No. 20 of 2017

REPUBLIC OF MAURITIUS

SIXTH NATIONAL ASSEMBLY

PARLIAMENTARY

DEBATES

(HANSARD)

FIRST SESSION

FRIDAY 14 JULY 2017

CONTENTS

THE CABINET

(Formed by Hon. Pravind Kumar Jugnauth)

Hon. Pravind Kumar Jugnauth	Prime Minister, Minister of Home Affairs, External Communications and National Development Unit, Minister of Finance and Economic Development
Hon. Ivan Leslie Collendavelloo, GCSK, SC	Deputy Prime Minister, Minister of Energy and Public Utilities
Hon. Sir Anerood Jugnauth, GCSK, KCMG, QC	Minister Mentor, Minister of Defence, Minister for Rodrigues
Hon. Showkutally Soodhun, GCSK	Vice-Prime Minister, Minister of Housing and Lands
Hon. Seetanah Lutchmeenaraidoo, GCSK	Minister of Foreign Affairs, Regional Integration and International Trade
Hon. Yogida Sawmynaden	Minister of Technology, Communication and Innovation
Hon. Nandcoomar Bodha, GCSK	Minister of Public Infrastructure and Land Transport
Hon. (Mrs) Leela Devi Dookun-Luchoomun	Minister of Education and Human Resources, Tertiary Education and Scientific Research
Hon. Anil Kumarsingh Gayan, SC	Minister of Tourism
Dr. the Hon. Mohammad Anwar Husnoo	Minister of Health and Quality of Life
Hon. Prithvirajsing Roopun	Minister of Arts and Culture
Hon. Marie Joseph Noël Etienne Ghislain Sinatambou	Minister of Social Security, National Solidarity, and Environment and Sustainable Development
Hon. Mahen Kumar Seeruttun	Minister of Agro-Industry and Food Security
Hon. Ashit Kumar Gungah	Minister of Industry, Commerce and Consumer Protection
Hon. Ravi Yerrigadoo	Attorney General
Hon. Jean Christophe Stephan Toussaint	Minister of Youth and Sports
Hon. Soomilduth Bholah	Minister of Business, Enterprise and Cooperatives
Hon. Marie Roland Alain Wong Yen Cheong, MSK	Minister of Social Integration and Economic Empowerment
Hon. (Mrs) Fazila Jeewa-Daureeawoo	Minister of Gender Equality, Child Development and Family Welfare

Hon. Premdut Koonjoo	Minister of Ocean Economy, Marine Resources, Fisheries and Shipping
Hon. Soodesh Satkam Callichurn	Minister of Labour, Industrial Relations, Employment and Training
Hon. Purmanund Jhugroo	Minister of Local Government and Outer Islands
Hon. Marie Cyril Eddy Boissézon	Minister of Civil Service and Administrative Reforms
Hon. Dharmendar Sesungkur	Minister of Financial Services, Good Governance and Institutional Reforms

PRINCIPAL OFFICERS AND OFFICIALS

Madam Speaker	Hanoomanjee, Hon. Mrs Santi Bai, GCSK
Deputy Speaker	Teeluckdharry, Hon. Kalidass
Deputy Chairperson of Committees	Jahangeer, Hon. Ahmad Bashir
Clerk of the National Assembly	Lotun, Mrs Bibi Safeena
Adviser	Dowlutta, Mr Ram Ranjit
Deputy Clerk	Ramchurn, Ms Urmeelah Devi
Clerk Assistant	Gopall, Mr Navin
Hansard Editor	Jankee, Mrs Chitra
Serjeant-at-Arms	Pannoo, Mr Vinod

MAURITIUS

Sixth National Assembly

FIRST SESSION

Debate No. 20 of 2017

Sitting of 14 July 2017

The Assembly met in the Assembly House, Port Louis at 3.00 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**

(a) Certificate of Urgency in respect of the Economic Development Board Bill (No. XI of 2017). (In Original)

(b) Virement Warrant Return – Quarter 3 (Jan – March 2017) Nos. 3-8 of 2016-2017.
(In Original)

(c) Virement (Contingencies) Warrant - Quarter 3 (Jan – March 2017) Nos. 14-16 of 2016-2017. (In Original)

(d) Virement Certificate Return – Quarter 3 (January – March 2017). (In Original)

B. **Ministry of Arts and Culture**

(a) The Annual Reports of the Hindi Speaking Union for the years 2001-2013.

(b) The Annual Report 2015 of the Chinese Speaking Union.

C. **Ministry of Agro-Industry and Food Security**

The Cane (Specification of Varieties) (Amendment) Regulations 2017. (Government Notice No. 125 of 2017)

D. **Ministry of Industry, Commerce and Consumer Protection**

The Rodrigues Consumer Protection (Control of Price of Taxable and Non-taxable Goods) (Amendment No. 23) Regulations 2017. (Government Notice No. 124 of 2017)

ORAL ANSWER TO QUESTION

RODRIGUES – ECONOMIC DEVELOPMENT

The Leader of the Opposition (Mr X. L. Duval) *(by Private Notice)* asked the Minister Mentor, Minister of Defence, Minister for Rodrigues whether, in regard to the island of Rodrigues, he will state, concerning the economic development thereof, the progress achieved in relation to –

(a) the construction of a new runway;

(b) improving water supply, and

(c) improving health services.

The Prime Minister: Madam Speaker, I shall reply to this Private Notice Question.

Let me at the very outset reassure our dear brothers and sisters living in Rodrigues of the strong determination of this Government to boost the development of Rodrigues as an integral part of the Republic of Mauritius.

I am proud to remind the House that it was under the Government of 2000-2005, that Rodrigues was granted its autonomy in 2002. The Rodrigues Regional Assembly Act was voted in the National Assembly on 20 November 2001. The first election to set the Rodrigues Regional Assembly was held on 29 September 2002 and the first Rodrigues Regional Government was formed soon after.

Madam Speaker, the House is aware that Rodrigues witnessed unparalleled development during the periods when Sir Anerood Jugnauth had been Prime Minister. Be it the development of roads and other infrastructure, social amenities, health services, education facilities or law and order issues, the transformation is visible and Rodriguans widely acknowledge the progress that they have witnessed in their daily life.

To follow in the footsteps of Sir Anerood Jugnauth and to demonstrate my commitment for the continued development of Rodrigues, I visited Rodrigues soon after my appointment as Prime Minister.

Madam Speaker, we have already initiated action on the implementation of various developmental projects in collaboration with the Rodrigues Regional Assembly to modernise the economy of Rodrigues and further improve the standard of living of Rodriguans. To that effect, I have provided in this financial year, an amount of Rs4.4 billion to Rodrigues, of which some Rs3.4 billion in the budget of the Rodrigues Regional Assembly and around Rs1 billion in the budgets of Ministries and Departments for meeting expenditure related to Rodrigues.

Madam Speaker, in regard to part (a) of the question, I am informed by the Island Chief Executive that, in April 2011, the Rodrigues Regional Assembly enlisted the consultancy services of Ecorys in association with Parsons Brinckerhoff and De Chazal du Mee for a feasibility study on improving and extending the Plaine Corail Airport. This study covered the technical, financial and socio-economic aspects of the airport development project.

In December 2011, the consultants proposed the following options -

- Option 0 – Maintain the current arrangements for the foreseeable future
- Option 1 - Develop the existing facilities to enable the unrestricted operation of ATR72 aircraft
- Option 2 - Develop the existing facilities to accept larger (A319 type) aircraft on short haul routes
- Option 3 – Develop the existing facilities to accept larger (A319 type) aircraft on short/medium haul routes
- Option 4 - Construct a runway on a new heading and develop the existing facilities to accept larger (A319 type) aircraft on short/medium haul routes; but with the ability to further expand the new arrangements to accept aircraft operating on long haul routes.

The preferred option for the Rodrigues Regional Assembly has been Option 3.

In view of the importance of this major project, for Rodrigues, actions were initiated for the enlistment of the services of a Consultant for the “Design, Cost Estimation and preparation of Tender Documents for the Extension of Runway at Plaine Corail Airport”. The contract was awarded to GIBB (Mauritius) and TPS Consult Ltd in April 2016 for the total sum of Rs24,333,500, in compliance with all procurement regulations.

The Consultant is currently working on the preliminary design of the runway extension on the following two alternatives -

(i) Extension on concrete stilts, and

(ii) Extension on fill embankment.

The preliminary report is expected by the end of this month and based on the recommendations of the technical report and its findings, the Rodrigues Regional Assembly will take a final decision on the way forward in consultation with the Central Government.

Furthermore, along with the consultancy for the design of the extension of runway at Plaine Corail Airport, a tender for Geotechnical Investigations in the vicinity of Plaine Corail Airport was launched in October 2016.

The contract was awarded to the successful bidder, namely Water Research Ltd for a total sum of Rs17,166,440 and works started in March 2017.

GIBB was expected to submit to Rodrigues Regional Assembly the final design and cost estimates of the extension of the runway project by December 2017.

Meanwhile, negotiations are ongoing with the *Agence Française de Développement* and with the Ministry of Finance and Economic Development for the funding of the project.

Madam Speaker, I wish to point out that, according to the findings and recommendations of GIBB preliminary report, offshore investigations showed bedrock was reached at an average depth of 50 metres instead of 25 to 30 metres as originally expected. Following preliminary geotechnical results, GIBB informed the Rodrigues Regional Assembly that the overall cost which was originally estimated at Rs2 billion will now be around Rs11 billion for stilts and Rs6 billion for embankment.

Given the financial non-viability of the present runway extension, GIBB recommended to opt for a new land based runway.

The new runway will have to be carefully studied, planned and designed following completion of full topographical surveys, geotechnical investigations and geophysical studies.

I am further informed that the Executive Council of the Rodrigues Regional Assembly had approved studies on a new land based runway.

Madam Speaker, as regards part (b) of the question, this Government is very much aware of the water problem in Rodrigues and that is why at paragraph 285 of the Government Programme 2015-2019, mention was made that the water problem in Rodrigues will be addressed with the construction of new reservoirs and planned exploitation of available resources.

I wish to inform the House that none of the projects, initiated by the former Government to address the water problem in Rodrigues, has materialised.

This Government is closely following up on the setting up of the four desalination projects at -

(i) Pointe Coton;

(ii) Caverne Bouteille;

(iii) Pointe Venus, and

(iv) Baie Malgache.

Civil works for the Reverse Osmosis Desalination plant at Pointe Coton at a cost of Rs16.5 m. are nearly completed. The commissioning of the works will be done by the end of this month.

The two desalination plants at Pointe Venus and Caverne Bouteille respectively are operational at 50% only due to defects in the equipment. This problem was not addressed by the previous Government. Today, together with the Rodrigues Regional Assembly, we are monitoring closely the rehabilitation works on the two plants which are expected to be completed by the end of this year and on completion of the works, the two plants will operate at full capacity and will each produce 1000 cubic metres of potable water.

The cost estimate for the Baie Malgache and Pointe Coton desalination projects of 1,000 cubic meters per day each, is Rs125 m. I am informed that the draft tender document for the project will be submitted by the Consultant by the end of July 2017 for the launching of the tenders.

Madam Speaker, I am also informed that there are several projects funded to the tune of Rs120 m. by the EU to alleviate the water problem in Rodrigues. These are -

(i) rain water harvesting systems in five Primary Schools which have been completed in 2016;

(ii) replacement and burying of five km of galvanised feeder pipes between boreholes from Anse Raffin Treatment Plants to Rivière Coco Pumping Station which have been completed in October 2016;

(iii) rain water harvesting with fast flush system, which provides for a filter to avoid waste such as leaves on roofs to enter the water tank, for low income households targeting 500 families have been completed in April 2017;

(iv) rain water harvesting systems in public buildings, hospitals and Secondary Schools have been completed at 25%;

(v) rehabilitation of Cascade Pigeon Dam, upgrading works at Crève Coeur and Terre Rouge Reservoir Areas and burying of associated pipelines. Tender has been launched at the level of CPB with the closing date on 10 August 2017, and

(vi) rehabilitation and upgrading of Songes Desalination Plant and burying of associated pipelines. The evaluation is nearly completed.

Furthermore, "*retenue collinières*" are being set up around the island to cater for water demand for agricultural purposes. As at date several "*retenue collinières*" have been constructed namely at Roche Bon Dieu, Nassola, Rivière Banane, Baie Topaze, Citronelle and Port Sud Est. Moreover, two service reservoirs for potable water will be constructed at Hauteur Accacia and Montagne Cabris.

Madam Speaker, in regard to part (c) of the question concerning improvement in health services, Government is providing the Rodrigues Regional Assembly with all facilities to implement the following projects amongst others -

(i) e-health project;
(ii) Master Plan for Health;
(iii) conversion of an Ex-Maternity ward into a new Paediatric Ward at the Queen Elizabeth Hospital;
(iv) extension of La Ferme Area Health Centre;
(v) setting up of the "*Médecin de Famille*" project;
(vi) provision of a Sewage Treatment plant at Queen Elizabeth Hospital;
(vii) construction of X-Ray Room at Mont Lubin Area Health Centre;
(viii) the recruitment of 95 additional staff and continuous training;
(ix) the purchasing of additional 4 new ambulances;
(x) the setting up of a new laboratory and operation theatre for a better service;
(xi) the upgrading of electrical supply at Queen Elizabeth Hospital, and
(xii) acquisition of modern equipment, amongst others, in the fields of colonoscopy, cardiology and orthopedics to provide timely and proper diagnostic and efficient treatment to patients.

All these initiatives will allow the Rodrigues Regional Assembly to improve health services for both inpatients and outpatients, in areas such as Obstetrics/Gynecology, Surgery, General medicines, Orthodontics, Psychiatry and Dentistry.

I wish to point out that the services of a Gynecologist are being provided on a permanent basis as from July 2016 following the visit to Rodrigues of Sir Anerood Jugnauth, then Prime Minister.

I wish to also inform the House that arrangements are being made to increase the frequency of visiting specialists to attend to patients in such other fields as Oncology, Ophthalmology, ENT, Cardiology, Physical Medicine, Dermatology, Neurosurgery, Orthodontics and Speech Therapy. Government is also providing scholarships to Rodriguans to be trained as doctors as well as specialists. The objective of this Government is to ensure that all health care facilities provided in Mauritius are also made available in Rodrigues.

Madam Speaker, Rodrigues is very close to my heart as it has always been close to the heart of the Minister Mentor. As Prime Minister, I will spare no efforts to provide necessary resources for the continued development of the Island and improve quality of life of our Rodriguan brothers and sisters.

I will also ensure that Rodrigues remains a peaceful and pristine haven "*où il fait bon vivre.*" Government will continue to support the development of Rodrigues while fully respecting its autonomy with all its specificities, as Rodriguans are best placed to manage their internal affairs.

Mr X. L. Duval: Madam Speaker, let's see …

(Interruptions)

It is a bit early! Let's see!

Madam Speaker, the Mission Statement of the Ministry of Rodrigues is to support the RRA to consolidate and accelerate the socio-economic development of Rodrigues. My observation from a recent visit to Rodrigues is that there is widespread poverty, unemployment, the economy is stagnating and it can easily be proven and, Madam Speaker, there is despair amongst the youth and this is the point of this PNQ this afternoon.

