



PROPOSED CONSTITUTION OF THE REPUBLIC OF MAURITIUS

Drafting model submitted to the Constitutional Review Commission

This Proposed Constitution is submitted as a drafting model to assist the Constitutional Review Commission.

It is not presented as the only possible legislative formulation of the recommendations contained in the accompanying constitutional reform submission. Its purpose is to demonstrate how those reforms may operate together as a coherent constitutional settlement.

Submitted By
Dave Kissoondoyal

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PREAMBLE

We, the people of Mauritius,

affirming the sovereignty of the people and the democratic, republican and parliamentary character of the State;

honouring the struggles and sacrifices through which Mauritius attained independence and became a Republic;

recognising the dignity and equal worth of every person, the diversity of our people and the unity of our common citizenship;

resolved to secure liberty, justice, equality, integrity, accountable government, the rule of law and peaceful democratic change;

mindful of our duty to protect the environment, the territorial integrity and national patrimony of Mauritius, and the interests of generations yet to come;

recognising the distinctive place of Rodrigues as an autonomous territorial component of the Republic, the constitutional interests of Agalega and St Brandon, the sovereignty and territorial integrity of Mauritius in relation to the Chagos Archipelago and Tromelin, and the dignity, identity and ancestral connection of the Chagossian people;

adopt this Constitution as the supreme law of the Republic.

COMPARISON EDITION - FOR REFERENCE

This edition uses restrained shading to identify provisions that are Preserved, Modified, New, or Relocated or Consolidated by comparison with the current Constitution of Mauritius. The shading is explanatory only and forms no part of the proposed constitutional text. The separately issued clean filing edition is the authoritative submission text.

Legend

Preserved

Modified

New

Relocated or Consolidated

CHAPTER I THE STATE AND THE CONSTITUTIONAL ORDER

1. The State

Mauritius shall be a sovereign democratic State which shall be known as the Republic of Mauritius.

2. Supremacy of the Constitution

- a) This Constitution is the supreme law of Mauritius.
- b) Any law or conduct inconsistent with this Constitution is invalid to the extent of the inconsistency.
- c) The obligations imposed by this Constitution bind the legislative, executive and judicial branches of the State and every person or authority exercising public power or performing a public function.

3. Sovereignty and constitutional government

- a) Sovereignty belongs to the people of Mauritius and shall be exercised only in accordance with this Constitution.
- b) Mauritius is a parliamentary Republic founded upon human dignity, democratic equality, constitutionalism, the rule of law, the separation and balance of powers, accountable government, integrity in public life and respect for fundamental rights and freedoms.
- c) The Government shall remain capable of governing through a Cabinet democratically accountable to the National Assembly, but neither the Executive nor any other institution may control the conditions of its own accountability.
- d) Public office is a public trust. Every person exercising public power shall act lawfully, honestly, for a proper public purpose and in accordance with the duties of the office.
- e) The State shall preserve what serves the constitutional order, strengthen institutions vulnerable to capture or interference, and maintain laws and institutions capable of meeting changing social, environmental and technological conditions.

CHAPTER II FUNDAMENTAL RIGHTS AND FREEDOMS

4. Application and interpretation of this Chapter

- a) This Chapter binds every organ of the State and every person exercising public power or performing a public function.
- b) A provision of this Chapter binds a natural or legal person to the extent that, having regard to the nature of the right, the duty it imposes and the relationship between the parties, it is reasonably applicable.
- c) In interpreting this Chapter, a court shall-
 - i. promote human dignity, equality, freedom, democracy and the rule of law;
 - ii. have regard to the indivisibility and interdependence of rights;
 - iii. favour an interpretation that gives practical and effective protection; and
 - iv. may have regard to international law and relevant comparative constitutional law, consistently with the constitutional circumstances of Mauritius.
- d) A right or freedom recognised by law shall not be denied merely because it is not expressly included in this Chapter.

5. Human dignity

- a) Every person has inherent dignity and the right to have that dignity respected and protected.
- b) No person shall be treated by the State as a mere instrument of administrative, political, economic or technological convenience.

6. Equality and freedom from discrimination

- a) Every person is equal before and under the law and has the right to equal protection and equal benefit of the law.
- b) Equality includes substantive equality and equality of opportunity.
- c) Women and men are equal in dignity, rights and opportunities and are entitled to participate equally in the political, economic, social and public life of the Republic.
- d) No person shall be discriminated against, directly or indirectly, on any ground including race, caste, ethnic or social origin, colour, sex, pregnancy, marital or family status, sexual orientation, gender identity, age, disability, language, religion or belief, conscience, political or other opinion, place of origin, national extraction, property, birth or other status.
- e) Discrimination occurs where a distinction, exclusion, restriction or preference on a prohibited ground has the purpose or effect of impairing the equal recognition, enjoyment or exercise of a right, freedom, benefit or opportunity.
- f) Reasonable and proportionate legislative or other measures designed to protect or advance persons or groups disadvantaged by unfair discrimination, persistent inequality or under-representation do not constitute discrimination.
- g) Measures under subsection (6) shall respect individual dignity, common citizenship, fair opportunity and the principle that suitability for public office is determined by merit, competence and integrity.

7. Right to life

- a) Every person has the right to life.

- b) No person shall be arbitrarily deprived of life.
- c) The use of potentially lethal force by a public officer is lawful only where it is strictly necessary and proportionate to protect life from an imminent threat and is subject to effective investigation and accountability.

8. Freedom from torture, slavery and forced labour

- a) No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.
- b) No person shall be held in slavery or servitude.
- c) No person shall be required to perform forced labour.
- d) Subsection (3) does not prohibit-
 - i. work required in consequence of a sentence or lawful order of a court, provided that the work and the conditions in which it is performed respect human dignity;
 - ii. service required by law in place of military service;
 - iii. service reasonably required during an emergency threatening the life or well-being of the community; or
 - iv. a reasonable civic obligation imposed by law.

