus, la disqualification en cas d'abus de confiance.

Madame la présidente, je ne vais pas parler de l'idée de mettre fin au transfugisme au sein de notre Parlement ; ce phénomène détestable qui a fait fi de la volonté des électeurs à maintes reprises. Je ne vais pas parler d'un éventuel mode d'élection du président par un collège électoral qui garantira que ce premier personnage de l'État n'est pas assouvi à aucun parti politique, ce qui va évidemment dans le bon sens. Je ne vais pas parler non plus de la possibilité d'ouvrir la voie à des recours collectifs devant la justice, ce qui est une excellente chose.

Ce dont je vais parler ici, c'est pourquoi tout d'un coup la révision de la Constitution est devenue importante et pressante. Ils sont nombreux nos compatriotes qui accueillent cette initiative avec un certain scepticisme. Cette réserve a une cause – la lassitude. On a eu des commissions dans le passé, des consultations et des rapports qui dorment dans les tiroirs et dans la vie quotidienne, les gens attendent encore de soulagement sur le coût de la vie, l'accès à la justice, l'accès au logement, il faut respecter cette lassitude qui est légitime.

Madame la présidente, cette lassitude, ce n'est pas seulement ce sentiment que ça ne marche pas. C'est aussi l'idée que rien ne peut marcher, que tout le système est pourri, que seul le langage possible est la dénonciation permanente. Nous devons des réponses à ces inquiétudes en disant que l'ancrage de notre pays dans un modèle démocratique est une exigence. Il faut faire comprendre à nos concitoyens que nos libertés, nos droits de vote, notre liberté d'expression, notre droit à la justice, l'égalité des chances, tous garantis par une constitution renforcée sont tous aussi importants que le droit à l'alimentation, à l'éducation, au logement, au travail, à la sécurité, à la protection.

Madame la présidente, la frustration fait le lit aux dérives autoritaires. Une constitution renforcée après l'exercice qui a commencé l'autre jour, une constitution renforcée y fera barrage aux élections générales de 2024. Nos compatriotes ont dit non aux violations diverses de nos libertés par l'ancien régime. Durant la période 2014 à 2024, ils en ont pris plein l'apport – élection renvoyée, journalistes arrêtés pour la moindre critique, télévision nationale devenue *'His Master's Voice'*, réseaux sociaux sous surveillance pour faire taire ses opposants. L'ancien régime a même eu recours au *drug planting* accusant des innocents de trafic.

Les Tonton Macoute et les barons de la drogue faisaient la loi. Le cahier des charges de la commission qui proposera la modernisation de notre constitution abordera heureusement l'idée d'instituer une division spéciale au cours de la Cour Suprême pour traiter les violations des droits de l'homme, l'idée étant de mettre un frein définitif aux abus.

Madame la présidente, il faut prendre les dérives autoritaires au sérieux. Les tendances sont bien marquées – non seulement, on l'a vu avec l'ancien régime – dans le monde, ça n'arrive pas qu'aux autres. Selon L'Institut V-Dem de l'Université de Göteborg, la régression globale de la démocratie est évidente. 74 % de la population mondiale, soit 6 milliards de personnes vivent désormais sous un régime autocratique.

Madame la présidente, puisque le projet de loi présenté par l'honorable Premier ministre que nous discutons maintenant, donne une marge de manœuvre à la commission de faire d'autres propositions d'amendement pour moderniser, renforcer la constitution, je souhaite ici en faire deux. Le premier est politique. Il faut faire barrage au populisme. Le phénomène gagne la planète entière et il y a des populistes comme Donald Trump qui arrivent au pouvoir avec des conséquences que nous connaissons. En France, le Rassemblement National se trouve à la porte de l'Élysée. Au Royaume-Uni, le Reform Party

de Farage vient de faire des ravages aux récentes élections régionales. En Allemagne, l'AfD gagne dangereusement du terrain.

Chez nous aussi, les populistes sont à l'œuvre. Le populisme attaque les piliers de la démocratie. Il remplace l'argument par l'invective, il remplace la procédure par l'urgence, il remplace la responsabilité par les coups de gueule. Le risque, c'est de sortir du jeu démocratique pour entrer dans une logique de confrontation permanente et une société qui ne peut pas réviser ses règles en commun est une société qui se fracture. La nouvelle constitution sur laquelle nous allons travailler maintenant devrait faire barrage à ceux qui promettent monts et merveilles.

Le populiste donne des faux espoirs en faisant des promesses qui ne sont pas réalisables et se nourrit de la haine et de la négativité. Le populisme chez nous, Madame la présidente, c'est le mauvais procès d'intention de la part de l'une qui voit l'honorable Dr. Ramgoolam président à vie. Le populisme, c'est d'entendre un autre promettre de revenir en arrière avec la réforme du système de pension universel à l'encontre de tout bon sens. Le populisme, c'est distribuer de l'argent qu'on n'a pas. Le populisme, c'est de voter une loi hier et de ne pas l'assumer aujourd'hui sur fond de rancœur. Le populisme, c'est il n'y a qu'à.

Madame la présidente, ce n'est pas de la bonne guerre car le populisme est destructeur. Je suis effaré de constater une réaction populaire tout récemment, de constater la négativité qui prévaut dans le pays. Il y a 2 semaines, la *Central Water Authority* a annoncé un plan d'amélioration de distribution d'eau à hauteur de R2,9 milliards. Quelle bonne nouvelle ! D'autant plus que les travaux ont lieu dans ma circonscription. Je suis encore effaré de noter la négativité autour de cette initiative qui entend résoudre le problème d'eau que nous connaissons dans le nord et c'est grave. Il y a même une personne qui assume des responsabilités qui a osé dire *eski robinet pou en or*.

Ma deuxième proposition, Madame la présidente, concerne l'économie. Dans un passé très récent, l'honorable Premier ministre en a parlé la semaine passée. Nous avons vu les excès en matière de dépenses publiques et nous sommes là vraiment endettés jusqu'au cou. C'est criminel d'emmener le pays jusque-là. C'est criminel dans la mesure où une telle extravagance met en péril non seulement la population du jour mais compromet aussi les générations futures. Nous savons comment la dette publique est passée de 58 % du PIB en 2014 pour atteindre un taux faramineux de 89% en 2024. C'est du danger public. Je plaide,

Madame la présidente, pour une clause constitutionnelle, frein à l'endettement pour fixer un taux maximal de 60 %, ce qui nous obligera à ne pas vivre au-dessus de nos moyens.

Madame la présidente, réformer, moderniser la constitution, c'est un acte de responsabilité comme dit le Premier ministre. Merci.

**Madam Speaker:** Je vous remercie, surtout d'avoir respecté le temps.

Hon A. Duval!

(4.21 p.m.)

**Mr A. Duval (Fourth Member for Port Louis North & Montagne Longue):** Thank you, Madam Speaker.

Madam Speaker, constitutional reform is far too important to become another endless consultation exercise. Another report gathering dust in a drawer or merely another public relation exercise. There is a famous saying, Madam Speaker: 'If you want to bury an issue, appoint a commission.' Another says: 'Nothing is more permanent than a temporary commission'. Madam Speaker, that is precisely why there is, today, a legitimate concern that many have that this unfortunately may be the case.

Why is that, Madam Speaker? Because this Government was elected with an overwhelming majority, with a historic mandate, clear and unequivocal promises being made on constitutional reform. The Government Programme itself, Madam Speaker, promised constitutional reform within six months of the elections. Yet, one and a half years later, we are still here discussing the modalities of a commission.

Madam Speaker, the issue is, therefore, not whether constitutional reform is necessary. That is! We know it. Nor is it whether some constitutional reforms genuinely require deep consultations, expert constitutional reflection, and broad national participation. They absolutely do, Madam Speaker. The Constitution is sacred. It is the backbone of our republic in many respects. It is as fundamental to a nation as a birth certificate is to an individual.

Madam Speaker, credit must be given where credit is due. Constitutional reform should never be brought behind the back of the electorate through disguise or without democratic legitimacy and broad national consensus. When dealing with difficult and complex constitutional questions, the most democratic approach is often to appoint a constitutional review commission, to hold public hearings, to engage in broad consultations and to have

meaningful participation at a national level. We are not the first country, however, to choose this path to constitutional reform.

Madam Speaker, the real issue is: will this commission become a genuine mechanism for constitutional reform or merely a mechanism for constitutional delay? That is a valid question. Without strict deadline, without a stage implementation roadmap, without mandatory interim reporting, given the broad status that has been given, section 4, and without clear implementation objectives, then, there is a risk, Madam Speaker, that the process simply drifts indefinitely. That is not theoretical.

Mauritius has seen, Madam Speaker, its fair share of commissions, reports, consultations, and reform exercises which ultimately produce little to no concrete implementation. I think here, in particular, of the countless recommendations made by the Truth and Justice Commission, which for many years now have largely remained in the drawer without any meaningful implementation. This is precisely why, Madam Speaker, timelines, interim reporting, and clear reform objectives are absolutely essential.

The terms of reference under section 4 are extraordinarily broad, Madam Speaker. No country embarking on serious constitutional reform has left such a process so entirely open-ended. In fact, when we examine the comparable constitutional reform processes across the Commonwealth, virtually, all of these countries had imposed strict timelines upon their own respective constitutional review commissions.

For example, Madam Speaker –

- Australia embarked on a complete constitutional review and had set two and a half years as a deadline;
- Barbados: six months for its parliamentary reform and 15 months for its constitutional reform;
- Tanzania, The Gambia: 18 months for deep constitutional reforms;
- Kenya: 12 months.

Madam Speaker, Mauritius should not become the exception. This is why, Madam Speaker, I humbly suggest three things –

- (1) that there is an interim report dealing with the less complex reforms within the next three to six months;

- (2) Then, after that, a periodic interim report if necessary, and finally
- (3) the most important, a final report within a maximum of 18 months as from the inception of the commission so as to allow government, Madam Speaker, to finalise draft constitutional amendments by the end of next year and bring constitutional amendments to Parliament at latest mid-2028. Otherwise, there is a risk that this entire process ultimately produces nothing more than a PR exercise.

Once the commission has completed its work, Madam Speaker, in my opinion, it no longer has a *raison d'être*. It should become *functus officio*, stand dissolved thereafter. Otherwise, this commission would risk becoming yet again another permanent institution with no clear end point, no meaningful implementation outcome, a money pit for endless wastage of public funds.

Madam Speaker, in my view, there are two different categories of reform to be brought in section 4 when we look at the objects of section 4. Some reforms genuinely require deep constitutional reflection, expert consultations, and broad national consensus. Others are already mature, already been studied and are capable of implementation immediately in the very short term.

That is why I believe, Madam Speaker, that this Bill is making a fundamental mistake because section 4, as it stands, throws everything together in one enormous constitutional basket which risks paralysing reforms which could and should be implemented rapidly. The longer-term reforms, Madam Speaker, include, for example, reform of our electoral system to introduce proportional representation, more equitable delimitation of constituencies, the right to recall, anti-defection provision, political financing, strengthening of safeguards of the electoral process. These, I believe, fall in the category of the long-term reforms.

These also include the review of the DPP and of the institution, new generation rights, the rights of nature, environment, ecological rights, the enshrinement of the values of peace, justice and liberty, all of that, freedom of information, in my view, are complex constitutional questions affecting the very architecture of the State itself. Therefore, they would justify the serious consultations, the expert constitutional work, the comparative analysis and the broad national participation.

*Une commission pour étudier sérieusement et en profondeur ces questions, tant mieux, Madame la présidente.* But other reforms do not justify years of endless consultation. Some reforms are already mature, widely discussed and capable of parallel legislative

implementation immediately. Those include the creation of the new Court of Appeal and a constitutional division of the Supreme Court, the stronger protections for fundamental rights, the strengthening of the constitutional right to privacy, the senior official appointments committee, the disability protection and inclusion, the mandatory holding of local elections and the reforms to the Public Appeal Bodies Tribunal. In my view, three to six months would be more than sufficient for the commission to issue, albeit on an interim basis, a report on those.

Madam Speaker, let me begin now with the judiciary. The Government Programme states at paragraph 58: ‘A superior Court of Appeal as recommended in Lord Mackay's report will be established.’ However, when you read Section 4 (k) of this Bill, it merely refers to the creation of a Court of Appeal within the Supreme Court, and there is a huge difference. This is not at all what Lord Mackay had proposed. He proposed a distinct, independent, institutionally separate Court of Appeal, with its own judges and its own staff. Why? To strengthen judicial independence, to reinforce public confidence in the judiciary, and to improve the quality and consistency of appellate decisions.

Lord Mackay, himself, observed that the present system, where judges frequently hear appeals against decisions of their colleagues within the same court structure, could create at least the perception that judges may consciously or unconsciously stand by each other. These are not my words. These are Lord Mackay's words. Therefore, Madam Speaker, Government, whether it genuinely intends or not to implement Lord Mackay's recommendation, here what it is doing, it is bringing merely a diluted version of it because the wording that has been chosen, “within”, as opposed to “superior”, makes all the difference.