Concerning the runway, Madam Speaker, it has taken 10 years now since we first started to talk about it. Can I get from the hon. Prime Minister whether there is a final decision as to now, whether we need a new runway on a different heading because the other one is going to cost Rs11 billion - I think the hon. Prime Minister said - is it now the final decision and we can go ahead with the new runway on a different heading?

The Prime Minister: Madam Speaker, the problem is that we all depend on expert advice in order to take an informed decision and a decision whereby we use also the limited resources that we have to the best of our capacity. This study has shown that the cost for

building this runway, as it was previously thought of, would be so onerous that it would be prohibitive. I do not think anyone of us would even think of spending that amount of money. Therefore, the other alternative, when I had discussed with the Rodrigues Regional Assembly, was also to continue with the airstrip as it is today, but then I understand that there are environmental problems with regard to Plaine Corail, the *Caverne* and so on. We are left with what the consultants will look at and Rodrigues Regional Assembly has already agreed. They have taken a decision that a site will have to be identified. When I say a site, I mean, where the landing strip can be built and we shall depend on the work of the consultant who will tell us where, how much it is going to cost and also what is going to be the impact on the environment.

Mr X. L. Duval: Madam Speaker, I hope the Prime Minister realises that the tourism in Rodrigues is stagnating around 23,000 foreign tourists in the whole year. Probably, Pointe d'Esny gets ten times more than that. So, Madam Speaker, there is stagnation and this airport is absolutely urgent for the economy in Rodrigues. Can the hon. Prime Minister give us a timetable as to when we can expect a runway and planes to be landing full of tourists, Mauritians and Rodriguans in Rodrigues?

The Prime Minister: The Leader of the Opposition has said that it is a priority. I agree it is a priority. It has been a priority not since now, since so many years ago.

(Interruptions)

We agree on that. It is a priority! We know that there is also potential for increasing and developing the tourism sector in Rodrigues. But again, we depend on consultancy works to tell us how we should go about to improve the runway so that we can have bigger aircraft to land in Rodrigues and I believe we all agree on that. But again, Madam Speaker, we depend on expertise to tell us how we go about to do it.

This Government is committed to financing the extension of the runway. Now, how long will it take? I cannot say. It will be for GIBB to tell us and for the geotechnical and whatever studies have to be done by the other consultant to identify exactly the place where we can have a longer airstrip for bigger aircraft to land.

Mr X. L. Duval: Madam Speaker, there has been a lot of dilly-dallying, various previous Governments at the RRA concerning Rodrigues' new airport. Can I ask the hon. Prime Minister, who is also Minister of Finance, I cannot see any provision even in the three-

year strategic plan, I cannot see any amount substantial enough that will pay for a new airport in Rodrigues. So, is it not going to be in the next three years?

The Prime Minister: No, it is definitely going to take time, subject again to what the consultant will give us in terms of the study and this will have to be discussed with the Rodrigues Regional Assembly. I have said that a decision eventually will have to be taken by the Central Government and, of course, in consultation with the Rodrigues Regional Assembly, so that once we know exactly how, and where it is going to be, well, we will stand committed. I have said the Rs2 billion is based on what we were told by GIBB earlier, how much it will probably cost. But when the actual work was carried out, when the study was done, we found out that to do it along the lagoon, it will cost so much and this is prohibitive, Madam Speaker.

Mr X. L. Duval: Madam Speaker, I cannot see any money, that is the problem, in the next three years; that was my question. Madam Speaker, concerning water supply, water is essential for people, essential for agriculture. Is the hon. Prime Minister aware that food crop production has crashed in Rodrigues from 2012, where it was 3,000 tonnes, it is now, latest Statistics Mauritius in 2016, less than 1,000 tonnes. This has crashed in Rodrigues. Can the hon. Prime Minister tell us what is the level of water production that can be produced at the moment by the facilities in Rodrigues? Does he have that figure?

The Prime Minister: Well, what I can tell the House is that the provision for water is going to increase with regard to agriculture. There is no doubt about that because the projects that I have mentioned are ongoing at the level of the Rodrigues Regional Assembly itself, and I know that it is best for the RRA to identify the different sites and the amount whereby a number of projects are going to be carried out.

But again, I have said that we are going to support the Rodrigues Regional Assembly with regard to the water problem. We are talking about agriculture, but *l'eau* for consumption by the Rodriguans themselves is a priority. That is why for the desalination plant we have given the required support and hopefully we will see that there is an increase of the supply of water to Rodriguans.

Mr X. L. Duval: I will come to it in a moment. Can the hon. Prime Minister tell us why then it was better before; three times more food crop production a few years ago crashed now to a third of what it was before. What is the reason?

The Prime Minister: It was not better before. Certainly not! In fact, Madam Speaker, as I said, the problem with regard to Rodrigues is that we do not have many sites where we can capture the water and then the costs of building those dams also are quite expensive. But that does not mean to say that we are not exploring ways and means of increasing the supply of water, but this is the main issue for the farmers. And I can say that the supply of water with the number of projects that are ongoing will be increased.

Mr X. L. Duval: Madam Speaker, I table official figures from Statistics Mauritius as to the crash in agricultural production which I am, of course, maintaining. Madam Speaker, it appears - I did not believe it at first - that households in Rodrigues are getting two hours of water, not per day, Madam Speaker, per month.

This is why - the Deputy Prime Minister is confirming. This is why, again, there has been a lot of work done, a lot of money spent, but hardly any results. So, firstly, I would like to ask the hon. Prime Minister, these four desalination plants, I think, two are not working, two are working at 50%. Did I hear correctly that the hon. Prime Minister said by the end of this year all four will be working at 100%? Is that what he said?

The Prime Minister: Madam Speaker, let me remind the hon. Leader of the Opposition that the four projects I have mentioned, were mentioned before as being the four projects by the former Government. And they have not …

(*Interruptions*)

No, I am not…

(*Interruptions*)

The hon. Leader of the Opposition is saying we are not doing anything.

(*Interruptions*)

Madam Speaker: Hon. Leader of the Opposition, please!

(*Interruptions*)

The Prime Minister: I am saying that this is what you proposed and you have not done, whereas we are following up with these projects. That is why I said that one was not working, in fact, because of defective equipment, it is being rehabilitated, and there are new

ones that are in the pipeline also. So, I have already answered what is the timeline when these will be fully functional.

Mr X. L. Duval: Okay! It is now three years, I think, the hon. Prime Minister has to take some other responsibility for something. Let us look now at the health sector, Madam Speaker. Now, according again to Statistics Mauritius, there has been no new facilities in health for the last 10 years in Rodrigues. Nothing, Madam Speaker! And more than that, the number of beds available to Rodriguans have reduced and these are official figures which I am going to table, Madam Speaker. I would like to ask the hon. Prime Minister, why is this situation?

The Prime Minister: Yes, the hon. Leader of the Opposition…

(*Interruptions*)

Madam Speaker: Silence, please!

(*Interruptions*)

The Prime Minister: The hon. Leader of the Opposition is right because 10 years we have seen that not so much consideration and attention have been given to Rodrigues. Leave aside Rodrigues, to Mauritius itself! But this Government is giving due consideration to Rodrigues. When you look at the Budget, Madam Speaker, and you see how much is being spent – well, I have the figure somewhere, but anyway! Let me remind the hon. Leader of the Opposition that with regard to health care, I have mentioned a list of projects and number of decisions that have been taken. I can assure Rodriguans that we are going to do whatever it takes in order to support them in health care.

Madam Speaker: Hon. Leader of the Opposition, I just wish to draw your attention to the fact that in all fairness, I will allow one question to hon. Leopold before you ask your last question.

Mr X. L. Duval: Before I ask my question, I will support what I am saying about the health from official Health Statistics that shows, in fact, the number of beds in 2006 has been reduced by 11 and it is quite a lot in Rodrigues. These are official figures. Madam Speaker, I would like to ask the hon. Prime Minister - he may not be aware - whether he is aware that, in fact, there is such an acute shortage of beds at the Queen Elizabeth Hospital that they are sometimes having to put male patients in female wards and they are having to use the

maternity ward for general patients, women with young babies are having to share with ladies who are having other diseases and this is very bad for a mother and child?

The Prime Minister: Well, the hon. Leader of the Opposition is saying that this is the situation. I cannot say that it is so, but I cannot say also that it is not so.

(*Interruptions*)

Madam Speaker: No crosstalking!

The Prime Minister: What I can do is, of course, I will look into the matter, and, of course, I will relay the information to Rodrigues.

Madam Speaker: Hon. Leopold! And then last question to the hon. Leader of the Opposition.

Mr X. L. Duval: I have two more questions.

Madam Speaker: I will allow…

(Interruptions)

Hon. Leader of the Opposition, ….

(Interruptions)

…one question.

(Interruptions)

I have given him the floor. Be brief!

(Interruptions)

Hon. Thierry Henry, I have said several times…

(Interruptions)

Now you are losing the time alloted to PNQ!

(Interruptions)

Hon. Leopold, please!

Mr Leopold: Madam Speaker, the hon. Leader of the Opposition has said so many things which are misleading. So, I think I will need to…

(Interruptions)

Madam Speaker: No!

(Interruptions)

Hon. Leopold, please sit down! You can ask your question, but you cannot say that the Leader of the Opposition is misleading. You have to change! Rephrase!

Mr Leopold: Alright, Madam Speaker. So, I thank the hon. Prime Minister for giving us that answer, and in his answer he said that he has been advised by the Island Chief Executive…

(Interruptions)

Madam Speaker: What is your question?

(Interruptions)

Ask your question!

(Interruptions)

Order! Ask your question!

(Interruptions)

Allow him to ask his question!

Mr Leopold: This is part of my question, Madam Speaker. This means that the hon. Prime Minister respects autonomy and the Leader of the Opposition does not know what autonomy is.

(Interruptions)

Madam Speaker: What is your question!

(Interruptions)

Hon. Leopold, ask your question! I have given you the opportunity when it is the prerogative of the Leader of the Opposition.

(Interruptions)

Mr Leopold: My question is whether there is any change in the policy of the Government. The hon. Leader of the Opposition was in Government and now when he has left Government whether there is any change of policy for the development of Rodrigues?

The Prime Minister: Well, Madam Speaker, of course, there is a change of policy because the Rodriguan people are already feeling this change of policy with a number of projects that are already in the pipeline in Rodrigues.

Mr X. L. Duval: Madam Speaker, I have two more questions.

Madam Speaker: Be brief, please!

Mr X. L. Duval: Okay. There is a change of policy going from bad to disaster. Madam Speaker…

(Interruptions)

Madam Speaker: No comment! Ask your question, please!

(Interruptions)

Mr X. L. Duval: About the gynaecologist, it is good. I am not playing cheap politics here…

(Interruptions)

I am trying to …

(Interruptions)

Don't excite me, I will tell them what it is all about! Madam Speaker, there is one gynaecologist now, I think, Dr. Sharma. You are a lady yourself, you will know. There is one gynaecologist for a population of 40,000. My request to the hon. Prime Minister is to have at least two gynaecologists. It is not enough.

The Prime Minister: I agree even one is not enough, but the hon. Leader of the Opposition should know that previously there was none. Of course, we will have to see to it how we can increase the number, not only for gynaecology, but for the other….

Mr X. L. Duval: I am disappointed with this level of answer.

Madam Speaker: Last question!

Mr X. L. Duval: What I am going to say, Madam Speaker, now covers the whole of the project. There are very, very wide and serious allegations of corruption in Rodrigues against the administration. I am not going to talk about the politicians. Against the administration! So, my request to the hon. Prime Minister is that we have a very serious team at the local ICAC Office there. If you go there, you will hear all sorts of things which will, you know,…

Madam Speaker: Ask your question, hon. Leader of the Opposition!

Mr X. L. Duval: … make your blood curdle. So, I am going to ask the hon. Prime Minister whether he will change the ICAC officers there, have a serious team of ICAC officers because all this money has to go where it is meant to be, that is, to the Rodriguans' well-being. Thank you.

(Interruptions)

Madam Speaker: Who said that?

(Interruptions)

Who said that?

The Prime Minister: Madam Speaker, I cannot interfere in…

(Interruptions)

Madam Speaker: Hon. Leopold!

The Prime Minister: I cannot interfere in ICAC. ICAC is independent. They have their officers there and it is for them to see to it if there are any complaints or if there are any declarations that are made either to the Police or to ICAC, of course, they will have to enquire into the matter. I found that figure which is very revealing, Madam Speaker, and it is

good for everybody because they are official figures, and that will sum up on how much we are doing for Rodrigues. The indicative *per capita* expenditure for the year 2017-2018….

(Interruptions)

….for Mauritius is Rs107,059 and for Rodrigues it is Rs108,534.

(Interruptions)

The hon. Leader of the Opposition is saying it is being wasted!

(Interruptions)

But then the hon. Leader of the Opposition should go more often to Rodrigues.

(Interruptions)

When he was Minister of Finance, he has been only once to Rodrigues. So, he should go more often.

(Interruptions)

Madam Speaker: Time is over!

PRIVATE MEMBERS' MOTION

CONSTITUTION – PRIME MINISTER'S TENURE LIMIT, ANTI-DEFECTION PROVISIONS, ETC.

Madam Speaker: Hon. Ganoo!

(Interruptions)

Can we have some order in the House, please! Hon. Ganoo, please make your motion!

Mr A. Ganoo (First Member for Savanne & Black River): Madame la présidente, je suis très honoré de pouvoir présenter la motion que j'ai proposé en mon nom et qui se trouve aujourd'hui à l'ordre du jour et appelée à être débattue.

Cette motion, Madame la présidente, solicite l'approbation des membres de la Chambre afin de rapatrier la constitution de notre souveraine république. Que signifie le

rapatriement de notre constitution ou rapatrier notre constitution? Essentiellement, le concept de rapatriement équivaut…

Madam Speaker: Hon. Ganoo, sorry to interrupt you, but you have to read your motion and then you start with your debate. You read the motion first that is on your name on the agenda today. You have to read the motion that you have presented first.

Mr Ganoo: After I finish this paragraph…

(*Interruptions*)

Madam Speaker : But you have to start with reading your motion, hon. Ganoo !

(*Interruptions*)

You move for the motion to be debated.

Mr Ganoo : In fact, this was going to be my next sentence, Madam Speaker. And this is why I am proposing that the motion in my name repatriates the Mauritian Constitution, and this is why I have tabled the following motion which reads as follows –

"This House resolves that, in the context of the celebrations of the 25th anniversary of the Mauritian Republic and the attainment of 50 years of independence, the Constitution of the Republic of Mauritius be enacted by the sovereign Parliament of the country and should also consider the introduction therein of the following new provisions –

(a) limitation of the tenure of the Prime Minister ;
(b) anti-defection provisions to deter the practice of crossing the floor ;
(c) gender quota for fairer representation of women in the National Assembly ;
(d) review of the powers of the Electoral Boundary Commission with regard to the delimitation of constituencies ;
(e) recall mechanism for the parliamentarians who are failing in their duties as elected representatives ;
(f) the introduction of second generation «development and environmental rights» , and
(g) enhanced process of appointment of the President for institutions designed by the Constitution and the laws of the country to maintain democracy, uphold good governance and the rule of law."