9. Liberty and security of the person

- a) Every person has the right to liberty and security of the person and shall not be deprived of liberty arbitrarily or without just cause and lawful procedure.
- b) A person who is arrested or detained shall be informed promptly, in a language that the person understands, of the reason for the arrest or detention and of the right to remain silent and to obtain legal assistance.
- c) An arrested person shall be brought before a court as soon as reasonably possible and within the period prescribed by law, which shall be consistent with the right to prompt judicial supervision.
- d) A detained person has the right-
 - i. to challenge without delay the lawfulness and conditions of detention;
 - ii. to communicate with and be assisted by a legal representative;
 - iii. to inform a family member or another person of the detention;
 - iv. to humane conditions, necessary medical attention and protection appropriate to age, disability or vulnerability; and
 - v. to compensation where the detention was unlawful.
- e) Pre-trial detention shall be exceptional, justified and periodically reviewable.

10. Rights of accused persons and fair trial

- a) Every person has the right to a fair and public hearing within a reasonable time before an independent and impartial court or tribunal established by law.
- b) A person charged with an offence has the right-
 - i. to be presumed innocent until proved guilty according to law;
 - ii. to be informed promptly and with sufficient detail of the charge;
 - iii. to adequate time and facilities to prepare a defence;

- iv. to defend himself or herself in person or through a legal representative and, where substantial injustice would otherwise result, to legal assistance at public expense;
 - v. to examine prosecution witnesses and call witnesses;
 - vi. to interpretation where necessary;
 - vii. not to be compelled to confess guilt or give self-incriminating evidence;
 - viii. to be present when tried, subject only to exceptions prescribed by law and consistent with a fair trial;
 - ix. to appeal or seek review as provided by law; and
 - x. not to be tried or punished again for an offence after a final acquittal or conviction, except where a superior court orders a retrial in accordance with law and the interests of justice.
- c) No person shall be convicted for an act or omission that was not an offence when committed, nor subjected to a heavier penalty than the one applicable at that time.
 - d) A court may exclude evidence obtained through torture or other serious violation of constitutional rights and shall exclude it where admission would render the trial unfair or bring the administration of justice into disrepute.

11. Privacy

- a) Every person has the right to privacy, including privacy of the person, home, family life, communications and personal information.
- b) No search, interception, surveillance or seizure may be undertaken except under a law that defines its scope and safeguards and where the measure is necessary and proportionate.
- c) Intrusive surveillance shall ordinarily require prior authorisation by an independent judicial authority. Any urgent exception shall be narrowly prescribed, recorded and promptly subjected to independent review.
- d) Indiscriminate or general surveillance is prohibited unless a court is satisfied that an exceptional measure authorised by law meets a compelling necessity and contains safeguards adequate to the scale and sensitivity of the interference.

12. Protection of personal data and automated decisions

- a) Every person has the right to protection of personal data and informational self-determination.
- b) Personal data shall be collected, retained, used, disclosed and erased only on a lawful basis, for a specified legitimate purpose and in a manner that is necessary, proportionate, accurate, secure and accountable.
- c) Every person has the right, subject to reasonable limitations prescribed by law-
 - i. to know whether personal data concerning that person is being processed;
 - ii. to obtain access to and correction of inaccurate data;
 - iii. to know the material purpose for which the data is used; and
 - iv. to an effective remedy for unlawful processing.
- d) No person shall be subjected to a decision having significant legal or comparable effect solely through opaque automated processing without notice, intelligible reasons and meaningful human reconsideration.
- e) A public authority remains constitutionally responsible for a decision made or materially assisted by an automated or artificial-intelligence system, whether that system is operated by the authority or by another person on its behalf.

- f) The collection and use of biometric data shall be subject to heightened safeguards prescribed by law, independent oversight and strict necessity and proportionality.

13. Freedom of conscience, religion, thought and belief

- a) Every person has the right to freedom of conscience, religion, thought and belief, including the freedom to adopt, change, manifest or decline to profess a religion or belief.
- b) No person shall be compelled to take an oath, receive instruction or participate in an observance contrary to that person's conscience or belief, except to the extent that a limitation satisfies section 29.
- c) Religious communities may organise their affairs and establish institutions subject to this Constitution and the law.

14. Freedom of expression and media freedom

- a) Every person has the right to freedom of expression, including freedom to seek, receive and impart information and ideas through any lawful medium.
- b) Freedom and independence of the press, broadcasting and other media are guaranteed.
- c) The State shall not require the licensing of journalists as a condition of practising journalism.
- d) This section does not protect propaganda for war, incitement to imminent violence or advocacy of hatred that constitutes incitement to discrimination, hostility or violence.

15. Assembly, association and political participation

- a) Every person has the right peacefully to assemble, demonstrate, picket and petition.
- b) Every person has the right to freedom of association, including the right to form, join, participate in or decline to join a political party, trade union, professional association or other lawful organisation.
- c) Every citizen has the right-
 - i. to participate in political activity;
 - ii. to form or join a political party;
 - iii. to campaign for a political party or cause;
 - iv. to free, fair and regular elections;
 - v. if qualified, to be registered as an elector, to vote by secret ballot and to stand for public office; and
 - vi. to make political choices without intimidation, bribery or unlawful discrimination.

16. Freedom of movement and residence

- a) Every person lawfully within Mauritius has the right to move freely, reside in any part of Mauritius and leave Mauritius.
- b) Every citizen has the right to enter and remain in Mauritius and shall not be exiled.
- c) No citizen shall be deprived of citizenship or denied a passport arbitrarily.

17. Property

- a) Every person has the right to acquire, hold and dispose of property individually or in association with others.
- b) No person shall be arbitrarily deprived of property.

- c) Property may be compulsorily acquired only under a law of general application, for a public purpose or in the public interest, through a fair procedure and upon prompt payment of just compensation reflecting an equitable balance between the public interest and the rights of the affected person.
- d) A person affected by compulsory acquisition has the right of access to a court to determine its lawfulness, purpose and compensation.
- e) This section does not prevent reasonable laws regulating the use of property for environmental protection, planning, public health, taxation, land reform, recovery of unlawfully acquired assets or protection of the national patrimony.

18. Family, children and personal status

- a) The family, in its diverse lawful forms, is entitled to protection by society and the State.
- b) Spouses have equal rights and responsibilities during marriage and at its dissolution.
- c) In every matter concerning a child, the best interests of the child are a primary consideration.
- d) Every child has the right-
 - i. to a name, nationality and, so far as possible, knowledge and care of the child's parents;
 - ii. to protection from violence, abuse, neglect, exploitation and harmful labour;
 - iii. not to be detained except as a measure of last resort and for the shortest appropriate period; and
 - iv. to legal and administrative procedures appropriate to the child's age and development.