As regards the proposed Constitutional Division, I fully agree, Madam Speaker, that it should ideally derive its authority directly from the Constitution itself, unlike ordinary divisions of the Supreme Court, as we have today. But both reforms, Madam Speaker, should not simply be buried within a constitutional process that may last years on years and should be taken swiftly.

Madam Speaker, the right to privacy. As regards the strengthening of constitutional right to privacy as it stands under Section 9 of the Constitution, it is now more than urgent and necessary – more than ever – to come with appropriate protection and to now encompass communications, personal data, and digital privacy rights. But what is equally important and

urgent for Government, Madam Speaker, is to proceed in parallel, right now, with specific legislation regulating State surveillance, interception of communication, monitoring powers, and criminal sanctions, and that is the very important part, for misuse and abuse thereof.

Most Commonwealth jurisdictions, Madam Speaker, already have such legislations in place. I said it last time, in the UK, the Investigatory Powers Act 2016. In other countries of the Commonwealth, small islands like Mauritius, like Jamaica, Barbados, Saint Lucia, Trinidad and Tobago, Saint Kitts and Nevis, you have the Interception of Communications Act. Mauritius should not lag decades behind and now is more than ever important to do so.

Madam Speaker, provisional charges. The daily abuse by investigative authority of the system of provisional charges remains one of the greatest injustices affecting ordinary citizens of this country. The system of arrest first, investigate later, cannot continue indefinitely. There are reportedly, Madam Speaker, up to 205,000 ongoing inquiries by the Police as at 30 June 2025 – unresolved inquiries, according to the Director of Audit – many of whom have laid provisional charges upon accused parties who have seen their rights of movement restricted, travel bans, and mandatory reporting obligation to police stations being imposed upon them.

Many persons, Madam Speaker, remain provisionally charged for years without resolution. I, myself, have a PQ on this issue coming next Tuesday, addressed to the Attorney General. The Police and Criminal Justice Bill, promised by this Government, which has been collecting dust since 2012, can no longer sit in the AG's drawer.

Madam Speaker, the electoral reform. One of the most sensitive constitutional issues. Ever since independence, successive governments have repeatedly promised deep electoral reforms, and I fully accept that broad consultation is necessary. The Bill refers to political financing, anti-defection provisions, right to recall, strengthening of powers and independence of the Electoral Commissioner. It remains silent, however, on other central pillars of the reform. In his speech, the hon. Prime Minister did refer to proportional representation and to the electoral reform but those appear nowhere in the Bill, Madam Speaker. And these matters are far too important to remain vague or merely implied.

There are also other fundamental issues that need to be taken, that of a fairer, more balanced, and more equitable delimitation of constituencies in terms of geographical size and

voter population. That issue has received very little attention so far, yet it is an essential component of any serious electoral reform.

Madam Speaker, the DPP's independence. I appreciate the words of the hon. Prime Minister on the role played by the leader of the PMSD in defending the independence of the Office of the DPP. History cannot be rewritten, Madam Speaker. Sir Gaëtan Duval himself knew perhaps, more than anyone else, the dangers that arise when prosecutorial powers fall under the political influence and control of the government of the day. Who can forget, Madam Speaker, the events of 1989? Who can forget when Sir Gaëtan Duval was arrested and prosecuted for purely political motives?

*(Interruptions)*

Who can forget how the prosecutorial machinery of the Office of the DPP had become relentlessly focused upon securing his convictions at all cost for political ends? Madam Speaker, who can forget that the DPP at that time then became Attorney General? Madam Speaker, the hon. Prime Minister may not know it himself, but the Commissioner of Police at that time and the person who had presided over the preliminary inquiry had later come to apologise in person to Sir Gaëtan for their roles in that sordid affair. Those are the things that profoundly marked the PMSD and deeply reinforced our conviction as to the absolute necessity for prosecutorial independence.

And years later, Xavier Duval, but not alone, and all the members of the PMSD, first time in the history of this country, all 12 Ministers, MPs, and Private Parliamentary Secretaries resigned in solidarity – all 12. I, myself, was Deputy Speaker, Madam Speaker, and I resigned because that is how we feel about the independence of the DPP. Without the resignation of all 12, if it had been just a few of us, then it would have changed nothing to *le sort* of the DPP then and the DPP now, who surely would not have been in Office to date. So that is what deprived government of its three-quarter majority – that collective resignation.

**Ms Anquetil:** This is MSM!

**Mr A. Duval:** Madam Speaker, why is that? Because whatever the flaws of an individual DPP as a human being – and we are all flawed –, it is infinitely preferable, Madam Speaker, to have an independent DPP than one operating under the whims, pressures, and caprices of government.

Madam Speaker, I will...

**Madam Speaker:** Please!

**Mr A. Duval:** The last point and then I will conclude - the Electoral College. The amendment has been circulated by the Prime Minister. I fail to see, Madam Speaker, how the appointment of the President, through an Electoral College, would derive greater legitimacy than direct acceptance by the electorate itself. Parties should instead, Madam Speaker, be compelled, prior to election day, to disclose the names of the persons proposed to occupy the offices of President, Prime Minister, Deputy Prime Minister, and perhaps, also, the Minister of Finance. That, in my respectful opinion, would be far more democratic and transparent.

Madam Speaker, to conclude, there are many issues to talk on. Flaws of this Bill – there is no quorum, no qualification criteria, no voting mechanism, no true independence stated expressly from Government. But be that as it may, time is of the essence, like this Commission's work. I do not doubt Government's good intention in bringing forward this Bill. But, Madam Speaker, good intentions alone do not produce constitutional reforms. Implementation does.

That is why I reiterate my proposals that the Bill be amended now to impose a strict deadline of 18 months. First of all, to come with a final report, to require the interim and the final reports to be made public.

**Madam Speaker:** You said that.

**Mr A. Duval:** To be made public!

**Madam Speaker:** Okay.

**Mr A. Duval:** Duty on the President to make the report public. For the report to be laid on the table of the National Assembly and be subject of debate by this House.

For clarity of section 4(k) in relation to the superiority and independence of the Court of Appeal as well as what I said express provision for the reform of our electoral system. This Commission, Madam Speaker, to conclude and I thank you...

**Ms Anquetil:** Non, c'est la troisième fois !

**Mr A. Duval:** Cannot become a shield.

**Madam Speaker:** Especially as you can give your amendments later.

**Mr A. Duval:** Yes, yes. This Commission, Madam Speaker, cannot become a shield behind which Government hides if it ultimately fails to deliver upon the clear and unequivocal promises of constitutional and electoral reform made in 2024. They gave this Government a mandate to deliver and that is ultimately with what this Government will be judged upon.

**Madam Speaker:** Okay. Thank you.

**Mr A. Duval:** Thank you, Madam Speaker.

**Madam Speaker:** Yes, hon. Junior Minister Mr Parapen. I am trying to be as lenient as I can to everyone. I am noting the time.

(4.42 p.m.)

**The Junior Minister of Social Integration, Social Security and National Solidarity (Mr K. Parapen):** Madame la présidente, l'honorable Ram Etwareea se demandait pourquoi il y a autant de négativité dans le pays et après avoir écouté l'intervention de l'honorable *Chief Whip*, je crois qu'on comprend pourquoi.

**Madam Speaker:** Non, pas de l'honorable Chief Whip. De l'honorable Whip de l'opposition.

**Mr Parapen:** De l'honorable Whip de l'opposition. Mes excuses. Je m'excuse. Parce que le seul truc positif qu'il a retenu de l'intervention de l'honorable Premier ministre, c'est quand l'honorable Premier ministre a félicité son parti.

**Mr Jhummun:** Son papa.

**Mr Parapen:** Et son papa.

**Mr A. Duval:** Et moi aussi. Quand même !

**Madam Speaker:** Ne répondez pas !

**Mr Parapen:** Donc autant dire que ce fut un discours assez égocentrique. Madame la présidente, notre constitution n'est pas figée depuis 1968. Elle a été amendée à maintes reprises depuis l'avènement d'une île Maurice indépendante, parfois pour des bonnes raisons, parfois pour des moins bonnes raisons. Parmi les avancées notables, on note l'âge du vote qui passe de 21 ans à 18 ans en 1975, l'accession au statut de République en 1992, l'autonomie de Rodrigues comme l'a mentionné l'honorable Etwareea en 2001 ou encore le mini amendement constitutionnel de 2014.

Et parmi les moins bonnes, on retrouve les le renvoi des élections générales de 1972 ou encore l'amendement de 2002 qui permet de détenir un citoyen pour 36 heures *incommunicado* en relation avec la *Prevention of Terrorism Act*, amendement qui avait d'ailleurs précipité la démission du Président et du vice-Président d'alors.

Loin de moi, Madame la présidente, la prétention de réécrire l'histoire, c'est uniquement une piqûre de rappel, des événements qui ont marqué l'histoire de notre pays à travers des amendements à notre constitution. Ce qui ressort principalement de ces amendements passés, c'est qu'ils ont été introduits de manière chirurgicale au gré de conjoncture politique, géopolitique ou juridique spécifique et c'est en cela que le projet de loi dont nous débattons aujourd'hui, le *Constitutional Review Commission Bill* a le potentiel de rompre avec les amendements constitutionnels chirurgicaux du passé.

Pour la première fois de notre jeune histoire, nous ouvrons la porte à une refonte élargie, structurelle et moderne de notre Constitution. Dans son intervention sur le *Constitutional Review Commission Bill* mardi dernier, le leader de l'opposition a dit et je cite

—

« Je suis contre le fait que le gouvernement et les partis de l'alliance gouvernementale imposent les propositions dans ce projet de loi à la commission qui va être mise sur pied.

Je m'oppose à un processus qui commence à l'envers, qui impose un agenda au lieu d'écouter le peuple. »

Madame la présidente, l'honorable leader de l'opposition se trompe, comme souvent, sur toute la ligne. On pourrait même dire qu'il nage en plein délire. Les termes de référence de cette commission n'ont pas été élaborés...

**Mr Lesjongard:** *Mo pa konn nager.*

**Madam Speaker:** *Chut ! Chut !*

**Mr Parapen:** ...dans des salles fermées par des technocrates, contrairement à ce qu'il affirme. Elles ne sont certainement pas non plus le fruit d'un plat concocté par la cuisine d'un état parallèle, loin des yeux de la population. Non, Madame la présidente, les termes de référence de cette commission reposent sur une validation populaire. Elles émanent d'un engagement de l'Alliance du Changement, pris pendant la campagne électorale de 2024. Les 18 propositions qui vont être examinées par le *Constitutional Review Commission Bill*, enfin

Commission, une fois que la loi est votée, ces 18 propositions figuraient toutes dans le programme électoral de l'Alliance et elles ont été publicisées massivement par l'électorat en novembre 2024.

Madame la présidente, pour nous, les papillons de Rezistans ek Alternativ, ce projet de loi revêt une importance capitale. Ce n'est pas un projet de loi comme les autres. Il incarne dans bien des façons l'ADN et la raison d'être de mon parti politique. Le 10 octobre 2024, l'accord électoral entre Rezistans ek Alternativ et les autres membres de l'Alliance du Changement, notamment le Parti travailliste, le MMM et les Nouveaux Démocrates, a été officiellement signé au Hennessy Park à Ebène par les leaders respectifs de l'Alliance. Cet accord électoral reposait sur 12 points et il avait été conclu après plusieurs séances de négociation où le sujet principal de discussion était les grandes réformes systémiques à apporter en cas de victoire. Cet accord, je l'ai entre les mains – enfin j'ai une copie entre les mains aujourd'hui et avec votre permission, je voudrais lire le préambule du point deux de l'accord qui s'intitule le Changement du Système Politique pour une République de Maurice 2.0.

Les quatre partis en discussion sont d'accord qu'un changement de gouvernement seul n'est pas suffisant. Ce changement se doit d'être accompagné d'une politique de transition visant la transformation structurelle de fond de la politique et de l'administration de la vie publique au sein de la République pour un meilleur vivre-ensemble au sein de la société. Ces propositions de changement systémique visent à donner plus de pouvoir au peuple afin qu'ils soient en capacité de mieux défendre ses droits et aussi ceux de la nature en y étant le garant.

Sur les 18 propositions qui vont être examinées par la commission, la moitié, oui, la moitié provienne de l'accord électoral signé entre Rezistans ek Alternativ les autres partenaires du Changement. Alors que pour certains, ces propositions sont accueillies comme de beaux slogans progressistes, pour les activistes de Rezistans ek Alternativ pour les milliers de citoyens engagés qui se sont impliqués dans de nombreux combats citoyens sur les dernières années, les propositions qui vont être évaluées par la commission représentent beaucoup plus que de simples slogans. Elles représentent le fruit de plusieurs combats. Derrière chacune des propositions, il y a un vécu, une mise en mouvement, une prise de conscience, et malheureusement, souvent un sentiment d'injustice qui prévaut, voire même un sentiment d'impuissance.