So, Madam Speaker, essentiellement cette motion vise à rapatrier la constitution mauricienne. Et comme j'ai expliqué au début de mon discours, le concept de rapatriement équivaut à l'adoption de notre constitution qui est notre loi suprême par ce Parlement, par notre Parlement qui est la plus haute institution de notre république. Et comme nous le savons tous, notre constitution nous fut octroyée par la Grande-Bretagne, puissance impériale et colonisatrice d'alors.

En effet, Madame la présidente, the Mauritius Independence Act was passed by the UK Parliament in 1968 and the present Constitution of Mauritius was set up by Her Majesty in Council on 04 March 1968 and was published in Mauritius under GN54 of 1968.

Il est clair donc que lors de notre accession à l'indépendance, notre constitution, notre loi suprême n'a jamais fait l'objet de débats au sein de cette auguste et souveraine Assemblée. Elle ne fut donc jamais adoptée par le Parlement de l'île Maurice nouvellement indépendante. Le rapatriement, traduit en anglais par les mots *repatriation*, *patriation* ou quelques fois même *depatriation*, signifie en d'autres mots, donc madame la présidente, domestiqué notre constitution. L'expression 'mauricianiser notre constitution' a été utilisée par certains quoique le terme mauricianiser ne traduit pas en vérité fidèlement et effectivement le concept 'le rapatriement de notre constitution'. Voilà en quelques mots la raison d'être de ma démarche en présentant cette motion devant la Chambre. Si cette motion est approuvée ou agréée par la majorité, elle constituera un *milestone* dans l'achèvement du processus de décolonisation de notre pays.

Madame la présidente, je voudrais rappeler à tous les amis de la Chambre que nous sommes aujourd'hui un 14 juillet où notre Parlement est appelé à se prononcer sur une question aussi vitale et pertinente. Comme nous le savons tous le 14 juillet marque le premier jour de la révolution française, une révolution qui instaura les fondements d'une démocratie libérale et républicaine et mis fin au régime monarchique et dynastique.

So, Madam Speaker, if the motion, standing before the House, is accepted by the majority of the Members, we will achieve another leap forward in the history of our country with regard to its decolonisation process. The adoption of this motion will be as important as the full exercise of our territorial sovereignty over the Chagos Archipelago, a right that the Republic of Mauritius has been claiming for years and which has led, as we know, in the recent clear victory of our country at the United Nations General Assembly, which is the

result of the bold stand and initiative of the former Prime Minister and current Minister Mentor.

Madam Speaker, during the post independent era, the concept of repatriation has attracted a great deal of academic and political, and even legal discussions in the context of constitutional reform, and rightly so. The reason for that is because historically almost all the independent constitutions without any exception are originated legislatively through an act of the British Imperial Parliament, or more accurately through an order made by Her Majesty either under the prerogative or the Independent Act voted for that purpose. In other words, the Constitution bequeathed to the former colonies including our country was conceived and bore the etiquette made in England. In that manner, they did not express the constituent will of the people as the authentic and true lawmakers.

In many cases, therefore, Constitutional Reform Commissions, setup after independence in the former colonies, have recommended that reforms to the constitutions be achieved by repealing the order in Council to which the Constitution is annexed as a Schedule and simultaneously replacing it with an Act of Parliament, enacted in the specific country and entitled whatever name of the country, for example, Belize Constitution Act or Guyana Constitution Act or Mauritius Constitution Act. Our constitution was an order in Council of the Great Britain, and, therefore, not a creature of our Parliament. The time has come for the supreme law of the land to be established as an act of the sovereign local Parliament. These claims were rightly based on the premises that the constitutions should be of the people and by the people, and thus be patriated and enacted as a direct and legislative act of the population of the specific country as ours cannot be considered as autochthonous in the sense that they were neither indigenous nor homemade.

Hence, Madam Speaker, the claim that logically our Constitution should have been repatriated for and by the people was meant to govern. The concept of repatriation, Madam Speaker, in fact, has its origin in the Commonwealth constitutions through the experience of Canada in 1992 although in the case of Canada the issues were more complicated. Then, in the Caribbean region, a few examples of constitutional reforms took place where the Constitution was enacted by the local legislature by an Act passed by Parliament. A case in point was Belize where, in 1981, Act 14 of 1980 was passed and declared to be a constitution for the independent State of Belize and this Act brought a new Belize Constitution into being. This repatriation movement extended its influence in the Caribbean and, in some cases,

involved the repealed and the re-enactment of the old constitutions; as it took place in Trinidad and Tobago and Guyana.

Madam Speaker, we will recall that, in India, contrary to what took place in the other colonies, a constituent Assembly consisting of elected representatives from all parts of the country was established to draft the Constitution. This Assembly of men and women which are still cherished by the Indian population among whom were Dr. Sinha, the first elected Chairman of the Assembly, Dr. Prasad and the Drafting Committee Chairman, Dr. Ambedkar. They sat for three years and prepared the draft based on important researches and discussions made. In fact, an initial draft was made on the reports and a research by the drafting committee, which presented a detailed draft constitution, was published for public discussion. The draft constitution in India was discussed, amended, enacted and finally the Constitution was adopted on 26 January 1950 and the constituent Assembly became the provisional Parliament of India.

It is therefore obvious, Madam Speaker, that, in the case of India, the Constitution was conceived and adopted by an Assembly of republicans who are representatives of the people of the land, who had the legitimate authority to constitute India into a sovereign secular and democratic republic in the interest of all its citizens. One can easily understand why the preamble of the Indian Constitution starts with the following statement, I quote -

> ‘We, the people of India, having solemnly resolved to constitute India into a sovereign, socialist, secular, democratic republic and to secure to all its citizens and do hereby adopt, enact and give to ourselves this Constitution.’

The Indian Constitution was therefore conceptualised and conceived by the Indians. It was, of course, a triumph of Indian nationalism, representing the redemption of the fulfilment of the aspirations of the Indian people that were articulated during the Indian national movement. Many of the adopted and sometimes adapted Constitutions did not work as intended and was sometimes a caricature of the colonies constitution.

This is a clear illustration of a post colony which had inherited a Constitution like ours which was not a people’s document in the sense that the Constitution did not evolve out of a programme of consultation, information and discussion in which our people had the opportunity to make their contribution.

As in other colonies, in the immediate pre-independence period our leaders were made to adopt the proposals of the Whitehall Civil Servants who were the real drafters of our Independence Constitution. In fact, there was virtually no input from the masses, from the public and the fundamental law of the land was essentially the product of a few men whom, we must admit, we must pay tribute, were mostly patriots and of good faith at that time.

So, after concluding with this backdrop, Madam Speaker, I wish, therefore, to highlight the issue which is being brought to the House today and on which the House is being called to take a stand namely, since our Constitution was a Schedule to an order in Council under the British rule and, therefore, not a creature of the Mauritian Parliament, is it not time for the Supreme Law of the land to be established as an Act of our sovereign Parliament? From a historical perspective our Constitution does not represent in a true sense a document of social convergence as it has been handed down to us by the former colonial master. They were imposed from without. They were an amended version of the colonial Constitution in which, of course, was added a Bill of Rights and some new provisions.

But, we don't forget, Madam Speaker, we must remember that the Independence Constitution was the outcome of consultations and discussions and many of these discussions were preceded by several full-scale constitutional conferences involving the elected representatives of the people and Members of the Opposition. But having said this and besides the symbolical significance of having a Constitution of purely local origin, the proper way, in fact, now, Madam Speaker, - with the passage of time, after 50 years – to make the Constitution ours is by the reshaping of some of its contents, even some of its guiding principles to reflect our development and aspirations as a people. In the past, many Governments have proposed constitutional reform commissions but, unfortunately, nothing has come out of these proposals.

Today, Madam Speaker, through this Motion, opportunity is being given to the House, after a long time, to reflect, to ponder, to debate on critical issues of our Constitution, on certain provisions of our Constitution which we have not had the chance to do for a long time. As far as I remember, I have sufficiently been for a long time in this House to know that I cannot remember, recall an opportunity where the House has been given the opportunity, the occasion, the right to reflect on the origin, on the provisions of our Constitution and the amendments which can be legitimately proposed and introduced in our Supreme Law.

On two occasions, Madam Speaker, when this country became a Republic, when we amended the Constitution, of course, there were long debates for long hours in this House concerning the transformation of Mauritius into a Republic. But these debates, as we remember, were restricted in the sense that they were concerning the setting up of a new institution in our country, the President of the Republic and the new powers and new prerogatives that were being bestowed on the new President of this Republic.

Another occasion as far as I remember, after the Sachs Report, Madam Speaker, certain suggestions were made by the Sachs Commission. We remember that first and foremost Mr Sachs and the other Commissioners produced a report concerning electoral reform but there were other constitutional proposals that were made and on that occasion also the House was given the liberty, the choice, the occasion to debate the constitutional amendments.

But, as far as I recall, Madam Speaker, this is the first time in the history of post-Independence that our Parliament is considering certain facets of our Constitution and will be called upon to respond with regard to these proposed amendments.

And, I come, Madam Speaker, to the first proposal that is being made in the motion because, as I repeat, the purpose of this motion is to call upon this House to agree to the repatriation of our Constitution. The motion proposes that when this will be done, consideration should be given also to introduce certain new provisions, the first one being the limitation of the tenure of the Prime Minister, Madam Speaker.

Madame la présidente, pour beaucoup de mauriciens maintenant il est nécessaire de limiter le mandat du Premier ministre à deux mandats qu'ils soient consécutifs ou non et cette pratique aura le mérite d'ouvrir le système à l'émergence de nouveaux *leaders* politiques même si ces *leaders* viennent du même parti.

Today, the political environment has fuelled the debate on the efficacy of term limits especially in developing countries. Should the leader go or should he stay? In Africa, Madam Speaker, the issue of presidential time limits is increasingly on the rise. Since the early 1990s, when a breeze of democracy swept across the African Continent, at least 34 of Africa's 53 countries have put term limits on their Presidents usually giving them a maximum of two five-year term tenures, that is, two mandates of five years, Madam Speaker.

The House will be surprised perhaps to know that limitation of mandates of the tenure, that time limits, Madam Speaker, like many other democratic institutions and ideas were first popularised in classical Greece and Rome. Indeed, the earliest historical evidence of term limits can be traced to the seventh century BC in Greece. By far, the most common application of term limits today is, of course, on the Office of the President where we have a presidential regime or a presidential system.

Globally, Madam Speaker, nearly three quarters of all presidential regimes employ some form of tenure limitations on the Office of the President. Why, and what is the relevance of a term limit*? Pourquoi une Ile Maurice moderne doit-elle réfléchir et pourquoi pas limiter le mandat du Premier ministre a dix ans ou deux mandats qu'ils soient consécutifs ou non ? Les raisons et les avantages sont multiples, Madame la présidente.*

Primo, permettre un renouvellement au niveau de la direction au sommet de l'Etat. Deuxièmement, favoriser la démocratie au niveau des partis politiques. La limitation du mandat d'un Premier ministre qui est normalement le leader de son parti sans aucun doute favorisera le renouvellement au niveau de la direction du parti et éliminera le risque d'un leader à vie.

Thirdly, Madam Speaker, term limits will allow the incumbent to manage the affairs of the country more serenely during the last mandate and he will be under less political pressure and this will help him to act more in the interest of the country than in his own interest. Since the earliest times, a general consensus states that people, politicians, when given unlimited power, will eventually be tempted by corruption. If Presidents and Prime Ministers have term limits in place, their power will be limited. They will be more likely to run their term for the purpose of serving their people and they would leave their office before corruption dominates their decisions. In the end, term limits, Madam Speaker, provide an important check on the concentration of power and strengthen democracy and ensure long-term stability. In Trinidad and Tobago, the coalition in power introduced legislation providing for a 10-year term limit for the Head of Government. The Constitutional Amendment Bill 2014, Madam Speaker, proposed a term limit for the Office of the Prime Minister, and the then Prime Minister commented, I quote -

> "We are of the view, Mr Speaker, that personalised leadership which has strengthened itself by a manipulation of control of party politics is anathema to the principles of democracy."

And she further added, I quote -

> "We have had our fair share of leaders who continue to rule and refuse to give way even though it is obvious that the time for change has come. This does suffocate new talents and stifle a democracy."

She said the two-term limit is a very important feature, I quote –

> "to give power to the people and for a powerful democracy".

She even quoted a political scientist, who once noted that while United States Presidents leave office with dignity and grace at the end of their two terms, Westminster Prime Ministers, unfortunately, often cling to power to the very end and are often forced out of office sometimes in indignity and disgrace.

Coming to Mauritius, Madam Speaker, it would be interesting to know that in 2014, a survey was commissioned by Afrobarometer and conducted on a strict scientific basis with a national representative sample covering both Mauritius and Rodrigues. The results of the survey were stunning. To a question whether the Constitution should limit the Prime Minister to serving a maximum of 2 terms in office, the percentage in support of the proposal was a staggering figure of 68%, Madam Speaker. I think I have said enough on this issue.

Madam Speaker, I will come now with regard to the ‘gender quota for fairer representation of women in the National Assembly’.

Madam Speaker, I think I have left out Part (b). With regard to the anti-defection legislation, Madam Speaker, we all know what is the purpose of this legislation. It is to curb the practice of crossing the floor. We are alive to the fact that since 1985, India passed a law to amend the Constitution by adding a new Schedule to the Constitution. The main intent of the law was to curb the evil of crossing the floor and the issue with regard to the working of the law with experience in India has been found to be very complex and problematic. Does the law, while deterring defections, also lead to suppression of healthy intra-party debate and dissent? Does it restrict representatives from voicing the concerns of their voters in Opposition to the official party position? Should the decision on defection be judged by the Speaker, who is usually a member of the ruling party or ruling coalition, or should it be decided by an external neutral body such as the Electoral Commission?

The anti-defection law is, indeed, not an easy law to implement, Madam Speaker. It has already been introduced in India and has known the difficulties that it has known in terms

of implementation, but it has been introduced in other countries like Bangladesh, Kenya, Singapore and South Africa. But, in Mauritius, Madam Speaker, anti-defection law is very important and has the potential of having an insidious effect on our parliamentary system. I am referring to the link which defection might have with our best loser system. As we know, Madam Speaker, the 8 additional seats are allocated according to the provisions of paragraph 5 of the Schedule to the Constitution. Whereas the Schedule provides that the first four of the 8 seats shall be allocated to the most successful unreturned candidate. Of course, if he is a member of the party and he belongs to the appropriate community, but regardless of which party he belongs to.

The second group of 4 is allocated to persons who belong to parties other than the most successful party. The seats allocated in the second batch of 4 best losers are allowed on the basis of party belonging and party affiliation, Madam Speaker. The problem is that, therefore, theoretically, a best loser, who has been allocated a seat on the basis of his party affiliation, is in a different situation to the one who has been allocated a seat due to the fact that he is one of the most successful candidates belonging to the appropriate community regardless of which party he belongs to. This is why, Madam Speaker, I think now, again, after 50 years, after the passage of time, I, personally, think that on this issue, this question of best losers, the criterion used for the allocation of the seats of best losers, I think the House should ponder on this question also.