19. Education and freedom to establish schools

- a) Every person has the right to education.
- b) The State shall provide access to free primary and secondary education and shall take reasonable measures, within available resources, progressively to make further education accessible on the basis of capacity and merit.
- c) Every person or community has the right, at its own expense, to establish and maintain an educational institution that-
 - i. does not discriminate unfairly;
 - ii. maintains standards not inferior to those prescribed for comparable public institutions; and
 - iii. complies with reasonable registration, health, safety and educational requirements prescribed by law.
- d) Academic freedom and freedom of scientific research are protected, subject to ethical and legal standards consistent with this Constitution.

20. Labour rights

- a) Every person has the right to fair and safe conditions of work.
- b) Every worker has the right to form and join a trade union, participate in its lawful activities and strike, subject to reasonable limitations prescribed by law for essential services and the protection of the rights of others.
- c) Every employer has the right to form and join an employers' organisation.
- d) Trade unions, employers and employers' organisations have the right to engage in collective bargaining.

21. Social and economic rights

- a) Every person has the right to reasonable access to-
 - i. essential health care;
 - ii. sufficient safe water and basic sanitation;
 - iii. adequate housing;
 - iv. food sufficient for a life of dignity; and
 - v. social protection in circumstances prescribed by law.
- b) The State shall take reasonable legislative, policy and budgetary measures, within available resources, progressively to realise the rights in subsection (1).
- c) No person may be refused emergency medical treatment.
- d) A deliberate materially retrogressive measure affecting a right under this section shall require compelling justification, transparent assessment and reasonable protection for persons placed at serious risk.
- e) In reviewing compliance with this section, a court shall determine legality, reasonableness, non-discrimination and constitutional justification and shall respect the proper budgetary and policy responsibilities of the elected branches.

22. Rights of persons with disabilities, older persons and vulnerable persons

- a) Persons with disabilities have the right to dignity, autonomy, accessibility, reasonable accommodation and full and effective participation in society.
- b) Older persons have the right to dignity, independence, protection from abuse and reasonable access to essential services.
- c) The State shall take reasonable measures to prevent exclusion from essential services caused by disability, age, poverty, remoteness or compulsory reliance upon digital systems.

23. Administrative justice

- a) Every person has the right to administrative action that is lawful, reasonable, proportionate, procedurally fair and taken within a reasonable time.
- b) A person whose rights or legitimate interests are materially and adversely affected by administrative action has the right to-
 - i. reasonable notice where the circumstances permit;
 - ii. an opportunity to make representations where fairness requires it; and
 - iii. written reasons sufficient to understand and, where appropriate, challenge the decision.
- c) Parliament shall provide for review of administrative action by a court or, where appropriate, an independent and impartial tribunal whose decisions remain subject to judicial supervision.

24. Access to information

- a) Every person has the right of access to information held by the State.
- b) Every person has the right of access to information held by another person where the information is reasonably required for the exercise or protection of a right.
- c) A refusal shall be authorised only by law, based upon a specified and substantial risk of harm to a legitimate protected interest, and proportionate to that harm.

- d) The law shall provide for severance, a public-interest override where appropriate, timely decisions, independent review and effective enforcement.
- e) Public bodies shall proactively publish information of substantial public interest, subject only to limitations consistent with this Constitution.
- f) No public authority shall deliberately fail to create, preserve or retrieve a record in order to defeat this right or another constitutional duty.

25. Environment and future generations

- a) Every person has the right to a safe, clean, healthy and sustainable environment.
- b) The State and every person shall, to the extent reasonably applicable, protect the environment, conserve biodiversity, prevent significant ecological degradation and promote ecologically sustainable development.
- c) Public authorities shall take reasonable measures to address foreseeable climate harm, protect ecological resilience and consider the interests of future generations.
- d) Persons and communities materially affected by a decision presenting a serious environmental risk have the right to timely information and meaningful participation.
- e) Where there is a credible risk of serious or irreversible environmental harm, scientific uncertainty shall not by itself justify failure to take reasonable preventive measures.

26. Exceptional natural assets and the rights of nature

- a) Parliament may by organic law designate an exceptional ecosystem or natural asset as possessing legally enforceable interests in continued existence, regeneration and ecological functioning.
- b) A designation shall follow scientific assessment and public consultation and shall provide for an independent guardian, transparent administration, conflict-of-interest safeguards and lawful reconciliation with human rights and legitimate public use.
- c) An appropriate person or organisation may institute proceedings in the public interest to protect a designated ecosystem or natural asset.

27. Digital access and human responsibility

- a) Every person has the right to reasonable and non-discriminatory access to digital public services.
- b) An essential public service shall provide a reasonably accessible alternative where exclusive digital delivery would unjustifiably exclude a person.
- c) The use of technology, automation or artificial intelligence does not diminish the duty of a public authority to act lawfully, give reasons, protect rights and remain accountable to human institutions.

28. Enforcement, standing and remedies

- a) Every person shall have effective access to a court for the protection of constitutional rights and constitutional legality.
- b) Proceedings may be brought by-
 - i. a person acting in that person's own interest;
 - ii. a person acting on behalf of another person who cannot reasonably act in that person's own name;
 - iii. a person acting as a member of, or in the interest of, a group or class;
 - iv. an association acting in the interest of one or more of its members; or

- v. an appropriate person or organisation acting in the public interest.
- c) Standing shall be interpreted sufficiently broadly to permit appropriate individual, representative and public-interest proceedings.
- d) A court may grant any effective, just and proportionate remedy, including-
 - i. a declaration of rights or constitutional invalidity;
 - ii. an injunction, prohibition, mandatory order or interim protective order;
 - iii. compensation or restitution where appropriate;
 - iv. an order suspending the effect of invalidity on conditions that protect constitutional rights;
 - v. a structural or supervisory order requiring specified corrective action and reporting; and
 - vi. any other relief necessary to secure constitutional compliance.
- e) Procedural, cost or standing rules shall not be applied so as unreasonably to make constitutional protection illusory.
- f) A court may dismiss proceedings that are frivolous, vexatious, abusive or incapable of raising a genuine question of constitutional legality and may make a protective costs order where the interests of justice require it.
- g) Broad standing under this section does not authorise a court to substitute its view for a policy choice lawfully entrusted to an elected or expert institution. Courts shall determine rights, legality and constitutional power while respecting the functions assigned by this Constitution to other institutions.