Prenons la proposition de *Public Interest Litigation*. En 2019, trois membres de Rezistans ek Alternativ saisissent l'*Environmental and Land Use Appeal Tribunal* pour contester l'octroi d'une EIA licence à un groupe hôtelier à Les Salines Rivière Noire.

Le projet allait empiéter sur les Wetlands 76, un Wetlands de catégorie 4, un trésor naturel vivant. Et bien, figurez-vous que 7 années plus tard, la question de notre droit d'agir n'est toujours pas tranchée. Après que le tribunal de l'environnement ait initialement mis de côté notre action en justice par manque du fameux *locus standi*, la Cour suprême a renversé ce jugement et nous revoilà donc devant le tribunal de l'environnement 7 années après, attendant toujours que le cas soit pris sur les *merits*.

Madame la présidente, nous avons hérité en 1968 d'une constitution qui favorise outrancièrement les possédants terriens et les puissants d'alors. Comment pouvait-il en être autrement ? Nous ne sommes certes plus une colonie depuis 1968. Mais à travers notre Constitution, l'esprit du colonialisme perdure toujours.

En ce qu'il s'agit de la proposition d'introduire des *class actions*, permettez-moi de partager le cas de ces 1 762 citoyens, habitant principalement dans la région sud-est de l'île, des victimes directes de la marée noire qu'a engendrée l'échouage du Wakashio. Lorsque ces citoyens ont tenté d'être partie prenante dans une action juridique mise par les intérêts japonais afin de limiter les réclamations, leur demande a été débutée en Cours suprême.

Dans son jugement, le juge Kam Sing conclut comme suit, et je cite –

“In essence, since the applicants are solely relying on the basis of the affidavit of their attorney at law, who is acting in his capacity as *mandataire ad litem*, their interests are barely sufficient and they are, in effect, entering a class action or a public interest litigation, which is a procedure unknown to our legal system.”

Voilà encore un autre exemple probant de l'incapacité de nos cours de justice de statuer sur des cas où des crimes réels ont été commis. À la question de savoir si ces 1 762 citoyens pourront un jour être dédommagés, il faudra attendre. Faute de choix, l'affaire va être maintenant portée devant la justice japonaise qui reconnaît, elle, les *class actions*.

Mais il semble anormal qu'il faille demander à la justice japonaise de statuer sur un crime commis sur le territoire mauricien.

Madam Speaker, the Bill has the potential to revolutionise our society. Its scope is far-reaching and can be split into three core categories –

- (i) Rights expansion;
- (ii) Institutional and judicial restructuring, and
- (iii) Political integrity.

Enshrining rights to the environment, technology, health, and education moves Mauritius from a framework of purely negative rights to positive rights. The 1968 Constitution is a classic first-generation document. It focuses primarily on negative liberties, what the State cannot do to its citizens: prohibiting the State from arbitrarily arresting you, censoring you, or seizing your property.

The proposed amendments under Section 4(1)(a) introduce new generation rights. This alters the social contract entirely. Citizens are no longer just individuals whom the state must leave alone. They become stakeholders who have a constitutional right to demand state action on environmental health, digital privacy, and equitable public services.

It also redefines the concept of who holds rights. For the last 58 years, Mauritian law has viewed the environment through an anthropocentric lens. Nature is property to be managed or exploited by humans. Granting nature its own constitutional rights shift the nation's legal foundations from an ego-driven model to an eco-driven model. It places Mauritius on the absolute frontier of global constitutional innovation.

The Bill also proposes to rewire the power mechanics to use an IT analogy. A true version upgrade fixes the design flaws of the original software. The 1968 Constitution left several loopholes that allowed for the centralisation of political power. The Bill targets some of these vulnerabilities. By recommending a senior officials appointment committee, it dilutes – yes, it dilutes – the Prime Minister's absolute discretion over the appointment of heads of crucial public institutions. That is a very welcomed move.

Also, by considering new provisions for anti-defection, political financing transparency, and the groundbreaking right to recall, it could usher a new era for the political class to not treat the five-year mandate as a blank cheque given by the electorate, and it significantly alters the accountability of the political class.

Madam Speaker, on Sunday 10 March 2012, more than 14 years ago, on the eve of the 44<sup>th</sup> celebration of the Independence of Mauritius and the 20<sup>th</sup> year anniversary of our republic, a march was held in the streets of Port Louis. It was called ‘*Lamars 10 mars ver enn nouvo repiblik.*’

Hundreds of citizens rallied and took to the streets to demand constitutional change. This march was initiated by the following organisations: Rezistans ek Alternativ, Blok 104, MRU 2025, Awake from the University of Mauritius, the General Worker's Federation, *Syndicat des Pêcheurs*, and the Centre for Alternative Research and Studies.

Ce jour-là, Madame la présidente, nous avons marché pour une nouvelle République et une nouvelle Constitution basée sur cinq principes fondamentaux –

1. Le non-communalisme ;
2. Le respect des droits de l'homme pour tout le monde ;
3. La démocratie participative ;
4. Une justice économique et sociale, et
5. Le respect et l'harmonie avec la nature et l'écologie.

Ces cinq principes sont, aujourd'hui, les valeurs officielles de Rezistans ek Alternativ. Madame la présidente, la roue de l'histoire n'est pas figée non plus. Elle tourne inexorablement, même si parfois, on voudrait que cela aille plus vite. En fouillant dans les archives aux petites heures ce matin, je suis tombé sur la photo d'une pancarte que j'avais fabriquée à l'occasion de '*Lamars 10 mars ver enn nouvo repiblik*' en 2012.

Je m'étais inspiré de ces quelques mots prononcés par le Révérend Martin Luther King en 1963. J'avais pris la peine de collectiviser son message. La pancarte lisait donc '*We have a dream.*' Et d'ailleurs, j'ai une copie avec moi ici. Et cette pancarte que j'avais laissée traîner dans les bureaux de la GWF à Port Louis fut accrochée au-devant du véhicule qui ouvrait la marche vers une *enn nouvo repiblik*.

Yes, back in 2012, we had a dream. Today, I am proud to say that this dream for a new constitution and a second Republic of Mauritius is still very much alive. Thank you.

**Madam Speaker:** Thank you. We will break for half an hour.

*At 5.01 p.m., the Sitting was suspended.*

*On resuming at 5.33 p.m., with the Deputy Speaker in the Chair.*

**The Deputy Speaker:** Please be seated. Hon. Quirin!

(5.35 p.m.)

**Mr F. Quirin (Third Member for Beau Bassin & Petite Rivière):** M. le président, merci de me donner l'occasion d'intervenir sur un texte de loi qui touche au fondement même de notre République, le *Constitutional Review Commission Bill*.

Ce débat dépasse les clivages politiques habituels. Il ne s'agit pas d'un projet de loi parmi tant d'autres, mais d'un exercice qui engage l'avenir institutionnel de notre pays, la solidité de notre démocratie et la relation entre l'État, les institutions et les citoyens mauriciens pour les décennies à venir. Une Constitution n'est pas un simple document juridique ; elle constitue le socle de notre vivre ensemble, elle fixe les limites du pouvoir, protège les libertés fondamentales, garantit l'équilibre institutionnel et reflète les valeurs auxquelles une nation choisit d'adhérer. C'est précisément pour cette raison qu'une réforme constitutionnelle exige prudence, humilité, responsabilité et surtout un large consensus national.

À ce titre, M. le président, on nous parle sans cesse d'unité nationale, de vivre ensemble et de solidarité, mais la réalité dans le pays raconte une tout autre histoire. Derrière les grands discours, trop de citoyens se sentent exclus, ignorés ou traités différemment selon leurs opinions, leur origine ou leur situation sociale. Cette hypocrisie, M. le président, fragilise la confiance du peuple envers nos institutions. On ne peut pas prêcher l'unité tout en laissant grandir les divisions et les injustices au quotidien. L'unité nationale ne doit pas être un slogan politique utilisé quand cela arrange. Elle doit se traduire par des actes concrets, par l'égalité de traitement et par le respect de chaque citoyen, sinon, les mots perdent leur sens et le peuple finit par ne plus y croire.

C'est l'occasion, M. le président, pour corriger les erreurs et bien faire les choses. Je tiens d'emblée à reconnaître que plusieurs dispositions de ce projet méritent considération. La volonté affichée de moderniser certaines institutions, de renforcer certains droits fondamentaux ou encore de clarifier certains mécanismes démocratiques peut être saluée sur le principe mais, M. le président, au-delà des intentions affichées, plusieurs réserves sérieuses demeurent. La question essentielle n'est pas uniquement de savoir ce que le gouvernement souhaite changer, mais dans quel esprit ces changements sont proposés et selon quelle méthode ils seront mis en œuvre.

Le *Constitutional Review Commission Bill* ouvre un débat essentiel sur la manière d'élire le président de la République, mais il laisse subsister un flou préoccupant quant au fonctionnement concret du collège électoral appelé à effectuer ce choix. La composition

exacte de ce collège, les critères de représentation, les modalités de vote et les garanties d'indépendance demeurent insuffisamment définis, ce qui risque d'alimenter les interrogations et les contestations.

Si l'objectif, M. le président, est de renforcer la légitimité et le caractère consensuel de la fonction présidentielle, alors la transparence du mécanisme doit être clairement établie dès le départ. Dans cette logique, il serait également pertinent d'envisager une approche similaire pour le poste de *Speaker* afin de consolider davantage l'impartialité et l'autorité de cette fonction clé de notre démocratie parlementaire. La confiance des citoyens dans les institutions dépend avant tout de leur indépendance et de leur crédibilité. La création d'un comité de nomination pourrait constituer une avancée importante. Toutefois, le projet demeure encore imprécis sur plusieurs garanties essentielles ; sa composition exacte, les mécanismes de contrôle, les critères de nomination et les protections contre toute influence politique. Le pays, M. le président, ne souhaite pas une simple réforme de façade, les Mauriciens veulent des institutions véritablement indépendantes, protégées contre toute forme d'ingérence partisane.

M. le président, je salue également la volonté d'inscrire dans la Constitution l'obligation de tenir régulièrement les élections municipales et villageoises. Les collectivités locales, nous le savons tous, jouent un rôle essentiel dans la vie quotidienne des citoyens mauriciens. Pendant trop longtemps, les reports successifs des élections locales ont créé un malaise démocratique et affaibli la confiance du public. Constitutionnaliser leur tenue régulière représente donc une avancée importante, mais cette disposition devra être accompagnée de garanties concrètes afin qu'aucun gouvernement futur ne puisse contourner l'esprit démocratique de cette réforme.

M. le président, je souhaite également exprimer des réserves importantes concernant les dispositions anti-défection. Oui, le transfugisme politique peut parfois affaiblir la stabilité gouvernementale et trahir le mandat des électeurs. Mais, nous devons aussi préserver un principe fondamental de la démocratie parlementaire : la liberté de conscience des élus. Un parlementaire ne peut devenir prisonnier absolu d'un appareil politique.

Toute législation anti-défection doit être soigneusement encadrée afin d'éviter qu'elle ne soit utilisée pour étouffer les voix dissidentes, imposer une discipline aveugle ou affaiblir le rôle indépendant des parlementaires. Ne dit-on pas, M. le président, *vox populi, vox dei* ? La voix du peuple est la voix de Dieu. Le peuple élit ses représentants sous une bannière,

certes, mais rien n'empêche un élu de poursuivre son travail et représenter ses mandants efficacement sans faire partie de la même équipe.

M. le président, concernant la création d'une cour d'appel et d'une Division constitutionnelle spécialisée de la Cour suprême, l'objectif d'améliorer l'efficacité judiciaire est compréhensible et mérite considération. Dans un État de droit moderne, la justice doit être indépendante, accessible et rapide. Cependant, le projet reste relativement silencieux sur les moyens nécessaires pour assurer le bon fonctionnement de ces nouvelles structures –

- ressources humaines ;
- capacité administrative ;
- autonomie institutionnelle, et
- mécanisme garantissant leur efficacité réelle.

Créer de nouvelles institutions sans leur donner les moyens adéquats risquerait d'alourdir davantage notre système judiciaire au lieu de le renforcer.

M. le président, je souhaite également attirer l'attention de cette Chambre sur une question fondamentale, celle du calendrier et de la capacité réelle du gouvernement à mener à terme une réforme aussi vaste et complexe. Une réforme constitutionnelle sérieuse ne peut être précipitée. Elle exige du temps, des consultations approfondies, des travaux techniques rigoureux et surtout un véritable consensus national. Or, le projet qui nous est présenté, aujourd'hui, ouvre des chantiers institutionnels extrêmement importants –

- réforme des nominations publiques ;
- réorganisation judiciaire ;
- nouveaux droits fondamentaux ;
- disposition anti-défection ;
- réforme électorale, et
- renforcement des institutions démocratiques.