Madam Speaker, I wish to say a few words with regard to the gender quota for a fairer representation of women in the National Assembly which is Part (c) in the Motion, ‘gender quota for fairer representation of women in the National Assembly’. On this score, I strongly appeal to Government to legislate once for all as a matter of urgency to honour our promises to the women of this country. Madam Speaker, year in and year out, on every 08 March, all political leaders of all stripes pay lip service to the promotion of women, especially in terms of wider representation in Parliament. PQs have been asked on this subject matter, speeches have been made throughout the country by all the political leaders, as I just said, Madam Speaker. But, unfortunately, this Government, the present Government, has consistently linked the question of women representation in Parliament strictly to the reform of our electoral system, arguing that the question of women representation, a fairer women representation will only be considered in the context of the proposed electoral reform.

To my mind, Madam Speaker, by adopting this posture, Government is postponing the issue to the Greek calendar. I say so because I presume and I hope that all of us in this

House are agreeable to amending the Constitution to make provisions so that in the next general elections which, we all know, are not very far away, each party or each party alliance be under the obligation to present, at least, one female candidate in each constituency or a third of their candidates to be of a different gender. I am sure we are all agreeable to that, Madam Speaker.

If we are all of good faith and wish to advance the cause of women representation, the constitutional amendment can come before the House as soon as Parliament resumes after vacation and to be adopted by this very House. The three-quarter majority needed are available and it is a question of only proposing the constitutional amendment to this House to enable one third, at least, of the candidates of any party, a party alliance for the next general elections to be women candidates. The question, Madam Speaker, is: when will finally the House debates be given the opportunity to adopt such a constitutional amendment?

In a last PQ answered by the hon. Prime Minister, we were given to understand that the Committee on the Electoral Reform is still working. This has been the classical answer given by the previous Prime Minister and the present Prime Minister, Madam Speaker. Those of us who are in this House, we are alive to the fact how difficult it might be to find the right consensus for an electoral reform globally.

In fact, I heard one of our political leaders saying that we are pined, Madam Speaker, that probably there will be no electoral reforms by the end of this mandate. This is why we don't know what is going to happen with the Electoral Reforms. As I said, we know how much division it creates, how much controversial it can be. This is why, Madam Speaker, we should delink the issue of a fairer woman representation to the question of Electoral Reform. This is the only way, Madam Speaker, for Government, for all Members of his House and for all political parties to honour their pledge to the woman at large in this country in terms of a fairer representation in our Parliament.

Since I am on this issue, Madam Speaker, I will also appeal to the hon. Prime Minister to see to it that we have women candidates to come to this House *pour qu'on puisse d'ailleurs rattraper le retard qu'on a vis-à-vis des pays d'Afrique sur le continent africain.* I do not have to go further than that. But to be able to have women candidates, Madam Speaker, who can participate in the building of this country, I appeal to the hon. Prime Minister to allow our women lecturers in the tertiary sector, the University of Mauritius or other tertiary institutions as it used to be in the past. We remember Mrs Vidula Nababsing

who was a lecturer at that time and also a prominent politician. I think we should reflect on the possibility of administratively that Government should move in that direction, Madam Speaker, and do the needful to allow this category of professionals to be able to stand as candidates in the next general elections. The University of Mauritius and all other tertiary institutions are a *pépinière* of potential women candidates for the next general elections, Madam Speaker.

So, I appeal to the hon. Prime Minister. My point is very simple: three-quarter of the majority is here, in this House, to vote for the constitutional amendment for the next general elections. We do not have to wait for the Electoral Reform. We do not know when it will come. We do not know whether there will be a consensus. So, we can proceed by proposing to the House a constitutional amendment, as I have just said, Madam Speaker, and we have all pledged for a fairer representation of women. There is no doubt that this Bill would be voted by all Members of this House.

Madam Speaker, I come now to another issue in my motion, review the powers of the Electoral Boundary Commission with regard to the delimitation of constituencies. Again, on this point, Madam Speaker, I strongly believe that we must have a fresh look at this particular provision in our Constitution. Madam Speaker, section 39 of the Constitution provides that –

> "(2) The Electoral Boundaries Commission shall review the boundaries of the constituencies at such times as will enable them to present a report to the Assembly 10 years, as near as may be, after 12 August 1966 and, thereafter, 10 years after presentation of their last report."

Now, we all know, and this has been confirmed in the answers given by the previous Prime Minister and the present Prime Minister that the last report of the Electoral Boundaries Commission on a review of the boundaries was stable in the National Assembly on 10 November 2009. 2009! The last Report of the Electoral Boundaries Commission was tabled in the National Assembly, but the Constitution also provides, Madam Speaker, that –

> "(4) The Assembly may, by resolution, (...)"

I underline the word 'may.'

> "(...) approve or reject the recommendations of the Electoral Boundaries Commission but may not vary them; and, if so approved, the

recommendations shall have effect as from the next dissolution of Parliament."

I repeat what I have just said. The last report was tabled in November 2009. There was no resolution brought in the Assembly for the general elections because elections came in 2010, but there were no resolution in 2014 also, Madam Speaker. The point I wish to make is whether we should not give thoughts to the possible amendment of our Constitution, so that every 10 years, Madam Speaker, the report reviewing the electoral boundaries be not only tabled in the National Assembly, of course, the relevant sections in the Constitution should be amended so that it becomes imperative for the report to be approved or rejected by the Assembly. So, today, the Boundaries Commission has to make a report every 10 years. The last report was made in 2009. We had two elections in the meantime, but the report was never proposed, adopted or rejected by the National Assembly. What I am proposing is that, Madam Speaker, once a report is made, it should be laid and it should be approved or rejected by the National Assembly.

Even if a new report or a fresh exercise is carried out, Madam Speaker, to review the boundaries and a new report is tabled as it is today, Government has no obligation to ask the National Assembly to approve or reject the recommendation of the Commission and this is what has happened, Madam Speaker. In the meantime, Madam Speaker, in view of the many housing developments of our population in certain constituencies, in view of the discrepancies and in view of the new demographic physiognomy in the constituencies, Madam Speaker, matters continue to intensify.

The letter and spirit of the Constitution as spelt out in clause 39(3) of the constitution which reads as follows, Madam Speaker –

"(3) The report of the Electoral Boundaries Commission shall make recommendations for any alterations to the boundaries of the constituencies as appear to the Commission to be required so that the number of inhabitants of each constituency is as nearly equal as is reasonably practicable to the population quota."

This is the spirit of the Constitution. Do you know, Madam Speaker, that the latest figures indicate that - the registration was done last year - the most populated Constituency will harbour voters 3 times more than the least populated Constituency, Madam Speaker? I

have the figures with me. The least populated Constituency today is about 21,000 and the most populated one which is no longer Constituency No. 14 is 62,000, Madam Speaker. This is according to the figures of last year's registration.

From last year's registration, in Constituency No. 5 there are 62,264 voters; in Constituency No. 3 there are 21,763 and in Constituency No. 14, which ranks second, there are 61,801. So this is the evolution in terms of demography in our Constituencies, Madam Speaker, and this is why I think we should all be respectful to the provisions of our Constitution. The report which, I understand, the Commission has embarked upon should be tabled in the near future and be presented before this House for adoption or rejection. This is the point I wanted to make, therefore, Madam Speaker, on this issue. Government should ponder upon a constitutional amendment in order to remedy this situation.

Madam Speaker, the other issue, I wish to comment upon briefly, is the recall mechanism for the parliamentarians who are failing in their duties as elected representatives. Madam Speaker, the issue is whether the electorate should be vested with the limited right to recall their MPs. The right of recall is a term used to describe a process whereby the electorate can petition to trigger a vote on the suitability of an existing elected representative to continue in office.

Undoubtedly, Madam Speaker, this proposal sounds unrealistic to us elected representatives, parliamentarians. This proposal sounds problematic to implement because, firstly, the Constitution provides the circumstances when the seat of a Member of the Assembly becomes vacant and he will cease to perform instructions as a Member of the Assembly. Yet, Madam Speaker, in today's world of openness, of good governance, accountabilities are the order of the day.

The poor performance of elected leaders, of elected representatives and the way in which parliamentarians can be held accountable for the actions or inactions by the citizenry may result in the latter being sanctioned hence the often repeated submission for the need to institute a recall mechanism. In the not too distant past, one Constitutional Reform Commission, Madam Speaker, in Jamaica, recommended the institutionalisation of the recall mechanism as a means of not only creating direct democracy but also of holding MPs to account.

In Trinidad and Tobago, Madam Speaker, the coalition in power introduced legislation providing for allowing voters to recall their elected representatives. This is what the Prime Minister said when this new measure was introduced. She said it will provide more powers to the people, the right of recall forms part of the system of Government including the US, Switzerland, Philippines and Venezuela, adding, Madam Speaker, that there are several benefits for recall.

This again is to provide us with a stronger democracy, a stronger connection between elected representatives and their electorate and, of course, better representation at the Parliamentary level. The Prime Minister also added that the right of recall does not yet exist within the Westminster system but the measure she was taking was a bold step. She said and I quote, Madam Speaker –

> "It may well be that Trinidad and Tobago may lead the way for Westminster because we would be the first Westminster-style democracy that will be adopting the right of recall."

The last but one issue, Madam Speaker, which forms part of the motion is the introduction of second-generation rights. Before coming to this issue, I just want to inform the House that this division of human rights into, in fact, not two generations but three generations now dates back since 1979. Especially my friends at the Bar will remember, Madam Speaker, the first generation of civil political rights who dealt with liberty and political life.

The second-generation, socio-economic human rights guaranteed equal conditions and treatment, Madam Speaker. In fact, this second generation rights are not rights directly possessed by the individuals, by the citizens but they constitute positive duties upon the Government to respect and fulfil them. The third generation, collective development rights of the people, Madam Speaker, are usually held against the States.

We are concerned with the second generation rights, Madam Speaker, the socio-economic rights and also the environmental rights. The time has come for us, as a signing democracy which we pretend to be, to seriously reflect on that issue, Madam Speaker. Increasingly, there have been calls on politicians, on elected representatives, on Government to protect the growing body of social and economic rights which are to be found in the International Covenant on Economic Social and Cultural Rights and in other covenants, Madam Speaker.

This, of course, places pressure on Government. The solution to that, Madam Speaker, is we could include these rights in our Constitution provided it is clear that they are not intended to be justiciable and enforceable rights in the same manner as the civil and political rights, but they impose a moral and a political obligation on the State to pursue such goals for the general welfare of the people, for better housing, for better water, for better shelter, Madam Speaker.

Even though they do not become justiciable and forcible rights but they become a moral and political obligation on the State to protect the citizens of the country. For the environmental rights, Madam Speaker, we should also try to emulate other developing countries which have given recognition in the Constitution to the general principles of protecting the environment. In certain Constitution, Madam Speaker, I could read as follows –

> "in the interests of the present and future generations, the State will protect and make rational use of its land, mineral and water resources, as well as its fauna and flora, and will take all appropriate measures to conserve and improve the environment."

As we can see, Madam Speaker, this is a moral and a political obligation on the part of the State to safeguard a clean, healthy and ecologically balanced environment. This is why, Madam Speaker, I reiterate my appeal to Government to consider the possibility of introducing the second generation rights and environmental rights in our Constitution.

I would like, at this juncture, Madam Speaker, to refer the House to the recommendations of the Annual Report of the National Human Rights Commission of Mauritius in 2008 of which I have a copy in my hand, Madam Speaker. The report unambiguously said the following at page 33, Summary of Recommendations, paragraph 108. By pure coincidence, this is the first line -

> "A review of the Constitution is due after forty years of independence. This revision should ideally be a consolidation exercise. It would present an opportunity to introduce a safeguard for economic and social rights in the Constitution and to ensure a fairer representation of women in the National Assembly."

So, this is one of the recommendations of the National Human Rights Commission, Madam Speaker, to introduce a safeguard for economic and social rights in our Constitution.

Madam Speaker, I now come to the last matter I have raised in my motion with regard to the appointment by the President in the case of institutions created by the Constitution and other laws of this country. Again, Madam Speaker, this is the issue which perhaps has more political bearing with things that are happening in this country today, Madam Speaker. I appeal to the hon. Prime Minister and Government to put a stop to the institutional decay which is impeding the functioning of our institutions and other agencies. The point is very simple, Madam Speaker. We must, in the interest of future generations, in the interest of our country, ensure the independence and the efficiency of institutions set up by the Constitution or other laws of this country. We should ensure the independence and efficiency of other State agencies and State-owned enterprises also, Madam Speaker. This is an urgent appeal to the hon. Prime Minister.

Madam Speaker, en d'autres mots, l'appel que je fais au Premier ministre, il faut que soit rendue réelle l'indépendance d'abord des fonctions et des postes constitutionnels. Il faut que ces fonctions, Madame la présidente, inspire le respect de par leur indépendance, le sens profond de probité de leurs titulaires et le sens évident de l'État de droit et de justice.

Madame la présidente, les fonctions du Commissaire de Police, du Directeur de l'Audit, du Commissaire Électoral, des commissaires de la PSC et de la DFSC et autres sont des fonctions constitutionnelles. Assurer l'indépendance de ces fonctions et ces institutions dont ils ont la responsabilité implique trois conditions. D'abord, la sélection et la nomination doivent être faites par une entité non politique. Les mandats doivent être sécurisés et les conditions de la destitution, si cela s'avère nécessaire, doivent être bien définies et actées par la même institution indépendante qui l'a nommée. Et pour assurer cette indépendance, Madame la présidente, nous devrions, bien sûr, amender la Constitution, enlever la responsabilité des nominations par des responsables politiques. J'avais proposé, Madame la présidente, que ce soit le Président de la République et non le Premier ministre. Quand il a la responsabilité de le faire, que ce soit le Président et non pas le Premier ministre. Mais après mûre réflexion, Madame la présidente, et j'ai aussi lu une proposition de M. Darga qui avait proposé une *Constitutional Appointments Commission*, c'est-à-dire une commission composée d'anciens juges et d'anciens titulaires de fonctions constitutionnelles qui devraient être mises en place pour assumer la responsabilité des nominations, des sélections et même les destitutions des personnes à cette poste.

Bien sûr, les nominations seront formellement la prérogative du Président mais sur la recommandation de ce Constitutional Appointments Commission. I think this would be a very good idea, Madam Speaker, that, once for all, we amend the Constitution for the setting up of this Constitutional Appointments Commission which shall comprise of former Judges of the Supreme Court in order that they be given this responsibility of selecting and nominating the incumbents to the different offices, Madam Speaker. And this would, as I said, ensure the independence and the proper functioning of these institutions in our Constitution and set up by other laws in this country. And this, Madam Speaker, will put a stop, as I said, to the decay which, unfortunately, we are all witnessing in this country.

Madam Speaker, I have more or less finished. I will conclude by saying that I have no pretension of having raised all the issues or given all the solutions, but all these issues, Madam Speaker, are at the forefront in the minds of our people. While hopefully the time may come for Constitutional reforms in our country after 50 years, Madam Speaker, in terms of rewriting or re-enacting the Constitution, I am happy that today I have made the first step for fostering, encouraging public debate and public support to review certain clauses of our Constitution and my only sincere and earnest hope, Madam Speaker, is that my appeal does not fall on deaf ears. I have done.

Thank you.

Mr Barbier rose and seconded.

Madam Speaker: I suspend the sitting for half an hour.

At 4.41 p.m. the sitting was suspended.

On resuming at 5.32 p.m. with Madam Speaker in the Chair.

