

THE CONSTITUTIONAL REVIEW COMMISSION BILL
(No. VI of 2026)

Explanatory Memorandum

The object of this Bill is to empower His Excellency the President of the Republic of Mauritius to appoint a Constitutional Review Commission which will be responsible to examine and make recommendations on constitutional reforms, such as the protection of fundamental rights and the consolidation of democracy and institutions.

2. The Commission will, inter alia, examine –
- (a) the creation of a Senior Officials' Appointment Committee which will make recommendations to the Government on the appointment of heads of major public institutions, other than those made by the service commissions already provided for in the Constitution;
 - (b) provisions to be made in the Constitution for the mandatory holding of local government elections at statutory intervals;
 - (c) the creation of a new Court of Appeal within the Supreme Court, consisting of Judges of appeal, in order to provide for appeals from decisions of Judges at first instance, while maintaining the right of final recourse to the Judicial Committee of the Privy Council;
 - (d) the establishment of a Constitutional Division of the Supreme Court for timely adjudication of constitutional and human rights matters;
 - (e) the reinforcement, if necessary, of the independence of the Director of Public Prosecutions;
 - (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;
 - (g) the introduction of anti-defection provisions for members of the National Assembly;
 - (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;

- (i) public interest litigation and class actions that will better safeguard public interest and better protect citizen rights; and
- (j) any other associated matters which the Commission may think relevant in line with the objects of the Bill.

DR. N. RAMGOOLAM, G.C.S.K., F.R.C.P.
*Prime Minister, Minister of Defence, Home Affairs and
External Communications, Minister of Finance,
Minister for Rodrigues and Outer Islands*

15 May 2026

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A BILL

To appoint a Constitutional Review Commission which will be responsible to examine and make recommendations on constitutional reforms, such as the protection of fundamental rights and the consolidation of democracy and institutions

ENACTED by the Parliament of Mauritius, as follows –

1. Short title

This Act may be cited as the Constitutional Review Commission Act 2026.

2. Interpretation

“Commission” means the Constitutional Review Commission appointed by the President under section 3;

“Commissioner” –

(a) means a Commissioner of the Commission; and

(b) includes the Chairperson and Vice-chairperson of the Commission;

“Law Reform Commission” means the Law Reform Commission established under the Law Reform Commission Act 2026;

“Secretary” means the Secretary to the Commission.

3. Constitutional Review Commission

(1) The President may appoint a Constitutional Review Commission which shall be responsible to examine and make recommendations on constitutional reforms, such as the protection of fundamental rights and the consolidation of democracy and institutions.

(2) The Commission shall consist of a Chairperson, a Vice-chairperson and other Commissioners, to be appointed by the President.

(3) The Chairperson shall preside over the meetings of the Commission and, in the absence of the Chairperson, the Vice-chairperson shall preside over such meetings.

4. Functions and powers of Commission

(1) The Commission shall, inter alia, examine the following –

- (a) strengthening the protection of fundamental rights, including the enshrinement of new generation rights relating to the environment, technology, health, education, and other economic, social and cultural rights recognised under international treaties;
- (b) the recognition of the rights of nature;
- (c) the enshrinement of the core values of “peace, justice and liberty” in the Constitution;
- (d) the reinforcement of the constitutional right to privacy, including the strict delimitation of covert surveillance to serious crime prevention, detection, or national security purposes;
- (e) an enhanced protection against discrimination for persons living with disabilities;
- (f) whether newly defined rights ought to be substantive or procedural rights, and the resulting effect on the justice system and public administration, with due consideration to the separation of powers and the independence of the judiciary;

- (g) the creation of a Senior Officials' Appointment Committee which will make recommendations to the Government on the appointment of heads of major public institutions, other than those made by the service commissions already provided for in the Constitution;
- (h) the setting up of a mandatory requirement for the holding of local government elections at constitutionally set intervals;
- (i) the introduction of Public Interest Litigation and Class Actions;
- (j) the consecration of the principle of freedom of information, subject to exceptions and implementation conditions which shall be the subject of subsequent detail-specific legislation;
- (k) the creation of a new Court of Appeal within the Supreme Court, consisting of Judges of appeal, in order to provide for appeals from decisions of Judges at first instance, while maintaining the right of final recourse to the Judicial Committee of the Privy Council;
- (l) the establishment of a Constitutional Division of the Supreme Court for timely adjudication of constitutional and human rights matters;
- (m) the expansion of the jurisdiction of the Public Bodies Appeal Tribunal to include all public sector recruitment and promotion disputes;
- (n) the reinforcement, if necessary, of the independence of the Director of Public Prosecutions;
- (o) the introduction of a right to recall members of the National Assembly for serious misconduct or offences;
- (p) the introduction of anti-defection provisions for members of the National Assembly;
- (q) the introduction of a broad constitutional principle of transparency and integrity in the political sphere as a framework for future, detail-specific legislation on the subject, including the regulation of political party electoral funding;

- (r) the introduction of stronger safeguards to ensure the integrity, security, fairness and transparency of the electoral process, including the strengthening of the powers and independence of the Electoral Commissioner and the Electoral Supervisory Commission and the facilitation of a faster access to justice in electoral matters; and
- (s) any other associated matters which the Commission may think relevant in line with the objects of the Bill.