Toutes ces questions, M. le président, nécessitent des débats approfondis et une réflexion dépassant les considérations politiques immédiates. Le pays est donc en droit de s'interroger –

- Quel est le calendrier réel de ces réformes ?
- Quel engagement le gouvernement prend-il quant à la mise en œuvre des recommandations de la Commission ?
- Existe-t-il une feuille de route claire, transparente et réaliste ?
- De même, le projet de loi ne donne aucune indication sur la composition de la commission. Va-t-on faire appel à des légistes d'expérience renommée ? Je l'espère, M. le président.

Nous devons ainsi éviter qu'une réforme constitutionnelle ne devienne un exercice théorique sans application concrète ou pire encore, un simple outil politique destiné à produire des annonces sans véritable volonté d'aboutir. Le peuple mauricien mérite de la clarté, de la transparence et des engagements précis. Car lorsqu'on touche à la Constitution, l'essentiel n'est pas seulement d'annoncer des réformes. L'essentiel est d'avoir la capacité, la cohérence et la volonté politique de les mettre en œuvre dans l'intérêt supérieur du pays.

Ce projet de loi, M. le président, évoque également l'introduction de nouveaux droits fondamentaux liés notamment à l'environnement, à la technologie, à la santé, à l'éducation et aux droits sociaux. Cette réflexion est nécessaire. Les défis de 2026 ne sont plus ceux de 1968. Les nouvelles technologies soulèvent des questions majeures concernant la protection des données personnelles, la vie privée, l'intelligence artificielle et la cybersécurité. Le changement climatique constitue une menace réelle pour les petits États insulaires comme Maurice.

Mais là encore, il convient, M. le président, d'être prudent. Inscrire de nouveaux droits dans la Constitution ne suffit pas. Encore faut-il garantir leur application effective et leur justiciabilité réelle. Un droit purement symbolique, sans mécanisme concret de protection, risque de demeurer une promesse sans portée réelle pour les citoyens.

M. le président, l'une des principales lacunes de ce projet de loi demeure toutefois la question du processus lui-même. Une réforme constitutionnelle ne peut être perçue comme

l'initiative exclusive d'un gouvernement ou d'une majorité parlementaire temporaire. La constitution appartient au peuple mauricien dans toute sa diversité. C'est pourquoi un exercice d'une telle importance exige des consultations nationales larges, transparentes et inclusives, impliquant l'opposition, la société civile, les universitaires, les jeunes, les syndicats, les organisations citoyennes, ainsi que toutes les composantes de notre société multiculturelle. Sans véritable adhésion populaire, M. le président, une réforme constitutionnelle risque de manquer de légitimité morale et politique.

M. le président, notre démocratie, malgré ses imperfections, a permis jusqu'ici de préserver un équilibre institutionnel précieux dans une société diverse et multiculturelle. Toute réforme doit donc avoir pour objectif de renforcer cet équilibre et non de créer de nouvelles zones d'incertitude institutionnelle. Nous devons éviter deux excès : le refus systématique de toute réforme, mais aussi les réformes précipitées, motivées par des considérations politiques immédiates. La sagesse consiste à moderniser nos institutions tout en protégeant les garde-fous démocratiques qui assurent la stabilité du pays.

Une réforme constitutionnelle réussie doit répondre à trois exigences fondamentales –

- Premièrement, renforcer les droits et libertés des citoyens ;
- Deuxièmement, consolider l'indépendance des institutions, et
- Troisièmement, garantir un véritable équilibre des pouvoirs.

Si ces principes guident sincèrement cet exercice, alors cette réforme pourra constituer une avancée importante pour notre République mais si ce processus devient un instrument de concentration du pouvoir ou un exercice politique insuffisamment consensuel, alors, M. le président, nous risquons de manquer une occasion historique.

La constitution ne doit appartenir ni à un gouvernement, ni à un parti, ni à une majorité passagère. Elle appartient au peuple mauricien. Nous avons donc, M. le président, le devoir collectif d'aborder cette réforme avec responsabilité, maturité et patriotisme. Les générations futures jugeront notre capacité à protéger la démocratie mauricienne tout en l'adaptant aux réalités du 21<sup>ème</sup> siècle. Et c'est pourquoi j'appelle à un débat national sérieux, transparent, inclusif et apaisé sur cette réforme constitutionnelle parce qu'au-delà, M. le président, des

intérêts politiques du moment, ce qui est en jeu, aujourd'hui, c'est l'avenir institutionnel de notre République.

Je vous remercie.

**The Deputy Speaker:** Thank you, hon. Member. Just on time!

Hon. Lobine!

(5.50 p.m.)

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

Mr Deputy Speaker, Sir, what my hon. friend has been saying, is precisely why we have to adopt this Bill because it is through the establishment of this Commission that we will be able to voice out, to propose, to debate and to disseminate to the population at large what constitutional reforms we want to bring before the people of Mauritius.

Mr Deputy Speaker, Sir, each time when we enter this august Assembly, we pass beneath the watchful gaze of the Father of the Nation, Sir Seewoosagur Ramgoolam, standing at the Caudan, and having in his hand the Constitution of Mauritius. That monument, Mr Deputy Speaker, Sir, is more than bronze or stone. It is a solemn reminder of the sacred trust placed upon us as representatives of the people of Mauritius.

It calls upon us to rise above party politics, to rise above our personal opinion, and to rise to stand with and for the people of Mauritius. That is why, Mr Deputy Speaker, Sir, we should all support this Bill because this is the establishment of debate to review our constitution.

Here, it reminds what Sir Seewoosagur Ramgoolam said on 13 March 1968, just one day after we got independence. I will quote –

“I am deeply honoured that it has fallen to me to receive today the constitutional instruments which are the symbols of our independence and the formal recognition of the birth right of the nation. We have chosen the democratic way of life. We shall be guided by fair play, justice and the rule of law for on these depend the basic freedom of every nation.”

This is what he said in 1968. This is precisely the constitution that was given to us by the colonial powers because the Constitution of Mauritius, Mr Deputy Speaker, Sir, came into force on Independence Day, March 12, 1968, following the adoption by the Parliament of the United Kingdom of the Mauritius Independence Act. In Mauritius, the constitution was published as the Mauritius Independence Order 1968, GN 54 of 1968.

So, this very important document that has served us well has given us political, social and racial stability in this country after 58 years of independence. It is a milestone to have this commission created. It is the duty of all of us, parliamentarians, the civil society and the population at large to be consulted and to give their views to this commission.

The hon. Prime Minister has been very clear in the very vivid speech that he made. He has said that the participation of all would be required to make it happen. Not to repeat what other hon. Members have been saying, it is important for us to know the history of our constitution. What it is all about. It is not for the first time that we are establishing a commission. I have heard my hon. friend, hon. Mr A. Duval, saying that: 'We have a clear mandate. So, why should we have a commission?'

But this is clearly and precisely the mandate that the people of Mauritius gave us. It is embedded in the Government Programme 2025-2029, A Bridge to the Future. This is one of the fundamental paragraphs at the very first page: the creation of a Constitutional Review Commission, which will make recommendations on constitutional and electoral reforms. This is clear.

So, this is our mandate. This is the mandate of l'Alliance du Changement, Mr Deputy Speaker, Sir. If you go through history, it is not the first time that a commission or a committee is being created to debate on amending our constitution. I will take a little bit of your time just to go through history. I will not bore the House. It is part of my speech. I will not take more minutes, but I will just limit myself on the history because we are not yet here to debate with regard to constitutional reforms. It is the establishment of a commission, but it is good to remind the people of Mauritius and all of us what our history is all about.

Mr Deputy Speaker, Sir, way back in 1825, our colonial powers, prior to independence, the colonial government granted a constitution to Mauritius in 1825. Then, it was revised in 1832. It was in 1885 where, for the first time, election of some members of the legislative council was adopted. Then, in 1945, when Governor Sir Mackenzie Kennedy appointed the

very first Constitution Consultative Committee, and a new constitution was adopted in 1947, Mr Deputy Speaker, Sir.

Another milestone of our constitutional history is in 1958. It is the first constitution that provides our nation with universal suffrage. In 1975, at the age of 18, we got our right to vote. Before that, in 1968, before we reached that milestone to give us our constitution, we had the Lancaster House debates, consultations with all political parties involved. There was Sir Abdool Razack Mohamed, Jules Koenig, Sir Gaëtan Duval, Sir Anerood Jugnauth, Sir Seewoosagur Ramgoolam and all the other stalwarts of the Labour Party. They were present at those conferences.

In 1961, 1964, 1965, there were consultations and debates so that we get this 1968 Constitution and we got our independence. So, this is where we stand. From there on, we had, in 1982, an amendment to the constitution, whereby it was made mandatory to have general elections every five years. That was also a very important milestone in the constitutional history of our country, Mr Deputy Speaker, Sir.

There we are with another government where we have the absolute majority. The hon. Prime Minister said in his speech that the integrity of our electoral system is the function of everything. We are hearing debates that this commission will not be looking at electoral reforms. But the Prime Minister was very clear. Electoral reforms are being discussed. Civil societies and political parties, way back in January and February, have submitted their proposals.

There is a committee working on it. It will make it a must for this commission to work together with this committee to make it happen. Because the hon. Prime Minister said, and I quote –

“The Commission will, therefore, examine a comprehensive package of electoral reforms: stronger powers, independence of our electoral commissioner, of the electoral supervisory commission, fast access to justice in electoral disputes, the introduction of a proportional element in our electoral system to reflect more closely the will of the people.”

He quoted Yvan Martial who said –

*« Un système électoral qui donne tous les votes à un seul parti et zéro siège à l'opposition, c'est une forme de dictature. »*

So, it is very clear in the mind of the hon. Prime Minister and of the Government that constitutional reforms, this commission will also work together with what is being created to debate on electoral reforms. So, it will go hand in hand as depicted by the hon. Prime Minister in his speech.

Mr Deputy Speaker, Sir, it is not the first commonwealth country. Hon. A. Duval mentioned a few of them. Hon. Beehook also mentioned a few of them. He spoke about what the public interest litigation is all about. He spoke vividly as where we would have been if we would have that public interest litigation with regard to those *dialysés* who passed away. 12 of them.

So, these are important milestones in this debate that will happen before this commission. What I hope, Mr Deputy Speaker, Sir, is what has happened to many commonwealth countries. Kenya, for example, has wide consultations with their public, their population, and the civil society. Same thing with South Africa and Barbados.

Mr Deputy Speaker, Sir, when we are voted to come and represent the people in this House, we are on the constant lookout to get their views and to speak for them. Hon. Quirin spoke about *vox populi, vox Dei*. Yes, the voice of our people is the voice of God!

So, when we are standing here as parliamentarians, it is not just our duty because we have got the absolute majority to pass everything as it is. We need to go - each and every Parliamentarian has to go - and meet our constituents, explain to them what it is all about, to come and give their views before this Commission. It is the duty of all of us to canvass through all forms of social media, the press, inform the population why we need a change in our Constitution after 58 years of independence.

The hon. Prime Minister said when we were having our Constitution, we did not have internet. We did not have all of those crimes against the environment. We did not have climate change issues. And as a vulnerable island, a vulnerable Ocean State, it is our duty to have all those attributes given to the Commission to listen to all people of the civil society. That is why, Mr Deputy Speaker, Sir, I will ask all of us, let us unite, let us give the momentous occasion that we are having to enter into history, the right side of history, to participate in bringing before this House after wide consultations with the public of Mauritius, an amendment to our Constitution, a consolidation of our democracy and a better book, sacred book for our country, so that the future generation will be proud of. And they will speak after 50, 60 years, in this very august Assembly, that there was *l'Alliance du*

*Changement* with the Labour Party, with the MMM, with the *Rezistans ek Alternativ*, with *Nouveaux Démocrates*, that they walked the talk with regards to bringing an amendment and a consolidation of our democracy through a new Constitution.

I just hope that God gives us all the courage to go around the island together with the Commission, that I do not feel they will sit in an ivory tower. They will have to go in each Village Councils, in all Municipal Councils, in all walks of societies, meet people, not for the people to come in Port Louis to sit and to give their views. They have to go and sit with the people of Mauritius and explain to them why they should participate in this debate to bring changes to the Constitution.

So, I just hope and I wish best of luck to all the people that will be sitting in this very Commission. I will conclude with - I have seen a very nice editorial of Nad Sivaramen in L'Express, where he talks about "*Vers une République adulte*".