29. Limitation of rights

- a) A right or freedom in this Chapter may be limited only by a law of general application and only to the extent that the limitation is reasonable, necessary and proportionate in an open and democratic society founded on human dignity, equality and freedom.
- b) In determining whether a limitation is justified, a court shall consider-
 - i. the nature and importance of the right;
 - ii. the purpose and importance of the limitation;
 - iii. the nature and extent of the limitation;
 - iv. the relationship between the limitation and its purpose;
 - v. whether less restrictive reasonably available means could achieve the purpose; and
 - vi. the safeguards against abuse, error and arbitrary application.
- c) The person or authority seeking to justify a limitation bears the burden of establishing its constitutionality.
- d) Nothing in this Constitution permits the State or any person to destroy a right or freedom or to limit it to a greater extent than this Constitution allows.

30. Derogation during a public emergency

- a) A measure derogating from an obligation under this Chapter may be adopted only during a constitutionally declared public emergency and only to the extent strictly required by the exigencies of the emergency.
- b) No derogation is permitted from-
 - i. human dignity;
 - ii. the right not to be arbitrarily deprived of life;
 - iii. freedom from torture or cruel, inhuman or degrading treatment or punishment;

- iv. freedom from slavery and servitude;
 - v. the principle of legality in criminal law;
 - vi. recognition as a person before the law;
 - vii. freedom of conscience, thought and belief, except as to outward manifestation where section 29 is satisfied; or
 - viii. the right to challenge the legality of detention and obtain essential judicial supervision.
- c) Every derogating measure shall be lawful, necessary, proportionate, non-discriminatory, temporary, reviewable and consistent with Mauritius's applicable obligations under international law.
- d) This section shall be read with the Chapter governing emergency government and constitutional continuity.

CHAPTER III CITIZENSHIP

31. Continuity of citizenship

- a) Every person who was a citizen of Mauritius immediately before the commencement of this Constitution continues to be a citizen.
- b) No person's citizenship, or entitlement to citizenship accrued before commencement, is adversely affected merely by the replacement or re-enactment of the former Constitution.

32. Citizenship by birth

- a) A person born in Mauritius is a citizen by birth if, at the time of birth-
 - i. either parent is a citizen of Mauritius; or
 - ii. the person would otherwise be stateless.
- (2) Parliament may provide by law for citizenship by birth in additional circumstances and may prescribe narrowly defined exceptions concerning a child of a foreign diplomatic representative or a birth occurring in territory under enemy occupation.

33. Citizenship by descent

- a) A person born outside Mauritius is a citizen by descent if, at the time of birth, either parent is a citizen of Mauritius otherwise than solely by descent.
- b) Parliament shall provide a reasonable procedure by which a person born outside Mauritius to a citizen by descent may acquire or confirm Mauritian citizenship, having regard to genuine connection with Mauritius and the prevention of statelessness.

34. Citizenship by marriage, adoption, registration or naturalisation

- a) A person married to a citizen of Mauritius is entitled to apply for registration as a citizen on equal terms without distinction based on sex.
- b) Parliament shall provide by law for the acquisition of citizenship by adoption, registration and naturalisation.
- c) Requirements imposed under this section shall be reasonable, non-discriminatory and consistent with national security, public order and the prevention of fraud.
- d) Marriage does not confer citizenship automatically, and dissolution of a marriage does not by itself deprive a person of citizenship lawfully acquired.

35. Dual citizenship, renunciation and deprivation

- a) A citizen may hold the citizenship of another country except to the extent that a restriction, prescribed by law for a specified public office, is reasonable and necessary to protect the independence or security of that office.
- b) A citizen may renounce citizenship in the manner prescribed by law, provided that the person does not thereby become stateless.
- c) A citizen by birth or descent shall not be deprived of citizenship.
- d) A citizen by registration or naturalisation may be deprived of citizenship only-
 - i. on a ground prescribed by law involving fraud, material concealment, disloyalty of a gravity defined by law, or another compelling ground consistent with this Constitution;

- ii. through a fair procedure and a reasoned decision;
 - iii. subject to review by a court; and
 - iv. where deprivation would not render the person stateless.
- e) No person shall be deprived of citizenship arbitrarily, discriminatorily or for the purpose of exile or political retaliation.

36. Commonwealth status

- a) A citizen of Mauritius has the status of a Commonwealth citizen.
- b) Parliament may regulate the recognition in Mauritius of the status and rights of citizens of other Commonwealth countries.

37. Citizenship legislation and administration

- a) Parliament may make laws, consistent with this Chapter, for the acquisition, confirmation, registration, naturalisation, renunciation and administration of citizenship.
- b) A citizenship decision materially affecting a person shall comply with section 23 and shall be subject to effective judicial review.
- c) Parliament shall take reasonable measures to prevent and reduce statelessness, particularly among children.
- d) For the purposes of citizenship law, birth aboard a registered ship or aircraft may be treated as birth in the State of registration, as prescribed by law.

CHAPTER IV THE TERRITORIAL REPUBLIC

38. Territory of Mauritius

- a) Mauritius includes-
 - i. the Islands of Mauritius and Rodrigues;
 - ii. Agalega;
 - iii. Cargados Carajos, also known as St Brandon;
 - iv. Tromelin;
 - v. the Chagos Archipelago, including Diego Garcia;
 - vi. every other island comprised in the State of Mauritius;
 - vii. the territorial sea and airspace above the islands and territorial sea;
 - viii. the continental shelf, exclusive economic zone and other maritime zones over which Mauritius exercises sovereignty, sovereign rights or jurisdiction in accordance with international law; and
 - ix. any place or area designated by law over which rights are or may become exercisable by Mauritius.
- b) The sovereignty, territorial integrity and constitutional unity of Mauritius shall be preserved.
- c) An international arrangement for cooperation, security, conservation, scientific research or maritime administration does not of itself diminish the sovereignty of Mauritius unless lawfully authorised in accordance with this Constitution.

39. Territorial equality and differentiated government

- a) Every part of the Republic and every person lawfully within it is entitled to equal constitutional concern and protection.
- b) Territorial equality does not require identical institutions or administration. Arrangements may reasonably reflect population, geography, autonomy, remoteness, environmental sensitivity, security and effective government.
- c) Distance from the Island of Mauritius shall not by itself justify exclusion from representation, essential services, public information, environmental protection or meaningful participation in decisions having a substantial local effect.