Madam Speaker: Hon. Rutnah!

Mr S. Rutnah (Third Member for Piton & Rivière du Rempart): Thank you Madam Speaker.

Madam Speaker, the mover of this motion has raised some very serious, fundamental, constitutional issues in our country. It is so serious that all the points raised therein should be debated properly and there should be an exchange of ideas, there should be as many conflicts - when I say conflicts, I mean, intellectual conflicts of ideas exchanged - between Members

of this House. Why do I say so? It is because the Constitution of a country is such an important instrument that the daily life of the citizens, the conduct of society, the behaviour of society are governed by its content.

The Constitution of a country represents the supreme law of the country. The Constitution of the country lays down the foundation, the framework of how organs of estates are going to function in the country. The Constitution of a country can be either written or unwritten. We have inherited our Constitution from the British Constitution. The British Constitution was called the Mother of all Constitutions and is still called the Mother of all Constitutions because many Constitutions of the world are based on the British Constitution.

I said earlier on there are two types of Constitutions so that my learned friends are commenting from the other sides. When I started, I said there are written Constitutions and unwritten Constitutions. But there is always this debate whether England, United Kingdom has a Constitution in reality or not, that is another debate. Because we know that a number of Acts of Parliament, a number of decisions of the Court, including the European Court of Justice, the House of Lords formerly and the Supreme Court, when they make judgments, they give judgments which have got constitutional forces in those judgments. For example, I can say off the cuff, there is a case called Pickin against the British Railways Board. The decision of that case has got such constitutional importance in England and that case is followed in many Commonwealth countries. There are the series of Factortame cases which were litigated in relation to the Merchant Shipping Act, Factortame one, two, three, four, five in the European Court of Justice, the judgment has got impact on the constitutional aspect of the United Kingdom and also the European countries.

Now, this is to make my friends at ease that England has a Constitution. There is Constitution in Statutes, in judgement. So, I am not going to go into details about it. But what is important, Madam Speaker, is that an unwritten Constitution of the type that we have in the United Kingdom can be amended at any time, as I said, by virtue of an Act of Parliament, like we had the European Economic Act of 1973, which was enacted so that United Kingdom, England and Wales could join the European Community those days. So, it was a constitutional reform and it was easy to do it just by virtue of an Act of Parliament. There are books of Authorities and in those documents we can find the written Constitution of England. It is not codified in one document as we have, but it is codified in various documents. We have got one document, they have got various documents.

Now, Madam Speaker, it is easier, as I said, to amend such a Constitution. However, a written Constitution is such that it tends to be difficult to change because to change the provision of a Constitution that is written, you have to go to the Parliament and up until we do not have three quarter majority in the Parliament, we cannot change that Constitution or the provision. I see my friend, hon. Ms Sewocksingh, is smiling from here. I know one of the reasons…

(Interruptions)

No, be what may it be, one of the reasons, for example, the PMSD said that they left Government because they were not within the same line of thought as us in relation to the Prosecution Commission and, as a result, they said they left Government. They knew for their own reasons that when they will leave the Government, there is a likelihood that the Prosecution Commission cannot become part of our Constitution because the Constitution could not be amended if we do not get the three-quarter majority.

So, here, we talk a little bit of our Constitution. But we have to travel back in time where we came to be an independent country in 1968 and how the order in Council was made in 1968 by Her Majesty Queen Elizabeth II. We have gone back to 1814. In 1814, by virtue of the Treaty of Paris, the French ceded Mauritius to the British and, according to the National Archives in England and Wales, it says as follows -

"Colonial administration records (migrated archives): Mauritius

In 1814 the former French colony of Mauritius, lying to the east of Madagascar in the Indian Ocean, was ceded to Britain by the Treaty of Paris of 1814. Britain governed Mauritius and the Seychelles jointly until 1903, when Mauritius became a single colony. In 1968 it became an independent sovereign State within the British Commonwealth."

So, this is where it all starts. We became a single colony in 1814. We travel back in time, we come to 1885, when the country was in administration under John Pope Hennessy, who set the framework of the first elective element of the Legislative Assembly. He introduced it that there should be an Assembly and it should be an elected Assembly, but we did not have at the time a proper Constitution so to say. Then, we travel in time, we come to 1946. In 1946, for the first time in the House of Commons, Major Willkie asked the questions to the Secretary of State for the Colonies one Mr George Hall.

He asked the Secretary of State for the Colonies what decisions have been reached with regard to the franchise for the proposed election in Mauritius in June and whether he is aware that at a meeting organised by the Mauritius Labour Party on 10 February a resolution was passed demanding that the franchise should ensure that the elected element of the New Council of Government should be truly representative of all classes of population.

And the answer starts as follows by the Secretary of State for the Colonies, by Mr George Hall: "proposal for constitutional changes in Mauritius" - and I stress - "proposal for constitutional changes in Mauritius are being dealt with as rapidly as possible but have not yet reached the final form and no decision has yet been taken on the franchise for the first election under the new Constitution. As regards the second part of the question, I am aware of the resolution to which my hon. friend refers and a note has been taken of it."

Then, on the same day, in the House of Commons, Major Wilkins asked the Secretary of State for the Colonies what form the special representation contemplated under the new Constitution of Mauritius for those who will not receive the franchise will take and Mr Hall replied: "this matter is under consideration as part of the general question of constitutional reform in Mauritius."

So, here we are, 1814, 1885 and the serious question about a Constitution in Mauritius being debated in the House of Commons in 1946. Then Mackenzie-Kennedy in 1947 set up a Constitutional Consultative Committee to seek views of a circle consisting of hand-picked figures on a constitutional reform. So, in the reign of the British colonies, Mr Mackenzie-Kennedy decided to send itineraries to gather views, bring them together for this consultative meeting and to find out a solution as to how we are going to set up a modern constitutional structure for our country.

And, Madam Speaker, before coming to the 1946 event, there is an article in "*Le Mauricien"* written by Mr Anand Moheeputh et *je n'allais pas gorer, Madame la présidente…*

(Interruptions)

I am going to cite the relevant part, he said –

> "Although praise is lavished on Governor Sir Donald Mackenzie-Kennedy, for his "kind heartedness" in having piloted the 1947 Constitution and brought it to a fruitful

> conclusion, he was deep down hardly convinced that a change of Constitution was warranted because, he said, barring the Franco-Mauritians, "*the bulk of the people are unprepared for democratic institutions and do not understand them*". It was "*unwise*", he said "*to introduce universal adult suffrage at this stage*". However, circumstances prevailing in the island could not but impel him to act. While the oligarchy's lobby had been running solid as a rock since 1885 to the extent that no Governor had ever dared intervene to shake the foundation of the old Constitution to make room for a wider participation of the population, the social and political landscapes were undergoing dramatic changes with a series of "*popular movements*" that made to the Colonial administration wake up the ground realities, more precisely the "*general dissatisfaction*" manifested by the Indian population which being left out of the circuit of political power for long felt "*somewhat defrauded".*"

And, here, history, reference is being made to the fight that people like Mr Bissoondoyal of IFB, Dr. Maurice Cure, Mr Renganaden Seeneevassen and others were bringing in the country. They were trying to muscle up efforts to ensure that individual constitutional rights, the rights for workers, the rights for citizens, the rights from arbitrary arrests by the colonial powers be stopped and there were lots of movements those days but, I am not, today for the purpose of this debate, going to go into the historical aspect of what went on between 1937 and onwards politically.

But what is important is that many people fought for our country and they did their best for the future generation. And, today, Madam Speaker, when I stand in this Assembly, I feel how those people like Mr Sookdeo Bissoondoyal, Mr Basdeo Bissoondoyal, Dr. Cure, Sir Abdul Razack Mohamed and many others who did their best for us and I am very grateful to those people. I am very grateful to Sir Harilal Vaghjee. Lots of people here talk about Sir Harilal Vaghjee. Lots of people here talk about a number of people like Mr Beejadhur who was in my constituency and who, in 1963's election, was toppled by Sir Anerood Jugnauth and Sir Harilal Vaghjee fought the election and he lost his seat to one Mr Jaypal at the time.

What happened is that after having lost the election, Sir Vaghjee was appointed to a very important constitutional position and he became the Speaker of the House and many people make comments that in the days of Sir Vaghjee what happens in our Parliament now was not happening. It is true. In the days of Sir Vaghjee, we had people like…

(Interruptions)

Madam Speaker: Now, do not make a joke of what the hon. Member is saying! This is a serious matter that you are debating.

(Interruptions)

You cannot all the time make a joke of what he is saying! This is ridiculous!

(Interruptions)

Mr Rutnah: Thank you for your assistance, Madam Speaker. But, in the days of Sir Harilal Vaghjee sitting on the Chair, we had people like Sir Abdul Razack Mohamed who was not behaving like this!

(Interruptions)

We had Sir Harold Walter, we had Sir Satcam Boolell, we had Sir Anerood Jugnauth. We had people of calibre who framed the future of this country! They were serious about debating.

They were serious about conflict, they were serious about exchanging ideas. They were serious about running the country, taking the country from the rim and bringing the country to 1968 in order to get independence.

Madam Speaker: Hon. Jhugroo!

(*Interruptions*)

Mr Rutnah: But hon. Jhugroo is right! There were lots of history, lots of…

(*Interruptions*)

Madam Speaker: Now, hon. Mrs Perraud! Hon. Mrs Perraud! I am sorry and I am addressing you! Which *batiment*? What has this to do with what the hon. Member is saying? You know, crosstalking is unparliamentary! This is unparliamentary!

Mr Rutnah: Thank you, Madam Speaker! Madam Speaker, when my very good and very able learned friend who is senior at the Bar, hon. Ganoo, was speaking, we, on this side of the House, were listening very intently. As I said, at the beginning of my speech, what hon. Ganoo has raised in this House today and the reason why he has raised it - I will come to it later - are very, very serious issues. As I said, these issues should be debated properly, the exchange of ideas, the conflict should happen, but not from a sitting position. If anyone wants to speak, he or she should speak!

Madam Speaker: Do not try…

(*Interruptions*)

Mr Rutnah: Yes, Madam Speaker. Madam Speaker, it is true that when we go back in history, there have been lots of campaign against independence but we are not discussing this today. We are discussing more important facts that frame the future of our country and are likely to frame the future generation of politicians of this country.

So, Madam Speaker, in 1968, we became an independent country and before we became an independent country, there was what we call the constitutional conference which used to be held at Lancaster Gate in London. I am proud to stand on this side of the House. Hon. Minister Mentor is not here. I would have extended my gratitude to him in his presence that he formed part of that constitutional conference in 1965 until 1968. He has got first-hand knowledge of how the independence was materialised together with many other people at the time like Sir Seewoosagur Ramgoolam, Sookdeo Bissoondoyal, Sir Abdool Razack Mohamed and many others including the contribution of the then Leader of the PMSD. Whether it was positive or negative, it does not matter because, in a democratic society, everybody argues and everybody shares their ideas but, at the end of the day, it take the ideas of everybody to make one concrete and crystallised plan. So, in whatever form, their contribution had been used. Perhaps this is a reason why Sir Anerood Jugnauth, with his personal knowledge that he had about the constitutional conferences that were held in 1965, went to the United Nations recently and dealt with issues in relation to Chagos. The way he dealt with it, it is a real Queen Counsel making the case of his country and of his people and the future of this country against two major powers, the British and the United States; and he came back home with flying colours.

So, we did not get the independence easily. Hon. Ganoo referred to the Act of 1968, but it was not by virtue of an Act of Parliament that the Constitution was bestowed upon us. It was by virtue of an Order in Council.

Mr Ganoo: On a point of order! I never said that! I said on the contrary, our Constitution was annexed to the Order IN Council. I never said it was by an Act of Parliament. I am very aware of that.

Mr Rutnah: I am grateful to the clarification brought by my very able learned friend, hon. Ganoo, and I am going to refrain to refer; I am sorry for the misunderstanding because I was listening to him and taking some notes.

(Interruptions)

Yes, the hon. Member is absolutely right. In fact, Madam Speaker, there was a Government Notice number 54 of 1968 which was called 'The Mauritius Independence Order of 1968' –

'His Excellency the Governor directs the publication, for general information, of the Mauritius Independence Order, 1968'

It has been signed at Le Reduit on 06 March 1968 by Deputy Governor Tom Vickers. The Mauritius Independence Order of 1968 was made at the court at Buckingham Palace 04 March 1968 in the presence of the Queen's most Excellent Majesty in Council. So because we were a colony, we were the Queen's subject, this was the word that was used when we were a colony. We used to say, 'We are British subject! We are the subject of the Queen! We owe allegiance to the Queen!' And at school, we did not use to sing 'Glory to thee', those days, the union flag 'Britannia! Long live Britannia!'

Madam Speaker: Rule Britannia!

Mr Rutnah: 'Rule Britannia!' So, this is what children at school were singing those days. By virtue of this document, we got our Constitution. Madam Speaker, the first chapter dealt with the State of Mauritius and we all know today that - Section 1 of the Constitution - Mauritius is a sovereign democratic state.

People sometime may say whatever they want about the way Government works, even past Governments, but, at the end of the day, in Mauritius we can. It is not going to pop corner on a Sunday and conducting public meetings. At least, in Mauritius, we can anytime gather people and make political statements. If we do not agree with Government's policy, we can walk on the road subject to the laws of Mauritius. That is why we are a democratic State.

Section 2, the Constitution is the supreme law. That is what I said in the beginning - the Constitution of a country is the supreme law. Then we have Chapter II of the Constitution which lists all the protection of fundamental rights and freedoms of the individual. This is the most important chapter of the Constitution that really deals with the freedom of people, freedom of citizens and it reflects the spirit and intendment of the international conventions on human rights.

And what do we have? We have -

- Article 3 - Fundamental rights and freedoms of the individual;
- Article 4 - Protection of right to life;
- Article 5 - Protection of the right to personal liberty;
- Article 6 - protection from slavery and forced labour;

- Article 7 - Protection from inhuman treatment;
- Article 8 - Protection from deprivation of property;
- Article 9 - Protection for privacy of home and other property;
- Article 10 - Provision to secure the protection of the law;
- Article 11- Protection of freedom of conscience;
- Article 12 - Protection of freedom of expression;
- Article 13 - Protection of freedom of assembly and association;
- Article 14 - Protection of freedom to establish schools;
- Article 15 - Protection of freedom of movement;
- Article 16 - Protection from discrimination on the grounds of race, etc.,
- Article 17 - Enforcement of protective provisions
- Article 18 - Derogations from fundamental rights and freedom under emergency powers
- Article 19 - Interpretation and savings

Madam Speaker, when I look at these sections of the Constitution - Derogation, when we can derogate from these, all have been written in l968. Why? Earlier on, when I was referring to the administration of Mackenzie-Kennedy, we know that the British Government then were shaken by the *mouvance* of the Labour Party and the people of Mauritius, the IFB. They were shaken and there were lots of protests on the streets. There were gatherings at the Champ de Mars. We also had communal tension in the country. There was also racial tension in the country. There was a provision so that we can derogate. Back in 1968!