And I will end by quoting what he said. I quote –

*« Pendant longtemps, à Maurice, la Constitution a été traitée comme un texte sacré que l'on cite davantage qu'on ne questionne. Un héritage, un cadre, avant tout un compromis historique. Mais rarement comme ce qu'elle devrait être dans une démocratie moderne : un contrat moral entre un peuple et l'État qui le gouverne. Le Constitutional Review Commission Bill présenté ce mardi au Parlement, marque, à cet égard, un tournant politique et civilisationnel. Non pas parce qu'il modifie déjà la Constitution, mais parce qu'il reconnaît enfin publiquement ce que beaucoup savaient tout bas depuis des décennies : notre République est arrivée au bout d'un cycle institutionnel hérité de 1968 dans un contexte colonial/décolonial. »*

So, this reflects the debate that has been created around the establishment of this Commission and I fully support this Bill, Mr Deputy Speaker, Sir.

Thank you for your kind attention.

**The Deputy Speaker:** Thank you, hon. Member. Hon. Edouard!

(6.06 p.m.)

**Mr J. Edouard (The Fourth Member for Rodrigues):** Mr Deputy Speaker, Sir, thank you for giving me the floor. We come a long way and we have further to go, still many battles to fight, with a blaze in our heart. No fury, no fear, no hatred, no need to be harsh, no

need to be rude, no need to trample our own. One united voice. We fight not for gold or glory. We fight for our country. We fight for our people.

M. le président, je prends la parole aujourd'hui avec un profond sens du devoir, à la fois en tant que membre de cette majorité et en tant que fier représentant du peuple de Rodrigues. Permettez-moi tout d'abord de féliciter l'honorable Premier ministre et ce gouvernement d'avoir présenté le projet de loi sur la Commission de Révision Constitutionnelle à cette auguste Assemblée. Il faut un immense courage politique pour se pencher sur la loi suprême de notre nation, un document qui nous guide depuis 1968, et déclarer que le moment est venu de la moderniser.

Ce projet de loi témoigne du caractère novateur et démocratique de ce gouvernement, ainsi que de son profond engagement envers l'évolution de nos institutions. J'appuie pleinement l'esprit de ce projet de loi. Mais, M. le président, une Constitution est plus qu'un texte juridique. Elle est l'âme vivante de notre République. Et en lisant ce projet de loi historique, je me souviens de mon double mandat. Je suis ici pour soutenir la vision nationale du changement exprimée par cette majorité, mais aussi pour faire entendre la voix authentique de Rodrigues dans cette enceinte.

Lorsque nous révisons notre Constitution, nous ne nous contentons pas d'ajuster des aspects techniques. Nous redéfinissons notre manière de vivre ensemble en tant que peuple. La véritable unité nationale ne s'obtient pas en imposant l'uniformité depuis le centre. Elle se trouve lorsque le centre écoute, respecte et valorise ses régions. C'est dans cet esprit de partenariat constructif et collaboratif que je souhaite mettre en lumière les réalités spécifiques de Rodrigues dans ce débat.

M. le président, ce gouvernement n'a jamais caché ses intentions. Dans le Programme gouvernemental 2025-2029, il avait explicitement promis à la nation de reconstruire la démocratie et de moderniser notre cadre constitutionnel par le biais de cette commission. C'est écrit noir sur blanc. Mais je pose la question à mes honorables collègues : pouvons-nous vraiment prétendre moderniser la République si le cadre architectural de 10% de notre territoire reste inchangé ? La mise en œuvre du Programme gouvernemental implique de garantir que la décentralisation et les réformes démocratiques promises à Maurice sont pleinement étendues aux citoyens de Rodrigues.

M. le président, soyons francs avec nous-mêmes. Nous parlons souvent avec fierté dans cette Assemblée de l'île autonome de Rodrigues. Mais si un constitutionnaliste étranger

consultait aujourd'hui la Constitution de la République de Maurice, il chercherait en vain le mot autonomie. Il n'y figure tout simplement pas. Certes, nous avons le Chapitre 36A, et certes, nous avons adopté la loi historique portant création de l'Assemblée régionale de Rodrigues. Juridiquement parlant, notre autonomie est actuellement traitée comme un simple arrangement administratif. Une note de bas de page plutôt comme un pilier fondamental de la République.

M. le président, examinons la réalité juridique. En vertu de l'article 75E de notre Constitution, toute modification fondamentale de la loi relative à l'Assemblée Régionale de Rodrigues requiert un vote à la majorité des deux tiers ici même, au sein de cette Assemblée nationale. Ce seuil des deux tiers constitue une garantie constitutionnelle essentielle et signifie que le destin de Rodrigues ne peut être mis en péril par une simple majorité passagère. Mais cela signifie également que pour réaliser les importantes réformes institutionnelles dont notre pays a besoin, nous devons bâtir un consensus profond et inébranlable.

Lorsque nous examinons le mandat de la nouvelle commission de révision constitutionnelle, une lacune flagrante apparaît. Le mandat porte sur des questions nationales essentielles, déjà soulignées par les orateurs avant moi. On ne sait pas encore comment cela va se conjuguer avec le *High-Powered Committee* annoncé par l'honorable Premier ministre pour les amendements au *Rodrigues Regional Assembly Act*. D'ailleurs, mon parti, le FPR, a déjà soumis ses propositions en ce sens, et ce *High-Level Committee* est chargé *to examine proposed amendments to the Rodrigues Regional Assembly Act, undertake consultations, make appropriate recommendations*. Mais, le mandat de la commission opposée omet complètement l'architecture territoriale de notre État. Rodrigues n'est pas mentionné.

Dans un esprit de collaboration avec mes collègues du gouvernement, je tiens à souligner l'importance de ce projet de loi pour corriger cet oubli historique. Je demande officiellement que le mandat de cette commission soit explicitement élargi afin d'y inclure un chapitre consacré à la consolidation de l'autonomie Rodriguaise, inscrivant le principe et la substance de l'autonomie au cœur même de la loi suprême du pays, afin qu'aucune administration future ne puisse jamais le remettre en question, le restreindre ou le supprimer.

M. le président, pourquoi cette consolidation est-elle si urgente ? Parce que le modèle actuel de décentralisation a atteint ses limites. Actuellement, ce que nous appelons autonomie se résume souvent à une simple administration déguisée. Prenons les secteurs essentiels de

l'éducation et de la santé. Dans le cadre actuel, l'Assemblée Régionale de Rodrigues est chargée de gérer les écoles et les hôpitaux sur le terrain, mais lorsqu'il s'agit de décisions politiques fondamentales, de réformes structurelles ou de vision stratégique, le pouvoir reste bloqué à 560 kilomètres de là, dans les couloirs des ministères à Port Louis. Cela crée des frictions systémiques. Nos commissaires locaux, élus par les habitants de Rodrigues et conscients des besoins immédiats de nos familles, se retrouvent constamment englués dans les méandres de la bureaucratie. Ils sont contraints de s'opposer aux fonctionnaires des ministères ou d'attendre l'approbation des ministères pour des décisions opérationnelles de base.

Il ne s'agit pas d'une critique des individus, M. le président, mais d'une critique d'une structure défailante. D'ailleurs, je profite de l'occasion pour saluer les efforts et l'engagement de tous les ministres qui ont à cœur le développement de Rodrigues et qui ne manquent pas d'y faire un saut pour voir de près les problèmes des Rodriguais, mais nous ne pouvons pas accepter un système où un médecin ou un enseignant de Rodrigues doit attendre l'aval de Port Louis pour mettre en œuvre une solution locale. Une véritable autonomie implique de transférer à l'Assemblée Régionale de Rodrigues une réelle compétence législative et politique sur ces secteurs, que Port Louis définisse les normes nationales, mais que Rodrigues dicte la politique locale pour atteindre ces normes.

M. le président, une politique efficace exige un financement prévisible. La loi reconnaît déjà l'existence du fond consolidé de Rodrigues. L'intention était louable. Cependant, la réalité sur le terrain est tout autre. Trop souvent, Rodrigues est traité comme un demandeur, attendant une allocation. Nous subissons des retards exaspérants dans le versement effectif des fonds du Trésor central au fond consolidé de Rodrigues. Ces retards ne se limitent pas à des formalités administratives, ils paralysent les projets d'investissement, retardent le développement des infrastructures et pénalisent les entreprises locales qui attendent d'être payées. De plus, le processus d'allocation budgétaire demeure arbitraire. Nous ne disposons pas d'un système transparent, fondé sur une formule qui garantisse à Rodrigues une part juste et proportionnelle de la richesse nationale en fonction de nos défis géographiques spécifiques, de notre population et de notre retard de développement. Une région autonome ne peut gouverner efficacement si elle doit vivre au jour le jour à la merci des caprices administratifs des responsables financiers centraux. Par le biais de cette révision constitutionnelle, nous devons établir un mécanisme financier automatisé et juridiquement contraignant. Le

débloqué des fonds doit se faire sans heurts et la part budgétaire doit être calculée selon une formule juste et permanente, inscrite dans notre cadre constitutionnel.

M. le président, si nous voulons bâtir une république véritablement inclusive, nous devons examiner qui siège à la table des décisions. Or, actuellement, cette commission historique de révision constitutionnelle ne compte aucun membre Rodriguais. Comment pouvons-nous réviser le document fondateur de notre destin commun sans qu'un Rodriguais y siège ? Cette exclusion, malheureusement, révèle une tendance plus générale. Prenons l'exemple des conseils d'administration de nos entreprises publiques qui opèrent en grande partie à Rodrigues et prennent des décisions qui transforment profondément notre économie. Où sont les voix rodriguaises dans ces instances ? Considérons nos délégations nationales qui se rendent à l'étranger pour participer à des sommets internationaux sur l'économie bleue, le changement climatique ou le commerce régional.

Rodrigues est en première ligne face au changement climatique et à la gouvernance des océans et pourtant, nos représentants sont totalement absents de ces délégations. Je dis à mes collègues de la majorité, défendons le principe, rien sur nous sans nous. Ce projet de loi devrait imposer la présence de représentants Rodriguais au sein de la commission. À l'avenir, notre cadre constitutionnel doit garantir à Rodrigues un droit permanent et légal à siéger au sein des instances nationales et des délégations internationales. Nous ne voulons pas rester spectateurs du développement de notre propre pays.

M. le président, à celles et ceux qui, après avoir entendu mon discours, nourrissent des doutes quant à la capacité de Rodrigues à assumer ce niveau d'autonomie, je dis, regardez nos réalisations. Voyez ce que nous accomplissons lorsque l'on nous fait confiance et que l'on nous laisse la liberté d'innover. Prenons l'exemple de nos initiatives publiques locales et notamment RodClean. RodClean, une entreprise créée sous l'égide de l'Assemblée régionale de Rodrigues pour gérer la collecte des déchets sur notre île. Quel en est le résultat ? Aujourd'hui, RodClean opère à un coût nettement inférieur pour les finances publiques que les entreprises privées du pays. Plus important encore, elle a créé des emplois durables et valorisants pour nos jeunes ici-même. RodClean est la preuve vivante que la gouvernance locale fonctionne. Elle prouve que lorsque nous gérons nos propres affaires, nous le faisons mieux, à moindre coût et avec un sens plus aigu des responsabilités sociales envers notre environnement et notre population. Et nous avons aussi l'exemple du bannissement du plastique...

**The Deputy Speaker:** Can you please conclude? Your 15 minutes are over.

**Mr Edouard:** Oui, j'y arrive. Le bannissement du plastique et plus près encore, le projet d'eau qui a vraiment séduit notre collègue l'honorable ministre Assirvaden.

Nous ne demandons pas l'autonomie pour nous distancer de Maurice. Nous la demandons parce que nous avons prouvé que nous pouvons fournir de meilleurs services publics lorsque l'on nous fait confiance pour le faire nous-mêmes.

M. le président, je conclus là où j'ai commencé. Je suis fier de m'associer à cette initiative et je crois que ce gouvernement a une occasion historique à saisir. N'adoptons pas une loi qui se contente de regarder en arrière vers les 50 dernières années. Adoptons une loi qui garantisse les 50 prochaines années à une République moderne et pleinement intégrée.

Un Rodrigues fort et largement autonome n'affaiblit pas Maurice, il la renforce. Un Rodrigues financièrement stable, institutionnellement inclus et juridiquement protégé est un Rodrigues qui peut contribuer deux fois plus au produit intérieur brut, la richesse culturelle, et au rayonnement international de notre nation.

Je soutiens ce projet de loi, mais je le fais avec la ferme conviction que notre travail de collaboration en commission permettra d'élargir le mandat de la commission, d'associer les Rodriguais aux discussions, et enfin, d'inscrire le mot autonomie dans la Constitution de notre République.

M. le président, je vous remercie.

**The Deputy Speaker:** Thank you.

Hon. Ms Savabaddy!

(6.22 p.m.)