40. Rodrigues

- a) Rodrigues is an autonomous territorial component of the Republic exercising democratic self-government within the sovereignty, territorial integrity and constitutional order of Mauritius.
- b) The autonomy of Rodrigues is founded on subsidiarity, democratic accountability, fiscal responsibility, national solidarity and equality of citizenship.
- c) The Rodrigues Regional Assembly and its Executive Council shall exercise the powers conferred by this Constitution and by law.
- d) A matter substantially and distinctively concerning Rodrigues shall, so far as reasonably practicable, be decided in Rodrigues unless its nature requires national determination.
- e) The State shall provide transparent and reasonably predictable fiscal arrangements that take account of insularity, vulnerability, infrastructure needs and the cost of delivering public services.

- f) The essential democratic and institutional autonomy of Rodrigues shall not be abolished, suspended or materially diminished except by an alteration of this Constitution made with meaningful participation by the people and elected institutions of Rodrigues and in accordance with the applicable enhanced amendment procedure.
- g) Autonomy under this section does not create federalism or separate sovereignty and does not exempt any regional institution from this Constitution, national financial accountability or judicial review.

41. Agalega

- a) The State shall ensure that the residents of Agalega have effective mechanisms for democratic consultation and representation in decisions materially affecting their land, infrastructure, environment, security, livelihoods and access to essential services.
- b) A public authority proposing a measure having a substantial and distinctive effect upon Agalega shall provide timely information and a meaningful opportunity for participation, subject only to limitations strictly necessary for a legitimate national-security interest.
- c) Strategic or security activity in Agalega remains subject to this Constitution, parliamentary accountability and judicial review through procedures capable of protecting genuinely sensitive information.

42. St Brandon

- a) St Brandon forms part of the common territorial and natural patrimony of Mauritius.
- b) The State shall protect its biodiversity, reefs, fisheries, climate resilience, maritime security and long-term national interest and shall regulate lawful access and the transparent administration of public or private rights affecting its islets and surrounding maritime space.
- c) The absence of a permanent resident population does not diminish the constitutional duty of stewardship under this section.

43. Chagos and the Chagossian people

- a) The Republic affirms the sovereignty and territorial integrity of Mauritius in relation to the Chagos Archipelago, consistently with international law.
- b) The Republic recognises the historical injustice suffered by the Chagossian people, their inherent dignity and their cultural, ancestral and intergenerational connection to the Archipelago.
- c) Chagossians have the right to meaningful participation through representative and inclusive arrangements in major decisions concerning resettlement, cultural heritage, traditional access, environmental management and the long-term civilian future of the Archipelago.
- d) The State shall facilitate, consistently with this Constitution, international law and applicable international obligations, voluntary, safe, dignified and sustainable return and resettlement in those parts of the Archipelago in which resettlement may lawfully take place.
- e) Any resettlement programme shall make reasonable provision for housing, water, energy, health care, communications, transport, livelihoods, environmental protection and disaster resilience.
- f) Chagossian dignity, identity, culture and connection with the Archipelago do not depend upon physical resettlement or place of present residence.
- g) Nothing in this section creates an unrestricted right of residence in a place where lawful and constitutionally valid international security arrangements preclude civilian resettlement.

44. Tromelin and international cooperation

- a) The State shall preserve the legal position and sovereign interests of Mauritius concerning Tromelin.

- b) Mauritius may enter lawful cooperative arrangements concerning conservation, scientific research, maritime safety or responsible resource stewardship, provided that no such arrangement prejudices sovereignty except through the constitutionally required process.

45. Maritime and intergenerational stewardship

- a) The State shall administer the maritime zones, marine biodiversity, fisheries, seabed resources and other maritime interests of Mauritius sustainably and for the benefit of present and future generations.
- b) Parliament shall provide for transparency, scientific assessment, environmental protection and accountability in decisions involving material exploitation of maritime resources.

CHAPTER V PARLIAMENT AND REPRESENTATIVE DEMOCRACY

46. Parliament

- a) There shall be a Parliament of Mauritius consisting of the President and the National Assembly.
- b) The legislative power of Mauritius is vested in Parliament and shall be exercised in accordance with this Constitution.
- c) Parliament shall make laws for the peace, order and good government of Mauritius within the limits imposed by this Constitution.

47. Composition of the National Assembly

- a) The National Assembly consists of eighty-two elected members-
 - i. sixty members returned by the twenty constituencies of the Island of Mauritius, each constituency returning three members;
 - ii. two members returned by Rodrigues; and
 - iii. twenty National Corrective Members allocated under this Constitution.
- b) The twenty National Corrective Members replace the additional seats formerly allocated under the Best Loser System.
- c) No person shall be required to declare a community as a condition of candidature, election or allocation of a seat.
- d) Parliament may prescribe the manner of constituency voting, but shall not alter the numbers or distribution in subsection (1) except by an amendment passed in accordance with the procedure protecting the electoral system.

48. Qualifications for membership

- a) A person is qualified to be elected or returned as a member if that person-
 - i. is a citizen of Mauritius;
 - ii. has attained eighteen years of age;
 - iii. is able to speak and, unless prevented by disability, read an official language of the Assembly with sufficient proficiency to participate in its proceedings; and
 - iv. satisfies any reasonable residence or registration requirement prescribed by law.
- b) Parliament may prescribe reasonable and proportionate disqualifications necessary to protect the independence, integrity and functioning of the Assembly, including disqualifications concerning allegiance to a foreign State, specified public offices, undischarged insolvency, serious electoral offences, or a sentence for a serious criminal offence.
- c) A disqualification shall not be arbitrary, retrospective in punitive effect or inconsistent with democratic participation, and shall be subject to determination by an independent court.

49. Tenure and vacancy of seats

- a) A member holds office from the time prescribed after election or allocation until the seat becomes vacant under this Constitution or Parliament is dissolved.
- b) A seat becomes vacant if the member-
 - i. dies or resigns in writing to the Speaker;

- ii. ceases to possess a qualification, or becomes subject to a disqualification, in circumstances prescribed by this Constitution or law;
 - iii. is absent without permission for the period prescribed by standing orders, subject to a fair determination;
 - iv. is removed following a successful recall conducted under this Constitution; or
 - v. in the case of a National Corrective Member, vacates the seat under a narrowly drawn anti-defection provision consistent with section 51.
- c) Resignation from or expulsion by a political party does not by itself vacate the seat of a constituency member.
 - d) A question concerning the validity of an election, the qualification of a member or a vacancy shall be determined by the Supreme Court in proceedings prescribed by law.