Madam Speaker, then we came to the citizenship part, Chapter IV, how one can acquire citizenship. Then we had the Governor General. The representative of the Queen was the Governor General. The last Governor General, Sir Veerasamy Ringadoo! He was an eminent Member of this Parliament when Sir Harilal Vaghjee was sitting in the Chair. He was Finance Minister. His only mistake was when he devaluated the currency before the 1982 election when the MMM/PSM Government won a landslide victory of 60-0. Then eventually, Sir Veerasamy Ringadoo, I think, became the President of this country at some point in time.

I will come to how we became a Republic after we got rid of the Governor General. We also had in that Constitution how our legislative framework will operate. There was everything and I am glad. Hon. Ganoo is a genius when he raises these questions, because

here, we already had who is going to be qualified for membership in the House, because prior to 1947 not everybody was allowed to stand as candidate. It was only after 1947 that those who could read and write, that is, those who were literate were able to be elected to come in the House. So, there were a lot of restrictions and all these provisions were made. There were also provisions for the Electoral Commissioner, provision for the constituencies, provision for the function of the Electoral Supervisory Commission and Electoral Commissioner, qualification of electors, disqualification of electors, right to vote at elections, power to make laws and the eligibility criteria to become a candidate in the general elections.

I remember once I came to Mauritius, I could not stand as candidate in Constituency No. 7 because I was not within the jurisdiction for six months. So, I preferred to go back and carried on with my career in London. So, all were set out in 1968. Then, we have –

- Chapter VI, which deals with The Executives;
- Chapter VII - The Judicature that is, the Supreme Court and all the functions of the Court.
- Chapter VIII -The Public Service Commission and the Public Service
- Chapter IX - The Ombudsman,
- Chapter X – The Finance, and
- Chapter XI – The Miscellaneous Provisions (the Interpretation) etc.

Madam Speaker, this is what we inherited from the British when we became an independent country. We can, today, reflect on it and say that the British did not do a good job. Some will say that the British did a good job. Some will say that before living in Mauritius, the British already set the economic structure of our country. There were infrastructures already laid down. There were schools and lighting already everywhere. After independence we simply had to maintain our country and develop it further. But from 1968 to 1982, our country was in a state of economic stagnation because there was no novel ideas how to develop the country further. I am standing here and I am grateful to the British for what they gave us in 1968 in the circumstances and in the political context then. If we did not have this, we would have been a country like Sierra Leone or many other countries where the Portuguese and the French occupied and we know all the ex-colonies of the Portuguese and the French are in ruin even until today. So, I am grateful that we are not in the ruin by virtue of what we inherited from the order in Council in 1968.

Madam Speaker, where do we go now? Let us look at what is in the Motion. The Motion is as follows –

> "This House resolves that, in the context of the celebrations of the 25th anniversary of the Mauritian Republic and the attainment of 50 years of independence, the Constitution of the Republic of Mauritius be enacted by the sovereign Parliament of the country and should also consider the introduction therein of the following provisions – (...)"

And the following new provisions from (a) to (g) –

"

(a) limitation of the tenure of the Prime Minister;
(b) anti-defection provisions to deter the practice of crossing the floor;
(c) gender quota for fairer representation of women in the National Assembly;
(d) review of the powers of the Electoral Boundary Commission with regard to the delimitation of constituencies;
(e) recall mechanism for the parliamentarians who are failing in their duties as elected representatives;
(f) the introduction of second generation "development and environmental rights", and
(g) enhanced process of appointment of the President for institutions designed by the Constitution and the laws of the country to maintain democracy, uphold good governance and the rule of law."

Madam Speaker, when reading this, many people do not realise that, in fact, the issues raised from (a) to (g), these are more of political issues. But the most important constitutional reform, the most important constitutional issue, today, the operative words are these: "the constitution of the Republic of Mauritius be enacted by the sovereign Parliament of the country."

Let us analyse what is in it. Are we saying that the Constitution under which we are operating is not valid? Is it being suggested that the Constitution has not got the force of the supreme law that was intended in the Order of Council of 1968? Is it suggested that the Order

in Council was not empowered to make the Order and go to Parliament in order to enact in the House of Commons? These are fundamental issues. Madam Speaker, if I have to speak only on the fundamental issues raised in the operative part of the motion, it is a huge debate, it is a vast ocean, it is like opening the Pandora's box, it is like the conflict is such that the gloves are off and we have to speak about it. Therefore, it is very simple, either we have a Constitution since 1968 and that Constitution has been the subject of various amendments on various occasions as a result of public interest or we do not have a Constitution and the proposition that we do not have a Constitution or we do not have a valid Constitution is, in my humble view, not a correct one to hold.

Why do I say so, Madam Speaker? Because when the Queen was making law for its colonies, it was making supreme law, the Constitution, and the House of Commons was also enacting for the colonies, so they were the body that were empowered to enact, the House of Commons is the body that is empowered to make Act of Parliament. Her Majesty's Council was empowered to make the Order that she made. So, it is not proper to say that we do not have a Constitution or the Constitution is not valid or the Constitution has not passed the test of the Mauritian Parliament because this Constitution has been the subject of a number of time, a subject of debates in amendments and if it would not have been valid, if it would not have been proper, we would not have debated provisions of the Constitution in this House. Now, Madam Speaker, hon. Ganoo, when I was still very young, my dad used to take me on his cycle to listen to all the public gatherings, the meetings and that is why where I inspired to become a politician and I think I have seen hon. Ganoo in the public eye since 1982.

(Interruptions)

At least! He was an elected Member in 1982, he was a member of the 60-0 Government, but, unfortunately, he was not elected in 1983. He was then back in 1987. From 1982 to 1983, he was in Government, I think he was sitting as a Speaker then. But being a Member of the Government and holding the constitutional post of Speaker, I think he had some leverage with the Government then to suggest reform, to suggest what should be done about our Constitution.

When he was elected in 1987, to be fair to him he was in Opposition. However, in 1991, when I was returning to England to do my higher studies, hon. Ganoo was in Government with the MSM. He never came with any of these suggestions. Then, in 1995,

hon. Ganoo, again, was elected in that election together with the Labour Party. He was in Government, he was a Minister, he was in Cabinet, he never came with these suggestions.

Then, from 2000 to 2005, hon. Ganoo was, again, in Government. 5 years Madam Speaker! 5 years and he never raised any of these constitutional issues that he is raising now!

(*Interruptions*)

Madam Speaker: Hon. Bhagwan!

Mr Rutnah: But, Madam Speaker it is to do with politics…

(*Interruptions*)

Madam Speaker: No, do not interrupt him, please! Why? Who said why?

(*Interruptions*)

No, no, you do not have the right to say this. He is perfectly within the ambit of the motion, perfectly within the ambit of the motion.

Mr Mohamed: I have a point of order, therefore! I would like to know your ruling on that, is he totally within the ambit of the motion when he insulted Sierra Leone and Portugal? Was it within that motion? Was it then?

(*Interruptions*)

Madam Speaker: Hon. Shakeel Mohamed, I do not think I have an explanation to give to you. If I had found at any point in time that he was not within the ambit of the motion, I would have stopped him, but up to now, I find that he is within the appropriate parameters. Yes!

Mr Rutnah: Madam Speaker, when I started dealing with the motion itself, I said constitutional issues and political issues and we are doing politics, we are in politics. We are in politics and it is the politics that we do decide the future of our country, the future of the children of this country. I care for the future of this country and I care for the children of this country. I have said time and again that it is high time that we debate this properly.

I was dealing with the issues relating to hon. Ganoo. I have got great respect for hon. Ganoo. I said I have known him since my tender age, great respect. He is an encyclopaedia in himself.

(*Interruptions*)

No, this is not in the ambit of the motion. I have got great respect for him, but…

(*Interruptions*)

Madam Speaker: No, he did not lie, he said what he felt. He said what he felt.

(*Interruptions*)

Mr Rutnah: No, it is true! Madam Speaker, if I may say so…

(*Interruptions*)

Madam Speaker, if I may say so, I am now coming to the other side of hon. Ganoo. That is why I have started to deal with the political side of it.

(*Interruptions*)

Madam Speaker: No, do not! Hon. Ganoo, please!

Mr Rutnah: It is okay, sometimes these are good exchanges.

Madam Speaker: Yes, but not from a sitting position.

Mr Rutnah: Yes, indeed, Madam Speaker.

So, hon. Ganoo has been in successive Governments, Madam Speaker, and he never raised these issues. Now, it is one thing when you are in Government and it is a different thing when you are in Opposition. In Opposition, we can see a 6 as 9.

Sometimes when you see it from this side, it appears to be a 9, from the other side 6. If you mix…

(*Interruptions*)

…and if you write 6 from the other side, it appears 9 on this side and 6 from this side, 69. So, it is our duty to agree to disagree. This is why people vote for us and send us to agree to

disagree, but to respect the democratic principle; to respect the Constitution of this country; to respect the Chair; to respect the House; to respect the institutions.

So, we all remember when the Labour Party and the MMM formed their alliance in 2014 when they got away with the Remake of 2000, and hon. Ganoo was one of the major actors of that alliance. And they even drafted a contract how to run the country; who is going to be the Prime Minister, for how long; who is going to be the President, for how long; what powers, etc. But in that document which they drafted, he, as the forefront man in the position, none of these issues were raised as has been raised today in Parliament.

(Interruptions)

But I respect him for having raised it because these are very important. And it is the younger generation that has to take over and to bring these changes, not those who when they are in Government, they think differently; when they are in Opposition, they think differently. There should be consistency in political ideologies and political philosophies, and what you are going to do for your country, for your people, for your children. I am consistent and I am always going to be consistent.

(*Interruptions*)

Madam Speaker, I have done some research. A friend of mine from Oxford University did some research at Lincoln College, University of Oxford, and I managed to - because he is a constitutional specialist - speak to him, and he sent me one of his works. And in his work interestingly a number of Mauritian cases have been referred to. Amongst others, the case of Hawoldar against the Government of Mauritius of 1978 which is to be found in the Mauritian Report at page 37; Mahboob against Government of Mauritius, 1982 case; Marine Workers Union and others against Mauritius Marine Authority and others, 1985 case; *Société* United Docks against Government of Mauritius of 1985. These are all constitutional cases.

I was speaking earlier on that, sometimes Courts can give judgements that have got constitutional significance. And in this research, what I found is that the Bill of Rights of Mauritius - when we say the Bill of Rights, it is the Constitution – was subject to various amendments. And in the article he refers to, a recent amendment to the Constitution of Mauritius also allows for the possibility of legislative override, but only in regard to laws pertaining to property. Such a law must be passed at its final reading by three quarters of the

Assembly and it can only be amended or repealed by the same majority. It appears that it need not expressly declare that it is to be operative notwithstanding the Bill of Rights. As we have seen legislative override clauses - now he makes a comparative study with the system in Canada and Trinidad - take different forms. In the Canadian and Trinidadian versions, it is necessary that the Act in question recites that it is meant to be valid notwithstanding any inconsistency with the Bill of Rights. The requirement would usually ensure that the legislature has recognised that the Act be conflict with the Bill of Rights, but that it chooses to give effect to the Act. In such instances, the Bill of Rights is more of a guideline of which the legislators take note of rather than a set of provisions that the Act must measure up to.

So, Madam Speaker, the clarity that brings this part of the article is that the Bill of Rights will remain the Bill of Rights and Acts of Parliament should be consistent with the Constitution of the country. Like this, Madam Speaker, there are a lot of things to say, as I said, because of time constraint, I better start to deal with the limitation of the tenure of the Prime Minister.

Now, why? Why only the Prime Minister? Why? Why not every Member of this House to contest elections and to have only two tenures? Why not all of us?

(*Interruptions*)

Hon. Ganoo can stand as candidate since 1982, and get elected continuously since 1987 to now.

(*Interruptions*)

My very good friend whom I have known for ages, hon. Bhagwan, since 1987 successively he has been elected.

(*Interruptions*)

And he is going to come *encore*, he says!

(*Interruptions*)

Hon. Baloomoody has been elected continuously.

(*Interruptions*)

Hon. Soodhun, 7 times!

(*Interruptions*)

7 times! When I knew hon. Bhagwan, he was a robust young man.

(*Interruptions*)

Now, he is still robust in his own ways.

(*Interruptions*)

Hon. Ganoo, when I knew him, he had all his hairs on his head…

Madam Speaker: No comments!

(*Interruptions*)

Mr Rutnah: One day, hon. Ganoo was speaking for the 1st of May in a public meeting in Port Louis, and my dad told me: "You know, this guy is a lawyer". I said: "Is he?" He said to me: "Yes, he is a lawyer and look how well he speaks." So, these are the times since I know hon. Ganoo. So, he has been in Parliament successively. Why? Why we can come for so many times, we stay here; it is not even enough, hon. Bhagwan wants to come as candidate again?

(*Interruptions*)

Madam Speaker: That is his right!

(*Interruptions*)

That is his right!

Mr Rutnah: When are we going to leave this country to the younger generation to bring proper constitutional changes? When?

(*Interruptions*)

When are we going to allow…

(Interruptions)

Madam Speaker: Order!

Mr Rutnah: When are we going to allow the younger generation just like…

(*Interruptions*)

No, but he is Mentor. Sometimes we need guidance, but just like the MMM…

(*Interruptions*)

Madam Speaker, just like the MMM, the *clubs des étudiants* in …

(*Interruptions*)

No, not 1975! The *clubs des étudiants* was prior to 1969. Then, 1968 when the MMM came - we are talking about anti-defection law, Madam Speaker. The first ever…

(Interruptions)

Madam Speaker: No, hon. Bhagwan. Hon. Bhagwan, please!

(Interruptions)

Some bit of humour is good at least.

(Interruptions)

Mr Rutnah: The first ever *transfuge* came from the MMM. There was a by-election in Pamplemousses and Mr Dev Virahsawmy was the candidate of the MMM. He was elected under the MMM and then what did he do? He left the MMM! *Transfuge!* When I will deal with that part, I will come to it, but now I am dealing with the limitation of the tenure of the Prime Minister. I am only in passing…

(Interruptions)

Madam Speaker, I am looking at the time as well. Hon. Baloomoody is also concerned about the time. As I said, Madam Speaker, I am today under a duty for my people, for my country, for my Constituency, for the village where I come from, for the people of Mauritius. I am under a duty to deal with the issues as they should be. If I do not do it, I will fail in my duty because people have placed their confidence, their trust in me to come and fight their corners. And I expect every Member of this House to fight the corners of the constituents, including hon. Barbier whom I know as well. If I were to tell you the history of hon. Barbier, …

(Interruptions)

Madam Speaker: Hon. Member, you have got seven items to cover.

Mr Rutnah: Yes.

Madam Speaker: You are still on the first.

Mr Rutnah: The limitation of the tenure! Madam Speaker, we can't today, just because we are in Government, and people, either fortunately or unfortunately, are in Opposition should play politics to say today that there should be limitation.

(Interruptions)

I agree, but correct yourself first, give your seat to a younger person to contest that election. Let the younger generation as well have the opportunity to come and serve in this Parliament, to come and serve this country! Allow them! You can do this, you can suggest from outside, you can write articles, you can lobby, you can become part of a Non-Governmental Organisation to influence Government's decisions. You can make lobbies, but if you, yourself, are not setting the right examples, don't try to give lessons to others! Leave it in the hands of the younger generation. This is an appeal that I make today in this Parliament, because there are lots of people out there who are young, who are competent, who want to serve the country, who want to serve the nation, who want to serve the children of this country, who want to serve the future of this country, but they are not given the opportunity, and that's why sometimes we are stuck back in time.