**Ms A. Savabaddy (First Member for Port Louis North & Montagne Longue) :**  
Merci, M. le président.

Permettez-moi d'abord, M. le président, de dire à quel point je suis honorée de voir que ce projet de loi présenté par l'honorable Premier ministre, l'honorable Dr. Navinchandra Ramgoolam arrive au Parlement.

Je crois que cette Commission de révision constitutionnelle est *long overdue*. Parce qu'il fallait un toilettage, une mise à jour, mais aussi un perfectionnement de la Constitution que nous avons hérité depuis plus d'un demi-siècle. Il y a eu des permutations où la vie a évolué. Quand la Constitution fut rédigée, il n'y avait pas toute cette avancée numérique et technologique. Aujourd'hui, nous vivons dans un autre monde où on a des défis encore plus importants où, à bien des égards, nous sommes en retard. Je souhaite que la Commission de révision constitutionnelle vienne proposer des solutions pour améliorer nos vies à tous les Mauriciens. Je ne crois pas que cette Commission va venir proposer qu'on enlève des garanties constitutionnelles qui sont importantes.

D'ailleurs, je suis heureuse de voir que toute la question de la réforme électorale soit traitée séparément. Car je le dis ici, haut et fort en toute sagesse : ne touchez pas au *best loser system* ! J'y reviendrai le moment voulu. Pour le moment, je dirais que notre Constitution a besoin de plus de clarté en termes d'égalité, de méritocratie et pour éliminer certaines pratiques héritées de la période de la domination. Ces pratiques sont, malheureusement, la division, la discrimination et surtout l'absence de méritocratie. Qu'on ne me dise pas que la Commission n'a pas de mandat à ce sujet. Dans le préambule d'explication, il est écrit au paragraphe (j) –

“any other associated matters which the Commission may think relevant in line with the objects of the Bill”.

Je suis d'avis qu'on ne peut pas considérer cela en isolation, mais en lisant deux autres sections du préambule, M. le président, dans la présentation du projet de loi, notamment la section (f) –

“amendments to be made to Chapter 2 of the Constitution to better protect the fundamental rights, including new generation rights relating to environment, technology, health, education and other economic, social and cultural rights recognised under international treaties, and also to provide for the rights of nature;”.

I repeat: “other economic, social and cultural rights recognised under international treaties, and also to provide for the rights of nature”. And the last section (h) –

“Amendments to be made to enshrine in our Constitution the core values of peace, justice and liberty which we pledge to honour in our national anthem”.

C'est pourquoi il faut aujourd'hui que cette Commission vienne avec un mandat clair pour dire, *in no uncertain terms*, que la République de Maurice rejette ces aberrations de la

division, de la discrimination où la méritocratie passe en dernière position dans les considérations qui affectent la vie sociale. Le pays fait face à des défis sociaux importants, ce n'est pas le moment de tergiverser sur ce qui doit être réellement fait, M. le président.

Parmi les amendements à apporter à notre Constitution, c'est l'inclusion obligatoire du mot, je répète, "méritocratie" comme un principe entier et ce sera un *game changer*. Oui, on me dira que la discrimination est interdite au terme des sections 3 et 16 de notre Constitution actuelle, mais je le sais. Mais les applique-t-on réellement ? 3 *lor* 123.

If someone can prove me wrong in this House, I will stop my speech and apologise, otherwise I will continue.

Je demande à l'honorable Premier ministre de venir avec un amendement pour inclure explicitement le mot « méritocratie » et ses principes dans la Constitution. Avec un tel amendement, il va rentrer encore plus dans l'histoire du pays comme l'unique démocrate qui veut que tous les enfants du pays doivent être traités sur le même pied d'égalité.

With these words, Mr Deputy Speaker, Sir, I commend the Bill to the House and wish all the best to our country. May God bless Mauritius.

Thank you.

**The Deputy Speaker:** Thank you, hon. Member. Hon. Seeburn!

(6.28 p.m.)

**Mr M. Seeburn (Second Member for Vieux Grand Port & Rose Belle):** Thank you, Mr Deputy Speaker, Sir.

Today, we are debating a Bill that will determine the future architecture of the Republic of Mauritius. I rise to support the Constitutional Review Commission Bill and to support the visionary leadership of the hon. Prime Minister, Dr. Navinchandra Ramgoolam for having the courage and statesmanship to introduce this historic measure before this House.

True leadership is not about managing the present, but it is about preparing the nation for the future. This is a Bill that will strengthen our democracy, protect the rights of our citizens, modernise our institutions and prepare our nation for the future generations. The Constitutional Review Commission Bill is, therefore, not an ordinary piece of legislation. It is a nation building exercise, a democratic and patriotic Bill in line with our Government Programme 2025-2029.

Mr Deputy Speaker, Sir, as we debate the future of our Constitution, we must remember the extraordinary vision and courage that brought our nation into existence as an independent State in 1968. Under the leadership of late Sir Seewoosagur Ramgoolam, Mauritius overcame deep political divisions, economic uncertainty and colonial dependency. He campaigned relentlessly to secure independence through dialogue, democratic legitimacy and constitutional negotiation to further secure a written Constitution.

Mr Deputy Speaker, Sir, the Constitution adopted at independence was not merely a legal document. It became the foundation of our stability, of our rule of law and of our parliamentary democracy. It protected fundamental rights, guaranteed institutional continuity and created the framework within which Mauritius transformed itself from a vulnerable monocrop economy into one of the great democratic and economic success stories of Africa.

We must acknowledge that our Constitution has served our country remarkably well since independence. It has guided us through political transitions, economic transformation and social progress by preserving peace and ensuring orderly governance in our multicultural society.

However, no Constitution is perfect or beyond reform. No Constitution is meant to remain frozen in time. A living democracy must evolve. Mr Deputy Speaker, Sir, therefore any constitutional review must be approached with the same spirit of national responsibility and statesmanship. This Constitutional Review Commission Bill reminds us that every strong democracy must evolve with the aspirations and the realities of its people. We now face the challenges of the 21<sup>st</sup> century, which are profoundly different from those faced at independence in 1968. Our society is more educated, more connected and more demanding of transparency and accountability. The future of Mauritius requires institutions that are resilient, modern and capable of responding to new economic, social, technological governance challenges.

Mr Deputy Speaker, Sir, this Bill provides an opportunity for thoughtful national reflection on how to strengthen our democracy, how to reinforce public trust in our institutions, and how to improve the separation of powers and ensure that Constitution continues to protect the rights and aspirations of future generations. Constitutional reform must be driven by higher duty to leave behind a strong Republic for our children and our grandchildren. That is why this Bill is necessary now for the future of Mauritius.

Mr Deputy Speaker, Sir, even the world's oldest and most respected democracies have continuously adapted their constitutional system to meet the demands of changing times. The United Kingdom, despite relying on an unwritten Constitution, has undertaken major constitutional reforms, including institutions from the House of Lords to that of the creation of the Supreme Court and the strengthening of human rights protection. Likewise, United States has amended its Constitution numerous times since its founding because its leaders understood that democracy must evolve. Those amendments in the United States abolished slavery, expanded voting rights, strengthened civil liberties, and modernised governance to reflect the progress of society. Great nations do not fear constitutional review. They embrace it responsibly to preserve stability, strengthen institution, and deepen democracy. Mauritius must do same.

Mr Deputy Speaker, Sir, this Constitutional Review Commission Bill enable us to ensure that our Constitution remains relevant, effective, and capable of protecting future generations in a rapidly changing world, including the protection of fundamental rights and the consolidation of democracy and institutions.

The Bill clearly establishes a structured constitutional review mechanism. It provides for the establishment of an independent Constitutional Review Commission and defines its composition, powers, and procedures. It further empowers the Commission to conduct consultations, gather expert opinions, engage stakeholders with a view to strengthen the protection of fundamental rights, including the enshrinement of new generation right relating to technology, rights of nature, and the core values of peace, justice, and liberty in the Constitution as spelt out under section 4 of the Bill and further to formulate recommendations on constitutional reform.

The Bill further provides for the appointment of Commissioners and functioning of the Commission, the submission of reports and the recommendations, as well as administrative and financial framework necessary for its operation.

In essence, Mr Deputy Speaker, Sir, this legislation creates a democratic, transparent, and institutional process through which, constitutional reform may be examined responsibly and in the national interest. Mr Deputy Speaker, Sir, many respected democracies around the world have used constitutional review commissions, constitutional conventions, reform committees, or expert commissions to modernise and strengthen their constitutional system.

South Africa established an extensive constitutional review after the end of apartheid, which led to one of the world's most respected Constitution. The process in South Africa involved constitutional assemblies, expert commissions, public consultations, and the judicial review mechanism. Today, South Africa's Constitution is internationally praised for its strong protection of human rights and democratic institution.

India, being one of the world's largest democracies, recognised that constitutional system must periodically evolve. India created the Constitutional Review Commission under the Prime Ministership of Atal Bihari Vajpayee with a purpose to examine electoral reforms, institutional strengthening, governance, efficiency, and further protection of democracy. Similarly, United Kingdom has repeatedly over the years established constitutional reform commissions and brought several reforms, including reform in the electoral system. Thus, Britain continuously reviews constitutional arrangements to adapt institutions to modern reality.

Mr Deputy Speaker, Sir, the world around us is changing rapidly. Technology is changing governance. Citizens are demanding more transparency, and our young people and young generation want greater participation. There are numerous questions surrounding institutional accountability, electoral fairness, separation of powers, including constitutional rights and democracy. Thus, governing standards are becoming increasingly important in democracies everywhere. Mauritius cannot remain static while the world evolves. Strong nations are not afraid of reform. Strong democracies are not afraid of debate. Strong leaders, including our Prime Minister, are not afraid of any scrutiny.

Mr Deputy Speaker, Sir, this Government is demonstrating courage by opening the door to the national constitutional reflection. That is the hallmark of a mature democracy. We must remember that constitutional reform is not about one government or one Prime Minister. It is about generations yet unborn. The Constitution belongs to the people and reviewing it is an act of democratic responsibility.

Mr Deputy Speaker, Sir, there are legitimate national conversations that deserve thoughtful examination. How do we further strengthen our democratic institutions in the Republic of Mauritius? How do we ensure even greater protection of fundamental rights? How do we modernise governance while preserving stability? How do we improve public confidence in institutions? These are national questions and only a serious constitutional review process can properly address them.

Mr Deputy Speaker, Sir, one of the greatest strengths of Mauritius has always been our ability to evolve peacefully through dialogue rather than conflict. Many countries experience constitutional crisis because they refuse to reform until tensions explode. Mauritius has chosen a wiser path to strengthen our Constitution, and this deserves support from every patriot in this House. This Government is acting responsibly to ensure that the constitutional foundation of Mauritius remains strong, modern, democratic, and worthy of our people.

Mr Deputy Speaker, Sir, before I conclude, allow me to place on record my sincere thanks and appreciation to the hon. Prime Minister for his vision, courage, and statesmanship in introducing the Constitutional Review Commission Bill before this House. In doing so, the Government is honouring its commitment made to the people of Mauritius and demonstrating that its promises are not merely electoral declarations, but solemn commitment to strengthen democracy, modernise our institutions, and prepare Mauritius for the future. This initiative reflects responsible leadership and a genuine desire to consolidate the democratic foundation of our Republic.

Mr Deputy Speaker, Sir, throughout history, great political leaders have understood that nations must evolve in order to remain strong. Thomas Jefferson, the third American President, reminded the world that laws and institution must go hand in hand with progress of the human mind. The first Prime Minister of India, J. Nehru, after independence, declared that constitutional review is the very process through which democracy renews, strengthens, and modernises itself for future generation. He went on to say that 'a constitution must be dynamic; it must grow with the nation'.

Mr Deputy Speaker, Sir, history will judge this Parliament not only by the laws we pass today, but by whether we had the vision to prepare Mauritius for tomorrow. Future generation will, but the people out there are asking now. Can we have the courage to modernise our democracy? Can we have the wisdom to strengthen further rights in the modern world? Can we have the voluntariness to inspire trust in our institutions? Can we have the vision to build a stronger Republic for future generation?

Today, Mr Deputy Speaker, Sir, through the Constitutional Review Commission Bill, we answer proudly, yes, we can. With these words, I thank you.

**The Deputy Speaker:** Thank you, hon. Member.

Hon. Ms Henriette Manan!

(6.42 p.m.)

**Ms D. Henriette-Manan (Third Member for Rodrigues):** Merci, M. le président, de me donner la possibilité de m'adresser sur ce projet de loi.

M. le président, il est impensable que la voix de Rodrigue ne se fasse pas entendre sur un sujet tel que la création d'une commission de révision constitutionnelle. Et je salue mes collègues qui se sont aussi levés pour faire entendre la voix de Rodrigues sur ce projet de loi. Notre voix sur cette loi est toute aussi importante que celle qui s'exprimera sur l'avènement même de cette réforme.