50. Constituency elections and the National Corrective Vote

- a) At a general election every registered elector, including an elector in Rodrigues, is entitled to-
 - i. the constituency vote or votes prescribed for electing the member or members of the elector's constituency; and
 - ii. one National Corrective Vote.
- b) The two forms of vote are separate. An elector may cast either or both, and the validity of one does not depend upon the elector casting the other.
- c) The National Corrective Vote shall be cast for a political party or registered pre-electoral alliance and shall be equal in value throughout Mauritius.
- d) Voting shall be by secret ballot under conditions that protect free choice, accessibility, accurate counting and transparent verification.

51. Political parties and registered alliances for electoral purposes

- a) A lawful political party may register for a general election in the manner prescribed by law.
- b) Two or more political parties may register a pre-electoral alliance. An alliance registered for a common National Corrective Vote shall be treated as a single electoral formation for the allocation of National Corrective seats.
- c) Before nomination day, every registered alliance shall disclose its constituent parties, authorised officers, name and symbol and the essential terms governing-
 - i. endorsement of constituency candidates;
 - ii. the common National Corrective Vote;
 - iii. the ordering and administration of its national list;
 - iv. the allocation and replacement of National Corrective Members; and
 - v. any agreement concerning the identity or rotation of the proposed Prime Minister where that agreement forms part of the electoral bargain.
- d) A material departure after the election from a disclosed alliance arrangement shall be publicly explained and shall not alter the allocation or replacement of a National Corrective seat contrary to the rules declared before polling.
- e) The law shall protect political freedom and party autonomy while preventing fraudulent registration, deceptive electoral presentation and post-election alteration of the basis upon which National Corrective Votes were cast.

52. Eligibility for National Corrective seats

- a) A registered party or alliance is eligible to receive National Corrective seats only if it obtains at least five per cent of all valid National Corrective Votes cast nationally.
- b) A vote cast for a formation that does not meet the threshold remains valid for determining turnout and electoral records but does not participate in the allocation of National Corrective seats.
- c) Independent constituency candidates do not participate in National Corrective seat allocation unless the law permits an electoral grouping that satisfies the same registration, disclosure and democratic requirements as a political party.

53. Corrective entitlement and sequential allocation

- a) All twenty National Corrective seats shall be allocated sequentially among eligible parties and alliances.
- b) For each seat, the Electoral Commissioner shall calculate for every eligible formation the quotient-

$$Q = NCV / (1 + S)$$

where-

- i. **NCV** is the total number of valid National Corrective Votes obtained by that formation; and
- ii. **S** is the total number of seats already credited to that formation, comprising its constituency seats and any National Corrective seats previously allocated in the same sequential process.
- c) The next seat shall be allocated to the eligible formation having the highest quotient. Its value of S shall then increase by one before calculation of the following seat.
- d) The allocation shall proceed without reset until all twenty seats have been allocated.
- e) The Electoral Management Commission shall certify and publish the calculation for every round in a form capable of independent reproduction.
- f) Tie-breaking and exceptional allocation rules shall be prescribed in the electoral Schedule and shall be objective, public and determined without political discretion.

54. Filling the first ten National Corrective seats

- a) The first ten National Corrective seats shall ordinarily be filled by eligible, highest-performing unelected constituency candidates of the formation to which each seat is allocated.
- b) Candidate performance shall be determined by a Candidate Performance Percentage that compares the candidate's valid constituency votes with the valid vote base prescribed for that constituency in the electoral Schedule.
- c) The method shall be uniform, public, auditable and designed to permit fair comparison between three-member constituencies and Rodrigues.
- d) No candidate may be selected more than once, and an elected constituency member is ineligible.
- e) If a formation lacks an eligible unelected constituency candidate when a seat is allocated to it, the seat shall be filled from its pre-filed national list without disturbing the sequential entitlement calculation.

55. Filling the final ten National Corrective seats

- a) The final ten National Corrective seats shall be filled in order from the pre-filed national list of the formation to which each seat is allocated.
- b) Every participating formation shall file its list before polling day in the manner and by the deadline prescribed by law.

- c) A list shall be closed after the prescribed deadline, subject only to objectively defined substitution for death, incapacity, disqualification or withdrawal occurring before polling.
- d) A list shall alternate women and men so far as practicable and shall comply with requirements of eligibility, consent, integrity and public disclosure.
- e) Where an alliance files a common list, the order or pre-declared method of distribution among its constituent parties shall be binding for allocation and replacement.

56. Gender equality in candidature

- a) Political participation shall pursue progressive gender parity while preserving voter choice.
- b) Where a party or alliance fields more than one constituency candidate in a constituency, at least one candidate shall be of each sex.
- c) Parliament may prescribe stronger reasonable and proportionate candidature requirements directed towards progressive parity, provided that they regulate access to candidature and do not predetermine which candidates electors must choose.
- d) A rule under this section shall be administered neutrally by the Electoral Management Commission.

57. Vacancies among National Corrective Members

- a) A vacancy in a National Corrective seat shall be filled by the next eligible person determined according to the method by which the vacating member originally obtained the seat and the pre-election rules of the same party or alliance.
- b) A vacancy does not occasion a new national allocation and shall not transfer the seat to another formation.
- c) Parliament may provide that a National Corrective Member who voluntarily resigns from the formation whose National Corrective Votes generated the seat vacates that seat.
- d) No expulsion shall cause a vacancy unless an independent and fair process determines that the expulsion rested on a serious ground prescribed by law and was not retaliation for conscience, protected disclosure, opposition to illegality or lawful performance of parliamentary duty.

58. Electoral law and the Electoral Schedule

- a) The essential principles of constituency representation, the National Corrective Vote, the five per cent threshold, sequential corrective allocation, the two methods of filling the twenty seats and the replacement of the Best Loser System shall not be altered except in accordance with the amendment procedure protecting the electoral system.
- b) The Electoral Schedule may prescribe-
 - i. detailed calculations and rounding;
 - ii. tie-breaking rules;
 - iii. the Candidate Performance Percentage;
 - iv. eligibility and vacancy procedures;
 - v. ballot and counting procedures;
 - vi. manual and electronic verification;
 - vii. publication of data and allocation certificates; and
 - viii. transitional arrangements for the first election under this Constitution.