When the MMM came in 1968 onwards they brought new ideas and that's why they won a 60-0 because of the new ideas, and they promised to bring changes, and real changes took place, Madam Speaker, post 1982. Real changes did take place, because there was new blood, younger generation, people who had vision for their country. When hon. Paul Bérenger was Minister of Finance I had lots of conflicts with him for the personal attacks he did on me, but he has done a lot of good things when he was the Finance Minister. I will always be in conflict with him for the kind of personal attacks that he did against me. But, it does not matter, he has done a good job when he was in the MMM/PSM Government in 1982 as Finance Minister. Then, when he decided to leave the Government for whatever reasons, Sir Anerood Jugnauth with a new team, competent people and young generation of that time developed this country, made it a modern country. People started to live well and this is what our country needs today, not only in relation to the Prime Minister, but in relation to all of us who sit here. And I have, time and time again, said why the Labour Party cannot have - my very good friend - hon. Shakeel Mohamed as leader and one day for him to become Prime Minister. Why the Labour Party cannot have hon. Osman Mahomed to be the leader and one

day to become Prime Minister of this country and to serve the people, to serve the nation? Why cannot hon. Ramful or hon. Jhuboo become the leader of the Labour Party and serve the nation, serve the country. Why?

(Interruptions)

Why, since 1968, only one leader of the MMM? Why? Why not my very able and learned friend, hon. Uteem? Why not him? Why not hon. Baloomoody? Hon. Bhagwan has become a *vieux joueur*, if I may say so.

(Interruptions)

We have a problem in our country, we have problem in the culture of our politics. When we see Sir Anerood Jugnauth, the Minister Mentor handing over the Prime Ministership to a younger generation, this is where the country is going to change and make lots of changes, because he has got a different perception of this country. He wants this country to progress and he is doing everything to make this country progress. So, why tie his hands only for two years or two mandates? If he can perform well, why tie him to two years? But if you want to tie him to two years, you as well, tie yourself to two mandates first! Once you tie yourself to two mandates, then you say even the Prime Minister, the Deputy Prime Minister, the Vice-Prime Minister, including hon. Soodhun to go. Then I will accept; then it is proper to say so.

(Interruptions)

Whether I become leader of ML, Madam Speaker, is not the question today. The question today is: when will the younger generation be given the opportunity to work for the people of this country? Why is it that when hon. Pravind Jugnauth is Prime Minister today we have to limit him to two? Why? Where is this reasoning coming from? If this is not politics, then what is politics! Rhetorically I ask, if this is not politics, what is politics? But if you do it…

(Interruptions)

You may say whatever you want!

Madam Speaker: Hon. Baloomoody! No comments!

(Interruptions)

No comments!

Mr Rutnah: A lot of people say…

(Interruptions)

Madam Speaker: Hon. Rutnah, you don't have to reply to what they are saying from a sitting position.

Mr Rutnah: Madam Speaker, when Sir Anerood Jugnauth became Prime Minister for the first time in 1982, critics used to say he would not be able to handle the Prime Ministership position because, at that time, we were so fond of Sir Seewoosagur Ramgoolam. Everybody thought that without him, the country could not run! But, Sir Anerood Jugnauth ran the country since 1982. 1983 till 1987, then 1987 till 1991; 1991 onwards! There are lots of critics that this is his final *la gare* etc. We cannot ever decide when we sit here. Even the press cannot decide when it is going to be the final *la gare*, the final *la gare* is decided by the people of this country. Even in the United States, Madam Speaker, the entire press were against Donald Trump. Yet, when the people went to vote, they did not pay heed to what the Press said about Donald Trump. He was elected President of the United States, whether you like it or not.

So, Madam Speaker, I think I have said enough on the tenure of the Prime Ministership. At this present moment, I do not agree with the contention of hon. Ganoo but, if they allow the younger generation to take over and the younger generation comes with a draft and says: 'look, this is what we want for our country', then yes, we are going to bring the changes.

Now, coming to the anti-defection provision to deter the practice of crossing the floor…

(Interruptions)

When in Government, it is okay to have *transfuges*, when in the Opposition, it is not good! This has been some kind of politics for quite a while. I have grown up with this kind of politics. Why do we have anti-defection, Madam Speaker? It is simply because a lot of political parties in Mauritius have, at one point or the other, worked together with each other. I remember, Madam Speaker, in 1991 when the MMM decided to make an alliance with the MSM as we used to say le *militant koltar* and you know, when you are at that time a *militant koltar* in Rivière du Rempart, in Constituency No.7, when your whole family is in the MMM…

(Interruptions)

Madam Speaker: Who said that? What type of comment!

(Interruptions)

Mr Rutnah: You know what difficulties one had to face! I have, my family has, I know, I have experienced it. But then, those who are oppressing the *militant koltar*, hon. Bérenger decided to go and form an alliance with the MSM. Was it good? Was it moral? Was it good standard politics?

(Interruptions)

Was it good standard politics? Was it good example set?

(Interruptions)

Now, if we talk about morality of anti-defection law, if I have to speak about morality the way argued by H. L. A. Hart and Devlin, by Dworkin, the interpretation of the law by Lord Templeman, then I have got a lot to say about morality. But, if as a party you choose to dance in the arms of various other parties simply to come in power like hon. Ganoo did in 2014, went and negotiated the alliance with the Labour Party. Why? Why, Madam Speaker? Why? After having given all kinds of undertaking to Sir Anerood Jugnauth, the MSM, why? Is this not also supposed to be condoned by some kind of law in this country? The political party as a political party can dance on the tune of other political parties in order to join in and to come and win elections because at the time, in 2014…

(Interruptions)

Madam Speaker: But, you should link it to the anti-defection!

(Interruptions)

Mr Rutnah: I am coming to the anti-defection, but this is…

(Interruptions)

Madam Speaker: Please! Please!

(Interruptions)

Mr Rutnah: But, I am saying it to everybody!

Madam Speaker: I am telling you not to pay heed to what…

(Interruptions)

Mr Rutnah: Madam Speaker, these are as introductory remarks…

(Interruptions)

Madam Speaker: Hon. Bhagwan!

(Interruptions)

Hon. Bhagwan, the hon. Member has the right to talk!

(Interruptions)

Right? So, don't interrupt him!

Mr Rutnah: Madam Speaker…

(Interruptions)

Madam Speaker: No, hon. Bhagwan, it is not up to you to say whether he is speaking sense or nonsense! Please, you calm down and don't interrupt him because when hon. Ganoo had presented his Motion everybody on this side was quiet.

(Interruptions)

They did not interrupt him and for the last time I am asking you not to interrupt the hon. Member.

(Interruptions)

I am asking you for the last time not to interrupt him!

Mr Rutnah: Madam Speaker, hon. Bhagwan is excused. Anyway, Madam Speaker, to cut a long story short, the day when political parties will start to set examples, is the day when there will be no defection.

Now, shall we go back in time and talk about how…

(Interruptions)

No, it is not! Shall we go back in time to ascertain how many political parties have survived with defection in the past? I know at least of one instance when the MSM left the Government of the Labour Party and the Labour Party survived with two or three Members of the MSM sitting on this side of the House and running the Government and…

(Interruptions)

…one of the…

(Interruptions)

Madam Speaker: Now, you continue interrupting him!

(Interruptions)

You will continue from a sitting position to interrupt him?

(Interruptions)

He does not need your guidance!

Mr Rutnah: Perhaps when we talk about anti-defection even here there is one Member of Parliament who has left this Government and has become a quasi-Member of the MMM and this has been said in a regional. This has been said openly in a regional! So, don't try to give me lessons about anti-defection…

(Interruptions)

Of course, in principle…

(Interruptions)

Madam Speaker: Now, for the last time, right? The hon. Member has got 10 minutes to go, I don't know whether he will complete these 10 minutes or not but, please, bear with him!

(Interruptions)

Mr Rutnah: Madam Speaker, it must be dark outside but I am still energetic. In principle, Madam Speaker, I agree with hon. Ganoo. I agree there should be anti-defection

law in this country. I agree! But, in what context? How? How are we going to do it? Is it just a matter of drafting a law and bringing it to Parliament in a day or two? Is it that easy? It is not!

When we talk about anti-defection law, Madam Speaker, we also have to take into account the kind of electoral system we have in our country. The kind of electoral system that we have in our country requires reform and the reform has been stipulated but when and how? For example, when we talk about the reform of the electoral system but, in December 2011 and this is thanks to my friend Sherry Singh who is the Head of the Mauritius Telecom, on his website I got this…

(Interruptions)

Look at this, Madam Speaker! On 19 December 2011, the then hon. Prime Minister meeting two men in his office and look at what it says here -

"The Prime Minister (…)"

Not the now Prime Minister, the then Prime Minister.

I quote –

> "The Prime Minister, Navin Ramgoolam received lately the report on the reform of electoral system submitted by a team of eminent international constitutional experts headed by Professor Guy Carcassonne, French constitutional expert of international repute.
>
> The team also comprised Professor Vernon Bogdanor, Professor of Government at the Oxford University and Visiting Professor of Constitutional History at King's College, London, and Dr. Pere Vilanova Trias, Professor of Political Science and Public Policy at the Department of Constitutional Law and Political Science at the University of Barcelona, Spain. The three experts have wide experience in electoral reforms and are frequently consulted by foreign governments and international organisations on constitutional issues.
>
> The term of reference of the team was to make proposals for a reform of our electoral system with the following objectives:

Effectiveness: an election should allow the emergence of a majority and it is for the electorate to choose the people by whom they wish to be governed;

Equity: the proposals should address and correct the inordinate imbalances created by the First-Past-the-Post system which has frequently produced results which were grossly disproportionate to the share of votes obtained by the different parties;

Diversity: the electoral system should ensure a fair representation of all the different components of the Mauritian population in Parliament, and Gender balance: the under representation of women in Parliament must be addressed. The proposals should aim to eventually move towards parity between men and women.

The Prime Minister has agreed to release the report to the public. He has also requested that a copy of the report be presented to the Leader of the Opposition, Paul Bérenger; the Deputy Prime Minister, Minister of Energy and Public Utilities, Rashid Beebeejaun; the Vice-Prime Minister, Minister of Finance and Economic Development, Xavier-Luc Duval and to all leaders of political parties."

But what did we do since 2011? What did we do? Like hon. Leader of the Opposition would have said, zero, Madam Speaker! We have done zero insofar as reform is concerned! Despite the fact that we had three imminent experts, from 2011 to 2014, nothing was done! So, coming to…

(Interruptions)

But if everybody in the House then had the will to bring real change that meant to the people, then we would have. But why? MSM was right at the time because this country would have gone to the gutters if Ramgoolam would have won the election in December 2014 and you know that! And that is why I want you to become the Leader of *Parti Travailliste*!

(Interruptions)

Because, at least, I will talk to someone of my generation. At least, we will understand each other how to develop our country for the future of our people, our children.

(Interruptions)

So, Madam Speaker, when we talk about the anti-defection law, Madam Speaker, the starting is, it is complicated. It is complicated by virtue of the kind of electoral system we have and up until we are going to put candidates in election on the basis of race…

(Interruptions)

Madam Speaker: Hon. Baloomoody!

Mr Rutnah:…on the basis of race, communities, cast, up until then we want. Madam Speaker, there was a time when Mr Subhas Lallah was standing as candidate in Plaine Verte and was elected, when Mr Rama Poonoosamy, with whom I was in *Jeunesse Militante* then when I was 14 or 15 years, was elected. There was also the SMEDA guy, what is his name? Mr Servansingh was elected in Plaine Verte. Why cannot we go back to those glorious days? Why?

(Interruptions)

Madam Speaker: Do not interrupt him!

Mr Rutnah: I am sorry if I said Plaine Verte, but it was in Port Louis. It was in Port Louis.

Madam Speaker: Do not pay heed to what they are saying!

(Interruptions)

Mr Rutnah: So, Madam Speaker, why we cannot go back to those glorious days? And in those glorious days, Madam Speaker, we had the same laws and we had in those days, not the present Constitution of Mauritius, but we had the Constitution that was given to us by the British, that was made in Council in 1968. It is in that constitutional framework, Mr Servansingh was elected in Port Louis, Mr Rama Poonoosamy was elected.

So, Madam Speaker, I have not finished yet, I have got more to go.

(Interruptions)

Madam Speaker: Please, continue you have one more minute!

Mr Rutnah: Thank you, Madam Speaker. Madam Speaker, coming to the third part of this motion: gender quota for a fairer representation of women in National Assembly, I did

not know any Speaker sitting like you who introduced the Gender Caucus in the House. And I said it…

(Interruptions)

Madam Speaker: Hon. Rutnah, I am sorry to interrupt you here. It is already 7.00 p.m. and the business of the House is interrupted.

Mr Rutnah: Madam Speaker, I thought I would be given time to finish.

Madam Speaker: No, no! I am sorry, it is 7.00 p.m. and, according to the Standing Orders, the business of the House is interrupted.

(Interruptions)

Yes! Some order, please!

ADJOURNMENT

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun): Madam Speaker, I beg to move that this Assembly do now adjourn to Wednesday 19 July 2017 at 10.00 a.m.

Mr Sawmynaden rose and seconded.

Question put and agreed to.

Madam Speaker: The House stands adjourned!

(7.00 p.m.)

MATTERS RAISED

MAURITIUS DUTY FREE PARADISE – WORKERS – LAID OFF

Mr V. Baloomoody (Third Member for GRNW & Port Louis West): Thank you, Madam Speaker. I will raise the issue concerning the workers who have been sacked, brutally sacked by the Mauritius Duty Free Paradise. In fact, 23 workers were sacked brutally when they asked for their remuneration. They were employed since September 2013 and when the new Government came, they recruited some staff and instead of paying Rs10,000 which the others were having, the new Government paid the new recruits Rs17,000. And when they

asked that they be aligned on the same wage as the new recruits, they were all sacked brutally by the Mauritius Duty Free Paradise. And up to today, there are 14 workers who have not been compensated, who feel that, of course, there has been breach, brutal breach, violent breach of the labour law. But what is more serious, Madam Speaker, is that these 14 workers have decided to go on a hunger strike as from the 19 July. The matter is very serious and we know that there is a political appointee there as Chairman, Mr Daureeawoo, a Member of the Government party, of the MSM. I am sure that the Minister can intervene to ensure that no further pain, harm, sufferance is being done to these 14 workers. They have been sacked only because they were recruited by the previous regime. This is the only reason.

Now, we know that the Mauritius Duty Free Paradise has advertised on 08 July for a new post. So, they sacked people who were recruited under the old regime to employ new *petits copains ou petites copines.*

So, can I ask the hon. Minister of Labour, Industrial Relations, Employment and Training, who is here, to ensure that the law is being respected and that procedures are being followed, that these 14 persons be re-employed instead of employing new staff, so that they can have their due which they are legally allowed to?

May I ask the Minister to intervene urgently because on the 19th they will start a *grève de la faim.* I am made to understand that a senior syndicalist, Mr Jack Bizlall, is going to join them for the *grève de la faim*. We all want this to be avoided. So, I have given notice to the hon. Minister through my intervention. I hope that he will clarify matters so that we can avoid that *grève de la faim.*

Thank you.