M. le président, en tant que députée de Rodrigues, j'irai droit au but. J'insiste que tout processus de réforme constitutionnelle doive pleinement inclure les voix et les réalités de Rodrigues. Rodrigues possède une identité, une histoire, une culture et une réalité administrative distincte au sein de la République. Une réforme constitutionnelle ne peut être significative si elle est menée uniquement du point de vue du territoire principal.

Le peuple de Rodrigues doit être consulté largement et sincèrement. On entend souvent de belles paroles sur Rodrigues. De nombreuses promesses sont faites parce que l'on sait ce que les Rodriguais souhaitent entendre. Mais le temps des discours est révolu. Les paroles s'envolent, mais les actions demeurent. *Now is the time to walk the talk for Rodrigues.* Donnez aux Rodriguais une constitution qui reflète vraiment ses attentes. Donnez-nous une constitution qui ravive notre espoir dans cette République où nous nous sentons marginalisés des fois. Et donnez-nous une constitution qui nous permet de brandir fièrement notre appartenance à la nation mauricienne.

M. le président, tel est mon souhait pour cette commission qui aura la lourde tâche de réviser un document qui, dans son ensemble, est vieux de plus de 58 ans et qui, certes, a été chirurgicalement amendé à maintes reprises, comme l'a souligné l'honorable Parapen. Et où, bien sûr, l'amendement qui nous marque à Rodrigues est celui de l'inclusion de la *Rodrigues Regional Assembly* en 2001.

Depuis 2001, Rodrigues a donc une section dans la Constitution de la République. Cette loi, censée nous accorder une autonomie décisionnelle sur plusieurs aspects, nous maintient pourtant encore fortement dépendants de réalités administratives qui dépassent les querelles partisanes locales. Les gouvernements régionaux se sont succédé, mais les problèmes récurrents persistent. Je prendrai comme exemple le fameux problème de *larzent* qui retourne dans la caisse Maurice. L'OPR l'a connu. L'Alliance Libération aussi en a fait les frais.

La source du problème ne se trouve-t-elle pas justement dans certaines procédures prévues par les textes de loi ? Ne serait-il pas judicieux de revoir ces textes avec les principaux concernés et de faire en sorte que chaque loi écrite pour Rodrigues soit élaborée en concertation avec Rodrigues ?

Notre Constitution ne doit pas être un costume sur mesure pour l'île Maurice et imposé ensuite aux autres îles de la République. Cela serait injuste, frustrant et ne favoriserait nullement le patriotisme. Un autre exemple qui mérite d'être souligné. Rodrigues ne participe pas au choix de celui qui dirige la République et qui indirectement dirige aussi Rodrigues. Certes, nous élisons nos représentants de circonscription, ce qui est normal et nécessaire. Mais nous aurions également dû avoir le droit de participer au choix des dirigeants de notre République.

D'autant que depuis l'avènement de la *Rodrigues Regional Assembly*, nous n'avons même plus l'assurance d'avoir un ministre de Rodrigues natif de notre île. Voilà, encore un point sur lequel cette commission peut se pencher. L'honorable leader de l'opposition – malheureusement, il n'est pas là –, qui a lui-même été ministre de Rodrigues, conviendra certainement qu'être ministre de Rodrigues exige une connaissance profonde des réalités de cette île. Il en va de même pour nos frères et sœurs d'Agaléga qui ne disposent eux-mêmes pas d'un représentant natif de leur île dans cette auguste Assemblée.

M. le président, en tant que représentant du peuple, nous devons reconnaître qu'aujourd'hui les citoyens sont plus exigeants. Ils attendent de nous que nous soyons à la fois les gardiens de notre patrimoine légal, mais aussi les bâtisseurs des lois en adéquation avec les réalités de leur quotidien. La Constitution doit donc refléter non seulement les réalités d'hier, mais aussi les aspirations de demain. Je me réjouis particulièrement, M. le président, de plusieurs propositions contenues dans ce projet de loi.

Premièrement, la proposition visant à mieux protéger les droits fondamentaux est à la fois opportune et nécessaire. L'inclusion des droits environnementaux, entre autres, le changement climatique, la protection de la vie privée numérique, l'accès aux soins de santé et l'égalité sociale, n'est plus une préoccupation secondaire. Ils sont au cœur même de la dignité humaine. C'est en misant sur ces points que ceux qui nous ont mis ici verront que nous avons à cœur notre nation d'aujourd'hui et l'héritage de nos enfants de demain.

Je remercie donc et félicite le Premier ministre, l'*Attorney General* et toute l'équipe derrière ces propositions. Pour Rodrigues, la protection de l'environnement est sans dire

capitale. En tant que petite île dotée d'un écosystème fragile, notre population comprend profondément l'importance de préserver la nature pour les générations futures. On se vante souvent de Rodrigues, île écologique. Et chaque gouvernement régional qui vient se doter des moyens de consolider cette position, et nos citoyens Rodriguais veillent férocement à cela. La proposition visant à reconnaître les droits de la nature dans la réflexion constitutionnelle mérite donc attention et débat approfondi.

Je soutiens aussi la proposition de créer une division constitutionnelle au sein de la Cour Suprême. Les affaires constitutionnelles et relatives aux droits humains ne devraient pas subir de retards inutiles. Comme je l'avais dit précédemment dans mon discours sur le *Courts of Rodrigues Jurisdiction (Amendment) Bill*, une justice retardée est une justice refusée. Les citoyens doivent avoir confiance dans le fait que leur protection constitutionnelle soit réelle, efficace et accessible. La démocratie ne peut fonctionner correctement lorsque les élections sont reportées indéfiniment. Les autorités locales sont les plus proches de la population et des élections régulières garantissent la responsabilité et la participation citoyenne.

Cependant, il ne faudrait pas non plus tomber dans l'excès d'élections trop rapprochées comme c'est parfois le cas à Rodrigues, où la population se retrouve en campagne électorale permanente. Cette situation fragilise le tissu social, engouffre nos finances publiques et nourrit inutilement les divisions politiques. Il nous faut donc trouver un juste équilibre qui protège les droits électoraux tout en préservant la stabilité sociale.

La question de la dissolution du Parlement mérite également réflexion, M. le président. La dissolution du Parlement régional constitue parfois une véritable épée de Damoclès suspendue au-dessus des gouvernements régionaux par les autorités nationales, et nous en avons récemment ressenti cette pression. Pour gouverner, Rodrigues sans ingérence excessive devrait être un privilège garanti par la *Rodrigues Regional Assembly Act*. Aucun gouvernement régional ne devrait craindre de défendre Rodrigues sous peine de déplaire au gouvernement national et de subir des sanctions politiques à travers une dissolution. Le peuple de Rodrigues a choisi ses dirigeants. C'est donc à ce même peuple que devrait revenir le droit de sanctionner politiquement ses élus. Bien entendu, sauf dans les cas graves de violation de la Constitution de la République. J'encourage donc la commission à dialoguer directement avec toutes les parties prenantes rodriguaises.

Nous avons déjà vu des lois votées dans cette auguste assemblée qui, bien qu'adaptées à Maurice, se révèlent parfois difficilement applicables à Rodrigues ou aux autres îles de la

République. La réforme constitutionnelle ne doit pas devenir un exercice réservé uniquement aux experts juridiques et aux élites politiques. Comme l'a dit l'honorable Quirin, la Constitution appartient au peuple. M. le président, de même, toute réforme concernant les nominations aux grandes institutions publiques doit promouvoir le mérite, l'intégrité, la compétence et la confiance du public.

À Rodrigues, nous connaissons également la réalité des transfuges politiques. Le gouvernement régional actuel lui-même gouverne avec une majorité d'une seule voix. Concernant les dispositions anti-transfuge, cette Assemblée doit avancer avec prudence. Bien que la stabilité politique soit importante, nous devons également veiller à ce que les représentants élus conservent la liberté d'agir selon leur conscience et dans l'intérêt véritable de leurs électeurs.

Nous, les députés de Rodrigues, savons ce que cela signifie. Même si nous avons théoriquement la liberté de siéger de n'importe quel côté de la Chambre au sein de cette auguste Assemblée, la réalité nous oblige souvent à travailler de concert avec le gouvernement national pour le bien-être de notre peuple. L'honorable François est un exemple, lui qui, trois mandats d'affilée, s'est assis du côté du gouvernement, peu importe quel gouvernement est là. Une évidence d'un choix qui n'est peut-être pas de son choix de conscience et de volonté.

**Mr François:** Eh, toi !

**Ms Henriette-Manan:** Mais au final, chacun fait son choix dans l'intérêt de ceux qui l'ont envoyé ici.

Je me souviens aussi du discours inaugural du *Whip* de l'opposition qui questionnait notre *sitting position* à mon collègue élu du *Best Loser System*. Aujourd'hui, je me permets de lui répondre. Mon choix doit tout le temps se faire dans l'intérêt de mon peuple. Point. Donc, avançons avec prudence sur les règlements par rapport au choix de position dans cet hémicycle et trouvons un juste équilibre dans l'intérêt d'une démocratie éthiquement et moralement correcte.

À l'issue de cet exercice, le peuple mauricien doit sentir que la Constitution reflète sa voix, ses espoirs et son avenir. M. le président, ce projet de loi ouvre la voie à une importante conversation nationale. Abordons-la avec sagesse, humilité et patriotisme.

Pour finir, comme l'a déclaré l'honorable Premier ministre, la Constitution de 1968 nous a bien servi, mais la République du 21<sup>ème</sup> siècle doit répondre aux exigences de son temps. M. le président, Rodrigues doit faire pleinement partie de cette République du 21<sup>ème</sup> siècle, et c'est en ce sens que je soutiens ce projet de loi.

Merci.

**The Deputy Speaker:** Thank you, hon. Member.

Hon. Mr Narsinghen!

(6.55 p.m.)

**The Junior Minister of Foreign Affairs, Regional Integration and International Trade (Mr H. Narsinghen):** Thank you, Mr Deputy Speaker, Sir.

Let me, first of all, make an appeal to all Members of Parliament. I think, today is a momentous occasion. This is a tryst with history. For so many years, we have been asking for a reform of the Constitution. Before joining politics, I told the actual Prime Minister, who is also the Leader of the political party from which I am, that all the politicians here have their ambitions. Legitimate at times – most of the time, yes –, but I think, at times, we forget, first and foremost, that we are here to defend the nation. And today, this is a momentous occasion to defend the nation.

My speech will be in three parts. First, on the merits and demerits of the actual Constitution and why there is a need for constitutional change. Then I will focus to rebut four or five points stated by the Members of the Opposition, especially the Leader of the Opposition. I also get the impression that we have to explain to our people, what a Constitution is. It is a special law. Section 2 mentions clearly that it is not an ordinary law.

At the same time, it is a contract, but not an ordinary contract. It is a special contract between the people and the State, not the Government. We have to make a distinction, Mr Deputy Speaker, Sir, between the State and Government. It is important to make the people understand. We have to understand the Constitution because listening to some Members of Government, a few, and also some from the Opposition, especially from some Members, it is as if nothing is good in that Constitution. No, we have never mentioned that.

Today, I am a bit emotional. I have to admit it. Normally, I am not emotional. But, today, I am emotional when I talk about the Constitution because for many, many years, at the university, Dr. Milan Meetarbhan and myself, we have been advocating for constitutional reforms. Mr Deputy Speaker, Sir, we also have to make a distinction between reform - we are not overhauling completely the Constitution, otherwise, we would have a constituent Assembly. So, we have to make the distinction between a constituent Assembly as opposed to a Constitutional Commission. This is important to note.

Also, one of the speakers mentioned that it is as if a mere colonial legacy. I beg to disagree because we forgot the vision of two people. Of course, there are a number of other people, but there were two great people who had vision –

- (i) Sir Seewoosagur Ramgoolam at that point in time.
- (ii) We forgot an outstanding academic professor. He was both a lawyer, practicing barrister, and a Professor from Cambridge University, Professor S. A. de Smith.

What they have produced, at that point in time, and I would invite our people to read a seminal article, which appeared in the Modern Law Review of 1968, coming from the horse's mouth. The title of this article is 'Colonialism in a Plural Society'.

I also listened carefully to our colleague, hon. Ms Savabaddy, and she was bold in a way. Why should I remind you what Professor S. A. de Smith mentioned in this sort of article, which is a must to read to understand the Constitution? He mentioned that it was not easy. In fact, some people refer to the Westminster model of the Constitution. Some other academics and professors have referred to the export model of the Westminster, which is different. Professor S. A. de Smith explained some of the unique features of the Mauritian Constitution. Of course, obviously, we are all aware about BLS. This is one.