- c) Parliament may enact an organic electoral law consistent with this Constitution and the Electoral Schedule.
- d) No fundamental electoral rule shall be altered so near to an election that parties, candidates, administrators or electors lack a fair opportunity to comply with and understand it.

59. Speaker and Deputy Speaker

- a) At its first sitting after a general election, and whenever a vacancy occurs, the Assembly shall elect a Speaker and a Deputy Speaker.
- b) The Speaker may be elected from among the members or from among persons qualified to be elected as members. The Deputy Speaker shall be elected from among the members.
- c) A Minister, Junior Minister or Parliamentary Private Secretary is not eligible to serve as Speaker or Deputy Speaker.
- d) The Speaker shall act independently and impartially, protect the rights of every member and maintain the authority and orderly conduct of the Assembly.
- e) The Speaker or Deputy Speaker may be removed only by a resolution supported by a majority of all the members after reasonable notice, specification of the grounds and a fair opportunity to respond.
- f) The Speaker, or in the Speaker's absence the Deputy Speaker, shall preside. In their absence, a member who is not a member of the Government shall be elected to preside for that sitting.

60. Oath of members

- a) A member shall not participate in the substantive proceedings of the Assembly until the member has taken and subscribed the oath of allegiance and constitutional office prescribed in the Oaths Schedule.
- b) A Speaker elected from outside the Assembly shall take the same oath before presiding.

61. Procedure and standing orders

- a) Subject to this Constitution, the Assembly may regulate its procedure and make standing orders for the orderly, effective and transparent conduct of its business.
- b) Standing orders shall-
 - i. allocate sufficient time for Government business while guaranteeing reasonable time for opposition business, private members' business, petitions and committee work;
 - ii. protect questioning of Ministers and require answers that are responsive, subject to lawful grounds for withholding information;
 - iii. provide fair opportunities for debate and amendment;
 - iv. protect members against arbitrary exclusion; and
 - v. facilitate public access to proceedings and records.
- c) The Assembly may transact business notwithstanding a vacancy, and its proceedings are not invalid merely because a person not entitled to participate did so, unless that participation materially affected a decision or constitutional majority.

62. Official language of the Assembly

- a) The official language of the Assembly is English.
- b) A member may address the Chair in English or French.
- c) The authoritative text of a Bill and an Act shall be determined as prescribed by law.

63. Quorum and voting

- a) The quorum of the Assembly is seventeen members in addition to the person presiding, unless an organic law approved by not less than two-thirds of all members prescribes a higher quorum.
- b) If, after the interval prescribed by standing orders following an objection, a quorum is not present, the person presiding shall adjourn the sitting.
- c) Except where this Constitution provides otherwise, a question is determined by a majority of members present and voting.
- d) On a question determined by members present and voting, an equality of votes shall be resolved by the casting vote of the person presiding, exercised in accordance with established principles of parliamentary impartiality.
- e) A reference in this Constitution to a proportion or number of all elected members means the full membership of eighty-two, notwithstanding any vacancy or deliberate absence, unless this Constitution expressly provides otherwise.

64. Privileges and immunities

- a) Parliament may by law determine the privileges, immunities and powers necessary for the Assembly, its committees and members to perform their constitutional functions.
- b) Freedom of speech and debate in the Assembly shall not be impeached or questioned in a court or place outside Parliament, except to the extent necessary to determine a constitutional question concerning the validity of legislation or proceedings.
- c) Parliamentary privilege shall not conceal corruption, prevent investigation of conduct unrelated to legislative speech or defeat a constitutional right more than is strictly necessary for legislative independence.

65. Committees of the Assembly

- a) The Assembly shall establish standing and other committees necessary for legislative scrutiny, public finance and oversight of the Executive.
- b) Committee membership shall, so far as practicable, reflect the composition of the Assembly, while ensuring effective opposition participation and the independence of committees whose constitutional purpose requires it.
- c) Subject to lawful privilege and protections for rights, national security and confidential information, a committee may summon a person, require documents, receive evidence and report publicly.
- d) A person appearing before a committee is entitled to fair treatment and any procedural protection reasonably required by the risk of prejudice.
- e) A Minister or public body shall respond within the period prescribed by standing orders to a recommendation requiring a governmental response.

66. Legislative process

- a) The power of Parliament to make laws is exercised by Bills passed by the Assembly and assented to by the President.
- b) A Bill shall be published with sufficient time for public and parliamentary consideration, except where genuine urgency is certified and reasons are stated in the Assembly.
- c) A Bill materially affecting constitutional rights shall be accompanied by a statement assessing compatibility with this Constitution.

- d) A Bill of substantial regulatory, financial, environmental or institutional consequence shall, where reasonably practicable, be accompanied by relevant impact information and consultation results.
- e) Standing orders shall provide for committee examination of Bills, subject to a narrowly defined urgent procedure and appropriate post-legislative review.
- f) An Act comes into operation only after publication in the Gazette, on the date stated in or lawfully appointed under the Act.
- g) Laws made by Parliament shall be styled Acts of Parliament and enacted in the form prescribed by law.

67. Presidential assent

- a) The President shall assent to a Bill duly passed by the Assembly, except as provided by this section.
- b) Within twenty-one days after receiving a Bill other than a money Bill or a Bill altering this Constitution duly certified under the amendment Chapter, the President may once return it to the Assembly with written reasons and any proposed amendment for reconsideration.
- c) If the Assembly passes the returned Bill again, with or without amendment, the President shall assent to it within seven days.

68. Financial initiative

- a) Except on the recommendation of a Minister, the Assembly shall not proceed upon a Bill, amendment or motion whose principal effect is-
 - i. to impose or increase taxation;
 - ii. to impose or increase a charge upon the Consolidated Fund or another public fund;
 - iii. to authorise the payment, issue or withdrawal of public money not otherwise authorised; or
 - iv. to remit a debt owed to the Government.
- b) Subsection (1) shall not prevent debate, committee inquiry, a petition, or a proposal requesting that the Government consider a financial measure, but no expenditure or charge may be authorised without the constitutionally required recommendation and appropriation.