The Minister of Labour, Industrial Relations, Employment and Training (Mr S. Callichurn): Madam Speaker, I am actually quite thankful to the hon. Member who has raised this issue again this week. I need to remind the House that last week, hon. Ramful did bring to my attention and I stated in this very House that my Ministry is attending to those complaints.

Pour la petite histoire, Madame la présidente, 23 workers were laid off in May 2017. I am given to understand that 9 of them accepted a compensation to the tune of 3 months per year of service and the remaining 14 turned down the offer. Their negotiator, Mr Bizlall, solicited a meeting with me. I met him to discuss the whole issue some two weeks ago. Only

this morning, I called for a meeting. It was not chaired by me. It was chaired by the Ag. Director of the Labour Department. I was informed some time back that following that meeting, it has been decided that Mr Bizlall will formally write to the Mauritius Duty Free Paradise for a claim of reinstatement and then eventually the CEO of Mauritius Duty Free Paradise will take the matter to the Board and after he will inform Mr Bizlall who will suspend the strike following a decision of the Board.

I am not aware of the allegations just made by hon. Baloomoody, but I will make it a must to enquire into those allegations.

Thank you.

Madam Speaker: Hon. Bhagwan!

ALBION & PETITE RIVIERE – POLICE PATROL

Mr R. Bhagwan (First Member for Beau Bassin & Petite Rivière): Thank you, Madam Speaker. My plea would be towards the one representing the Mentor Minister, the Minister of Housing and Lands.

It concerns the situation *de peur* at Albion Village, which comprises not only of Albion Village, but the *Morcellement* Raffray, *Morcellement* de Chazal and also the village of Petite Rivière, following the crime which had happened some time back. We know that the Police have caught the culprits. So, the situation is that the population of Albion is still *très préoccupée concernant leur sécurité*. *Il y a eu une réunion avec la police et le* neighbourhood.

Selon les informations, la Police d'Albion est sous-équipée et il y a moins de personnel. Je sollicite l'intervention du représentant du Premier ministre, le ministre du Logement, puisqu'il y a une concertation pas seulement avec la police, mais avec le *District Council* de Rivière Noire, il y a pas mal de terrains en friche. Les propriétaires soit ils sont à Maurice soit ils sont à l'extérieur. Et aussi, il y a moins de *patrol* du *Central CID*. Je crois qu'il y a une nécessité urgente de rassurer la population. Ce n'est pas seulement d'avoir une réunion avec les habitants d'une région, mais avec l'ensemble de la population et les ONGs de cette région très délicate qui est Albion.

La situation devient de plus en plus alarmante de jour en jour. Il y a eu même une marche de protestation qui est prévue dimanche. Je crois qu'il est temps qu'au niveau de la

police, au niveau hiérarchique élevé de rassurer la population mais pas seulement à travers une réunion, mais à travers la présence policière, des *spot checks* de la part du *SMF* ou même du *Central CID*.

Alors je compte sur l'honorable Soodhun de prendre cette question avec le Premier ministre.

Merci.

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun): Madam Speaker, I am aware about the situation. I can assure the House that the inquiries are ongoing. There are about three accused arrested. One confessed the presence and part of the exhibits are recovered.

Now, I have been informed that –

- there is a regular patrol by the ERS;
- the roads are blocked by the SMF every night.
- the area station is also carrying a stop and search randomly, and
- also a permanent hot spot policing in Albion including SSS and DSU.

Our Prime Minister has taken this matter seriously with the Commissioner of Police. I just mentioned what we are doing. I think we are doing our best to protect the people of this area.

Madam Speaker: Hon. Osman Mahomed!

LE DAUGUET *PARCOURS DE SANTÉ* – POLICE PATROL

Mr Osman Mahomed (Third Member for Port Louis South & Port Louis Central): Thank you, Madam Speaker. I have an issue that concerns public security in Port Louis, my Constituency, more specifically in Tranquebar, the place called Le Dauguet, *parcours de santé* du Dauguet where I am informed over the last three weeks there have been four cases of aggression on people who go there for their stroll or for their jogging, with a view to stealing them.

Now, one case in point is that of a 53-year old lady who was aggressively attacked, but was courageous enough to fight back that thief. It was the subject of a Police complaint

as well, bearing reference number 3458/17 at the Pope Hennessy Police Station. I hope I am getting the numbers right. It was on 10 July 2017 at around 1900 hours.

Now, my request is to the hon. Vice-Prime Minister, Minister of Housing and Lands, who is replacing the Minister Mentor, to ensure that at the level of the Pope Hennessy Police Station which is responsible for that area, if it does not have the necessary personnel or vehicle, that Line Barracks be called upon to ensure more aggressive patrols over the area until such time that the situation gets back to normal and Pope Hennessy can take over.

So, I would humbly request the hon. Vice-Prime Minister to look into the matter and convey to the Commissioner of Police the necessary message.

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun): This is a fact that we always say that there are no vehicles. I am sure if there is any complaint, the Police must have taken it, but, anyway, I am going to convey the request to the Minister Mentor.

Madam Speaker: Hon. Thierry Henry!

VACOAS - JHUGROO BUILDING - FIRE CERTIFICATE

Mr T. Henry (Fourth member for Mahebourg & Plaine Magnien): Merci, Madame la présidente. Je voudrais parler sur le certificat de *Fire* déposé le 11 juillet 2007 par l'honorable ministre de *Local Government and Outer Islands* pour certifier que le bâtiment Jhugroo a le *Fire Certificate*. Mais dans ce papier même, ce certificat vous dit que ce certificat est valide avec toute la liste des locataires qu'on n'a pas ici avec nous, on n'a que le certificat. La loi vous dit que - avec les renseignements qu'on a - si les locataires ont changé, ce certificat ne tient plus. Il n'est pas valide.

Donc, avec nos renseignements, il y a pas mal de locataires qui ont changé depuis 2010, donc ce certificat présenté par l'honorable ministre n'est pas valide.

Merci.

Madam Speaker: Can you provide some clarification as to which piece of law you are referring to specifically?

(Interruptions)

No, which piece of law?

(Interruptions)

I am asking you because you just mentioned that according to the legislation, if the tenants changed, then this is no longer valid. Can you just quote for record purposes to which piece of legislation you are referring to and which section?

Mr Henry: It is the Occupational Safety and Health Act 2005, *donc dessus c'est bien spécifier avec des locataires. Merci.*

Mr Jhugroo: Madam Speaker, I am in presence of a letter from the Ag. Chief Fire Officer addressed to the PS of my Ministry dated 11 July 2017 confirming that Société P. Jhugroo and Company.

Madam Speaker: Sorry, did you say 20 July?

Mr Jhugroo: No, it is 11 July 2017, confirming that Société P. Jhugroo and Company commonly known as Jhugroo building situated at Vacoas has been issued with a Fire Certificate since 10 May 2010 and which is still valid up to date. Here is a copy which I am tabling, Madam Speaker, from the Mauritius Fire and Rescue Service. In the same letter, there is also that of Godiva Court and also for MPF Building. *C'est de la pure démagogie.*

Madam Speaker: Hon. Salim Abbas Mamode!

CALODYNE – MEDICAL WASTES - DUMPING

Mr S. Abbas Mamode (Fourth Member for Port Louis Maritime & Port Louis East): *Thank you, Madam. My issue concerns the Ministry of Health,* et ça concerne l'enquête sur des déchets médicaux à Calodyne. Ça a été sur la presse l'Express et jusqu'à maintenant on n'a pas eu lecture s'il y a eu enquête, s'il y a eu des *culprits ; whether it is the hospital or the private clinic Calodyne. It was in March and even online or on paper version, l'Express stated long* about déchets médicaux. Le fait est que le représentant du ministère de la santé avait été alerté et les règles prescrites par le ministère de la santé sont strictes en ce qui concerne la gestion des déchets médicaux.

So I will ask the Minister to see to it. I don't know if the enquiry has already reached its conclusion or it is still going on and I will table these papers.

The Minister of Health and Quality of Life (Dr. A. Husnoo): Madam Speaker, I was asked a question Tuesday on this topic but because of time I did not manage to answer

the question but a written answer is going to be sent. That is number one and I would like to mention as well that an inquiry is being done by the Police and the Police inquiry is not over yet. Thank you.

Madam Speaker: Hon. Mrs Perraud!

CITE LA CURE - SQUATTERS

Mrs A. Perraud (First Member for Port Louis North & Montagne Longue): Merci, Madame la présidente. Ce soir ma question est pour le ministre des Terres et du Logement. C'est suite à la PNQ du *leader* de l'opposition du 15 juin 2017.

L'honorable ministre va s'en souvenir que la question était posée concernant les *squatters* à Port Louis et dans la circonscription numéro 14. Le *leader* de l'opposition avait évoqué la situation difficile dans laquelle se trouvent les squatters de Cité la Cure, ma circonscription.

Ce jour-là le ministre avait promis qu'il y veillerait personnellement et qu'il allait aussi envoyer ses officiers pour les réunions pour régulariser la situation de ces squatters. Or, depuis le 15 juin, rien n'a été fait et ces squatters sont toujours dans des situations illégales et il y a beaucoup de situations illégales parmi ce groupe de squatters. J'en ai parlé au ministre personnellement. Il y a un groupe de squatters qui ont participé au tirage au sort pour l'obtention d'un terrain mais par la suite il n'y a pas eu de suivi - aucun papier, aucun document. Il y a un autre groupe de squatters qui vivaient sur ce terrain au moment où le ministère est venu pour recenser le nombre de squatters qui vivent sur ce terrain. Mais ce groupe de squatters n'ont pas eu de terrain, n'ont pas eu de papier, rien. Il y a un autre groupe encore de squatters qui ont fait le tirage au sort, qui ont eu le lot soit à Pointe aux Sables ou à Batterie Cassée, Carro Calyptus mais quand ils sont partis sur leur terrain il y avait d'autres personnes qui occupent déjà le terrain. Donc il y a vraiment un grand désordre et je suis assez déçue je dois dire parce que depuis le 15 juin rien n'a été fait. Il y a aussi les squatters de Sir Robert Scott avenue; il y a 7 familles qui y vivent dans une situation illégale depuis 17 longues années.

Donc, si l'honorable Ministre pouvait vraiment voir ce qu'il peut faire pour ces familles. Le ministre se rappelle aussi qu'il y avait parmi ces familles de squatters une personne handicapée et la personne, monsieur Raffaut, est toujours dans une situation de doute et d'inquiétude par rapport à son avenir. Donc, si le ministre pourrait voir la situation.

The Vice-Prime Minister, Minister of Housing and Lands (Mr S. Soodhun): Madam Speaker, squatters, still it is illegal, what is illegal is illegal. So let me explain to the House that it is not true to say that nothing has been done. We have 300 squatters living in a private Land and the Ministry cannot intervene on the private land. I think the area is in the hon. Member's Constituency; the owner is family Noor.

The second one is, I think, at Sir Robert Scott avenue. There are 19 squatters; among them, seven have not submitted the documents to my Ministry. This is why the case is pending and we cannot do anything. I know it; I have personally been dealing with all this. Whereas for the others who have been sent to Batterie Cassée and Pointe aux Sables - there has been a PNQ from the Leader of the Opposition - we came to know that, really I agree, the infrastructure work has not been done.

Now, I can say that we had a permanent meeting between the Municipality of Port Louis, the NHDC, my Ministry, RDA, CEB and CWA. The meeting is going on and we are going to give the priorities which are the electricity and the water supply. Then, we will be coming with drains and roads. So, the work is being done. Maybe my colleague is not aware, I am going to circulate the details at the next session.

Madam Speaker: Hon. Ms Sewocksingh!

CUREPIPE – BUS SHELTERS

Ms M. Sewocksingh (Third Member for Curepipe & Midlands): Thank you, Madam Speaker. There is an issue in my Constituency which is related to the Ministry of Public Infrastructure. As the hon. Minister is not here, I understand that the hon. Minister of Technology, Communication and Innovation will reply. In fact, there is an issue of two bus sheds in Curepipe more precisely Royal Road Curepipe, very near to Green Cross Laboratory opposite to TENFA.

From Port Louis going towards Curepipe on the left hand side, it is the Constituency No. 17 and on the opposite it is Constituency No. 16 where hon. Minister Bodha has been elected. There is an urgency, Madam Speaker, where there is no bus shed. These days it is very cold in Curepipe, it is raining and it is a very strategic place. There have been requests to put the bus sheds. I would kindly request the hon. Minister to look into the matter for both sides, both constituencies. Thank you.

The Minister of Technology, Communication and Innovation (Mr Y. Sawmynaden): I thank the hon. Member for this issue. Hon. Toussaint also raised this issue with me regarding the bus stops in Floreal and Curepipe.

I will pass on the message to my colleague, the Minister of public Infrastructure. The Ministry of Technology, Communication and Innovation, through Mauritius Telecom, do place bus stops and we are planning to work on that so that we give a better shelter to the people of Curepipe where I live as well.

Madam Speaker: Hon. Armance!

PAILLES – ROADS - REPAIRS

Mr P. Armance (First Member for GRNW & Port Louis West): Thank you, Madam Speaker. My humble request goes to the Ministry of Local Government today. It is mainly regarding the Municipality of Port Louis. In the region of Pailles, all the roads are in a very bad state. I understand that the Pailles sewerage works are going on and it is very difficult to vehiculate on the road. For the whole region of Pailles, all the roads need patching. I agree that some patching have been done in the past, but since the Municipality is not well equipped, all the patching go off after a few days.

I will urge the hon. Minister if he can have a look so that more patching is done in the region of Pailles because really it is very, very difficult to vehiculate. I will invite him for a visit if he wants in the Constituency, and look with the Municipality of Port Louis, provide them with the proper equipment like compacting machines so that they can do proper patching in the Constituency. Thank you.

The Minister of Local Government and Outer Islands (Mr P. Jhugroo): Madam Speaker, I will pass on this to the Municipal Council of Port Louis and it is good to note that with this Government, the hon. Prime Minister, Minister of Finance and Economic Development has given us a good package, and we are going to see if we can do the needful.

Madam Speaker: Hon. Barbier!

MONTAGNE BLANCHE - RALLY & BUS SHELTER

Mr J. C. Barbier (Fourth Member for GRNW & Port Louis West): Madam Speaker. I received representations from the inhabitants of NHDC Melrose, Montagne Blanche.

Madam Speaker, my attention has been drawn by the inhabitants there that very often we have, what we call, rally on the main road. Curiously, there was a speed camera there some time back, but unfortunately it has been removed, and no one knows why. Actually, people are in danger while crossing the road nearby the NHDC, Melrose, Montagne Blanche. At the same time, the bus shelter also has been removed. So, there is a serious problem of road safety there. I learned that the bus shelter has been removed because there is a *morcellement* development there and the promoter has removed all that.

So, I think the hon. Minister should go there, see to it and attend to these problems very quickly before we have some accidents there on that spot. Thank you, Madam Speaker.

The Minister of Technology, Communication and Innovation (Mr Y. Sawmynaden): I will definitely pass on the message to my colleague. I know the problem of rally is now becoming a big thing in Mauritius, but we are working on it at the level of his Ministry. Thank you.

At 7.25 p.m. the Assembly was, on its rising, adjourned to Wednesday 19 July at 10.00 a.m.