But let me tell you, Mr Deputy Speaker, Sir, that even the then Governor General had some unique powers which we have transferred in its totality to the President of the actual Republic. In the UK, under what is known as the British Constitution – this is not the Westminster model –, the Queen does not have any power. The Queen is a mere ceremonial Head of State. This is the paradox. Our then Governor General had some important powers. I do not know if you are aware that the then Governor General and the actual President of the Republic, when it comes to the appointment of members of the Public Service Commission,

the then Governor General and the actual President can appoint members of the Public Service Commission after consultation with the Prime Minister. The Queen in the UK does not have such power. I can go on like this.

In our Constitution, there are other original features, like the Ombudsman. I mentioned about Sir Seewoosagur Ramgoolam. I mentioned about Professor S. A. de Smith, but we must not forget, for example, Sookdeo Bissoondoyal. He brought the idea of an Ombudsman. But unfortunately, with the test of time, the Ombudsman has become a white elephant. So, this is why it is important to understand, not only the letters of the actual Constitution, but also the spirit of this Constitution. The Constitution has a lot of merits.

So, Mr Deputy Speaker, Sir, we have got the bath water and the baby. We do not want to throw the baby because according to my own assessment, 60 to 70% of the Constitution as it is, is okay; it is correct. Now, the baby is hinged on a number of important principles. Number one, our judiciary has been mentioning about this important principle that the Westminster model, export model of the Westminster, is hinged first and foremost on the principle of not separation of powers; Justice Glover used another term, what is known as juxtaposition of powers. So, what is the distinction between separation of powers and juxtaposition of powers? This is where we brought in, Mr Deputy Speaker, Sir, the idea of check and balances borrowed from the Americans. So, these are distinctions which we have to understand. Then there is a rule of law. This has always been in UK, but we have imported it. We have also democracy and the type of democracy that we have.

People mention democracy. What we have in Mauritius is liberal democracy. An idea put forward by John Stuart Mill and this is where Sir Abdool Razack Mohamed and others have been fighting for minority rights. So, I have been fighting against the BLS for many years but if we get rid of the BLS, we have to find solutions how to accommodate. That is why I consider to a certain extent...you see, we are going to have contradictions within the Chamber here but *à travers les contradictions, c'est ça l'art de la dialectique, que va jaillir la lumière, j'espère.*

So, also our Constitution as it is, is hinged on human rights, Parliamentary system. I do not think we want to change the Parliamentary system into a semi-Presidential or into a Presidential system. I listened with attention to the speech of the hon. Prime Minister. This is not what the hon. Prime Minister has in mind. There are some demerits of this actual Constitution.

Number one is BLS itself. We do not have a system of PR. We missed the opportunity in 2014, unfortunately, but we do not want to come back on what we missed. Regarding the legitimacy of the President, we find that the President, unfortunately, in spite of the fact that the President has some important powers, is elected by a majority. This is why I think the hon. Prime Minister is right to bring this proposal to the Commission to study whether we should have an electoral college to elect the President, not only a majority who will elect the President.

There is also no recognition of Local Government. I understand my friends from Rodrigues are complaining that they do not have enough autonomy, but in Mauritius, our District Councils do not even have a recognition and it is high time to change that and also to make sure that no one would ever be able to postpone elections; be it village elections or municipal elections. So, this is very important.

Now coming to rebuttal. The Leader of the Opposition mentioned that there is a sort of political agenda. We have to make a distinction between whether we have a partisan political agenda or we have a political agenda because we have to make the distinction between people who have voted this election. Due to unprecedented breach of human rights, we have been plebiscited. Make the distinction between being voted in and being plebiscited and we had a clear mandate. Many of my colleagues mentioned, hon. Members mentioned about the clear mandate that we have from the people. This was included in the political manifesto. It was also included in the speech of the President regarding the Governmental programme. So, it is far from being a sort of political agenda.

We are not accommodating. Of course, we respect our partners, *les papillons*, we respect them, but we are not having any political agenda – far from that. So, the way the Bill has been drafted, it takes some time. I had some apprehensions because it took much time than what was promised, but better late than never. So, we are having a Bill which is well structured, well written, well drafted, and I think that the members who have been designated will do a wonderful job.

Now, another point which was mentioned by the hon. Leader of the Opposition – he mentioned that the Bill as if the executive has dictated the agenda. This is why I think it is important when you read section four of the Bill, one word which has been used – *inter alia*. What does *inter alia* mean? This is a Latin legal jargon, Latin phrase, which means, among other things, people would be free. This is why my hon. friends from Rodrigues should not

have any apprehension. Over and above the areas which have been mentioned, hon. Members of Parliament, civil society, trade unions, will have the opportunity to go and discuss about and it is also mentioned in subsection (s) of section 4, that the Commission would be free to discuss about other matters, provided it is related to the objects of the Bill and what does the object of the Bill mention? About consolidation of democracy and consolidation of human rights.

So, what my good friend, hon. Ms Savabaddy can do. I will make my submission. I will go and depone before that Commission. Hon. Members of the Opposition should do it. I appreciated the speech to a certain extent of hon. Ms Joanna Bérenger, and also hon. Quirin and also hon. A. Duval but unfortunately, I was a bit disappointed with the speech of the hon. Leader of the Opposition. I understand that Opposition, at times, has to do some demagogy. He also mentioned that the Bill is *emba lao*. The Bill is *emba lao* because what happened? He forgot that the Cabinet took a decision to appoint a number of members. You know that the former Chief Justice Sik Yuen has been appointed, Mr Satyajit Boolell, Mr Rawat, Mr Edouard, etc have been appointed.

But what is wrong with it? He should be aware that we got section 64 of the Constitution, which provides that the President, except in some exceptional circumstances, where he can decide in his own deliberate judgment, otherwise, in some instances he can decide after consultation, but for most of the circumstances, the President is bound to act on the advice of the hon. Prime Minister or Cabinet or some other authorities and this is what some hon. Members of the Opposition failed to understand.

**The Deputy Speaker:** Hon. Member, can you conclude please?

**Mr Narsinghen:** I just want to conclude, Mr Deputy Speaker, Sir.

**The Deputy Speaker:** You have already made use of your time.

**Mr Narsinghen:** So, I am concluding. So, this is why it is important for hon. Members of the House to rise above. We had two historical leaders. Our hon. Prime Minister, Dr. Navin Ramgoolam, but also when we started, we had hon. Paul Bérenger. Both are historical leaders along with the leader of *Rezistans ek Alternativ* and the *Nouveaux démocrates*. So, both have got a passion for the Constitution but unfortunately one has left and I am sure knowing the passion of hon. Paul Bérenger, he will support the Bill. However, this is not the end. We have already appointed a number of members at the Commission. These people are fully independent, they are going to do a good job, but we have to encourage our people in

villages, in every nook and corner, we have to encourage trade unions, we have to encourage civil society to go and depone.

Hon. A. Duval mentioned about 18 months. I think if the Commission works diligently, they can submit the work within a span of one year. So, hon. Members, I strongly commend the Bill. You have a sort of *rendez-vous*, *vous avez un rendez-vous avec l'histoire*. *Ne ratez pas le train*.

Merci.

**The Deputy Speaker:** Thank you, hon. Member. Hon. Damry!

(7.12 p.m.)

**The Junior Minister of Finance (Mr D. Damry):** Mr Deputy Speaker, Sir, as I rise in the context of this historical Constitutional Review Commission Bill debate, I must pay tribute to the father of the nation, Sir Seewoosagur Ramgoolam, and the framers of our Constitution, the supreme law of our land. Their vision and foresight motivate and inspire us in nation building: as one people, as one nation, in peace, justice and liberty.

Allow me to quote Dr. Ambedkar, the father of the Indian Constitution –

“The Constitution is not a mere lawyer's document, it is a vehicle of life, and its spirit is always the spirit of age.”

It is in this spirit that the Constitutional Review Commission will address governance, socio-economic and democratic rights as well as new generational rights of climate justice, digital and AI advancement, and inter-generational equity.

Mr Deputy Speaker, Sir, different countries adopt different strategies to deal with new generation rights and constitutional review. For instance, the Supreme Court of India interprets new generational rights as implicit fundamental rights under the existing constitutional framework. The Supreme Court of India's landmark rulings, including Dr. M.K. Ranjitsinh vs the Union of India, read the right to be free from the adverse effects of climate change and the right to a clean environment into the right to life, Article 21.

Similarly, the Indian Judiciary has integrated the doctrine of inter-generational equity, the duty of the present generation to preserve natural resources and ecology for future generations as an enforceable aspect of Article 21 and the public trust doctrine.

Mr Deputy Speaker, Sir, as the Junior Minister of Finance, I have the moral duty of ensuring inter-generational macroeconomic equity and justice. A recent World Bank Report on Climate has estimated upside and downside climate risks of 2% to 4% of our GDP in the next 25 years.

This strengthens the case for constitutional inter-generational climate justice rights. At the same time, I have the ethical duty to safeguard inter-generational sovereign reserves. Singapore's Constitution strictly protects the nation's reserves by establishing an elected president as a second key before the government can draw on, transfer or use the reserves. Such constitutional safeguard will prevent any Finance Minister from looting our reserves like the previous government did.

Furthermore, the South African Constitution mandates the South African Reserve Bank to protect the value of the currency. A similar constitutional safeguard could prevent the Central Bank from reckless and excessive money printing, leading to rupee devaluation, like in the previous government.

Mr Deputy Speaker, Sir a Constitutional Review Commission constituted in the manner prescribed in the Bill with defined terms of reference follows international best practices. Prime Minister Vajpayee appointed the National Commission to review the working of the Constitution of India in 2000. President Mahama of Ghana appointed the Constitutional Review Committee in 2025. Both with defined terms of reference, similar methods of appointment of members, and no prescribed timelines.

I have full confidence that the commission will be a freely chosen representative voice of all citizens, truly and fully representing the will of the people in full transparency. I have full faith that the timely, substantive and procedural next generation constitutional reforms recommendations will navigate an electoral democracy into a developmental democracy.

Mr Deputy Speaker, Sir, to partisan politicians who cast doubts on our implementation capacity, I say, our founding constitution was not adopted in the Constituent Assembly of Mauritius. On the other hand, we, the elected members of this National Assembly, have the opportunity to make, and could make history by forming the Constituent Assembly for this next generation constitution: by Mauritius, for Mauritius, with Mauritius; binding generations. In the words of Thomas Jefferson, who has said –

“We may consider each generation as a distinct nation, with the right, by the will of the majority, to bind themselves, but not to bind the succeeding generation more than the inhabitants of another country.”

Therefore, I humbly make a submission that the reviewed constitution includes a preamble that begins with the words: ‘We the people of the Republic of Mauritius,’ thus celebrating mauritianism, unity in diversity, the core value of the Father of the Nation and our motherland.

Mr Deputy Speaker, Sir, power politics will go on, Governments will come and go. Parties and coalitions will be formed and broken. But the State must endure. Democracy must thrive. Our rights must be protected as one people, as one nation, in peace, justice and liberty. This is the power of the next generation constitution as envisioned by the Prime Minister.

Therefore, just as we celebrate Independence Day and Republic Day, when the hour of the historical twist with destiny will come, I will call upon that day to be celebrated as Constitution Day. Hon. Prime Minister, you will forever be remembered as the Father of the Constitution of the Republic of Mauritius.

Mr Deputy Speaker, Sir, together with my fellow MPs, I am proud to support this Bill. It is an audacity of next generational constitutional guarantee. We owe a huge debt of gratitude to our founding fathers, and a duty of service to past, present and future generations. We hope to do justice to the ideals of our freedom heroes. In their honour, I would like to recite a short poem by Lord Tennyson –

“We are not now that strength which in old days moved earth and heaven. That which we are, we are. One equal temper of heroic hearts, made weak by time and fate, but strong in will to strive, to seek, to find and not to yield.”

As for me, born free in independent Mauritius, belonging to the Labour Party of constitutional freedom and rights, swearing allegiance and bowing only to God, my national anthem, my national flag and my Constitution, I will strive, seek and find the audacity for next gen constitutional guarantee. I will not yield.

Long live the Constitution! Long live the Republic of Mauritius as one people, as one nation, in peace, justice and liberty! I commend this Bill to the House. Thank you.

**The Deputy Speaker:** Thank you, hon. Member.

Hon. Mr. Ramful!

**Mr Ramful:** Mr Deputy Speaker, Sir, I beg to move for the adjournment of the debate.

**Mr Assirvaden rose and seconded.**

*Question put and agreed to.*

*Debate adjourned accordingly.*

### **ADJOURNMENT**

**The Prime Minister:** Mr Deputy Speaker, Sir, I beg to move that this Assembly do now adjourn to Tuesday 02 June 2026 at 11.30 a.m.

**Mr Assirvaden rose and seconded.**

*Question put and agreed to.*

**The Deputy Speaker:** The House stands adjourned!

*At 7.22 p.m. the Assembly was, on its rising, adjourned to Tuesday 02 June 2026 at 11.30 a.m.*