(2) The Commission shall, in the discharge of its functions and exercise of its powers under this Act, act independently and shall not be subject to the direction or control of any person or authority.

5. Rules of Commission

The Commission may make such rules as it thinks fit for the purposes of this Act and, in particular, for its own guidance and the conduct and management of its activities and the proceedings before it, and the hours and times and places of its sittings, not inconsistent with the Commission, and may adjourn for such time and to such place as it thinks fit, subject only to the terms of the Commission.

6. Public access to proceedings

The Commission may hold public sittings as and when it deems necessary and may call any person it desires to hear in connection with its terms of reference.

7. Proceedings of Commission

(1) In the discharge of its functions and exercise of its powers under this Act, the Commission shall proceed as follows –

- (a) a preliminary consultation and exploration stage, whereby citizens and group of citizens, including political parties and associations, shall be invited to submit their ideas and suggestions in writing to the Commission and, concurrently, the Commission shall undertake preliminary research and any expertise needed shall be identified and sought;
- (b) a research phase where the Commission shall examine the proposals received, engage with identified experts, where necessary, and conduct focused research in order to identify possible orientations and issues;

- (c) deliberation stage, during which the Commissioners shall discuss possible orientations and issues, and consequently decide on the Commission's positions; and
- (d) a drafting stage, whereby a report shall be prepared by the Commission on its findings and recommendations, including proposed constitutional amendments, each accompanied by an explanatory memorandum.

(2) A report under subsection (1)(d) shall be submitted to the President but nothing in this section shall preclude the Commission to submit an interim report to the President.

8. Duty to cooperate

All public authorities and institutions shall cooperate with the Commission and provide such information or assistance as may reasonably be required for the discharge of its functions and exercise of its powers under this Act.

9. Deposit of records

Upon completion of its work, the Commission shall deposit its records, research materials and submissions with the Law Reform Commission.

10. Replacement of Commissioners

Where any Commissioner dies, or is or becomes unwilling or unable to act, the President may appoint another Commissioner in his place.

11. Secretary to Commission

(1) The Secretary to Cabinet and Head of the Civil Service shall appoint a Secretary to the Commission.

(2) The Secretary shall, in the discharge of his functions –

- (a) attend every sitting of the Commission;
- (b) record the proceedings of the Commission;
- (c) keep the evidence given, and documents produced or provided, during the proceedings of the Commission;
- (d) minute the testimony of any person appearing before the

Commission; and

- (e) do such other things as the Chairperson may direct.

12. Qualified research assistants, consultants and experts

The Commission may engage the services of such number of staff, research assistants and local and foreign consultants and experts on such specific matters as may be necessary to assist it in the discharge of its functions and exercise of their powers under this Act.

13. Administrative assistance

(1) The Law Reform Commission shall designate such officers of its administrative cadre staff as may be necessary to provide administrative assistance to the Commission.

(2) The provision of assistance under this section shall be arranged in such manner as to ensure that the normal functions and operations of the Law Reform Commission are not unduly impeded or adversely affected.

(3) Any expenses incurred in relation to the assistance provided under this section shall be met from funds appropriated for the purposes of this Act.

14. Confidentiality of proceedings and information

(1) Every Commissioner, the Secretary, any research assistant, consultant, any expert or any other person engaged by, or assisting, the Commission shall preserve and aid in preserving the confidentiality of any information obtained in the discharge of his functions under this Act.

(2) Subject to subsection (3), no person referred to in subsection (1) shall disclose any information, document or matter which has come to his knowledge in the course of the proceedings or work of the Commission.

(3) Disclosure of information may be made where –

- (a) the disclosure is authorised by the Commission for the purpose of its work or report;
- (b) the disclosure is required for the proper discharge of the functions of the Commission;
- (c) the information forms part of the final report or any interim report

of the Commission;

- (d) the disclosure is required by order of a court; or
- (e) the disclosure is otherwise authorised by law.

15. Immunity from suit

No action or other legal proceedings, whether criminal or civil, shall lie against the Commission, a Commissioner, the Secretary, a qualified research assistant, a consultant, an expert or any other person engaged to provide assistance to the Commission, in respect of any act done or omission made during its proceedings.

16. Remuneration and expenses

(1) (a) There shall be paid to every Commissioner, the Secretary, a qualified research assistant, a consultant, an expert or any other person engaged to provide assistance to the Commission, such remuneration as the Prime Minister may approve.

(b) No remuneration shall be paid, nor expenses shall be met, in respect of matters falling outside the terms of reference of the Commission.

(2) Any remuneration or expenses paid under this section, or any other expenses incurred during the proceedings of the Commission, shall be a charge on the Consolidated Fund.

17. Commencement

This Act shall come into operation on a date to be fixed by Proclamation.