69. Sessions and first sitting

- a) The President shall summon the Assembly in accordance with this Constitution.
- b) Following a general election, the first sitting shall begin not later than fourteen days after the official declaration of the complete results, including allocation of the National Corrective seats.
- c) Thereafter the Assembly shall sit regularly, and not more than three months shall intervene between its last sitting and its next sitting except during a lawful dissolution.
- d) The President may address the Assembly at the opening of a session and on another constitutional occasion.
- e) The Assembly may meet at an alternative place or through secure remote means where necessary to preserve constitutional continuity.

70. Duration of Parliament

- a) Parliament, unless sooner dissolved, shall continue for five years from the date of the first sitting of the Assembly after any general election and shall then stand dissolved.
- b) The duration in subsection (1) may be extended only during war or a constitutionally declared emergency and only-

- i. by a resolution supported by not less than two-thirds of all members;
 - ii. for no more than six months at a time; and
 - iii. for an aggregate period not exceeding one year.
- c) An extension shall be strictly necessary, proportionate and subject to judicial review. Administrative inconvenience or anticipated electoral disadvantage is not a ground for extension.

71. Prorogation

- a) The President may, acting in accordance with the advice of the Prime Minister, prorogue Parliament for a period not exceeding fourteen days.
- b) Advice to prorogue shall be in writing and shall state the constitutional or parliamentary purpose served by prorogation.
- c) Prorogation shall not-
 - i. prevent the Assembly from meeting to determine a constructive motion of no confidence;
 - ii. terminate or invalidate committee evidence, inquiries or reports;
 - iii. prevent the Public Accounts Committee or another committee designated by this Constitution from performing an urgent continuing function; or
 - iv. exclude judicial review of legality, purpose or constitutional effect.
- d) During a constitutionally declared emergency, the Assembly may by a resolution supported by not less than two-thirds of all members approve one exceptional extension not exceeding seven additional days if physical or operational necessity makes ordinary resumption impossible.
- e) A prorogation or extension inconsistent with this section is invalid.

72. Early dissolution

- a) Before expiry under section 70, Parliament may be dissolved only-
 - i. if the Assembly resolves, by not less than two-thirds of all members, that an early general election should be held;
 - ii. if no Prime Minister is appointed within the thirty-day government-formation period under section 81;
 - iii. if the office of Prime Minister is vacant and no successor secures the confidence of the Assembly within the period prescribed by section 81;
 - iv. if an appropriation necessary for the continued lawful operation of government is finally rejected and no alternative Government or lawful financial arrangement can be formed within fourteen days; or
 - v. in another circumstance expressly provided by this Constitution.
- b) The Prime Minister shall not advise dissolution while a properly lodged constructive motion of no confidence is pending determination.
- c) Before dissolving Parliament under subsection (1)(b), (c) or (d), the President shall be satisfied, on objective evidence and after appropriate consultation, that no person is reasonably capable of commanding the confidence of the Assembly.
- d) A decision under this section is subject to expedited judicial review.
- e) Writs for a general election shall be issued promptly and polling shall take place within sixty days after dissolution unless a court, on grounds of strict impossibility arising from war or public emergency, authorises the shortest necessary extension.

73. Recall of a dissolved Parliament in an emergency

- a) Where, after dissolution and before polling, a war or public emergency makes it strictly necessary for Parliament to act, the President shall, on the advice of the caretaker Prime Minister or upon a resolution of a constitutionally continuing emergency committee, recall the dissolved Parliament.
- b) A recalled Parliament may enact only measures strictly necessary to address the emergency, protect constitutional continuity or authorise essential public finance.
- c) Unless polling is lawfully postponed under section 72(5), the election shall proceed and the recalled Parliament shall again stand dissolved on the day before polling.

74. Opposition and minority rights

- a) There shall be a Leader of the Opposition appointed by the President.
- b) The President shall appoint-
 - i. the member who leads the opposition party or registered parliamentary grouping having the greatest numerical strength; or
 - ii. if no grouping has greater numerical strength, the member most likely to command the support of the opposition members.
- c) Opposition and minority parties are entitled to fair representation on committees, reasonable parliamentary resources, guaranteed scrutiny time and access to information necessary for constitutional functions, subject to lawful confidentiality.
- d) The chair of the Public Accounts Committee shall be selected in accordance with the Chapter governing public finance and shall not be controlled by the Government majority.

CHAPTER VI EXECUTIVE GOVERNMENT

75. Executive authority

- a) The executive authority of Mauritius is vested in the President as Head of State and is exercised in accordance with this Constitution by the President, the Cabinet, Ministers and public officers.
- b) Except where this Constitution expressly provides otherwise, the President shall exercise executive functions on the advice of the Cabinet or of a Minister acting under the general authority of Cabinet.
- c) Executive authority shall be exercised consistently with parliamentary accountability, legality, institutional independence and the rights protected by this Constitution.

76. The Cabinet

- a) There shall be a Cabinet consisting of the Prime Minister and the other Ministers.
- b) Cabinet is collectively responsible to the National Assembly for the general direction and control of the Government.
- c) Cabinet shall determine government policy, coordinate the administration of the State and ensure faithful execution of this Constitution and the laws.
- d) Cabinet procedures shall preserve collective responsibility, proper records, declaration and management of conflicts, and the confidentiality reasonably necessary for candid deliberation.

77. Prime Minister and Ministers

- a) There shall be a Prime Minister, a Deputy Prime Minister, an Attorney-General and such other Ministers as may be prescribed by law.
- b) The number of Ministers other than the Prime Minister shall not exceed twenty-four.
- c) Ministers shall be appointed by the President on the advice of the Prime Minister and, except for an Attorney-General appointed under section 85, shall be members of the Assembly.
- d) The Prime Minister may advise the removal of a Minister, and the President shall act on that advice.
- e) A Minister shall not enter upon office before taking the prescribed oath of allegiance and constitutional office.

78. Appointment of Prime Minister following a clear majority

- a) Where a party or registered pre-electoral alliance obtains an absolute majority of all seats in the Assembly, the President shall appoint as Prime Minister the member publicly recognised under its registered electoral arrangements as its leader or proposed Prime Minister.
- b) The President has no political discretion to substitute another person where subsection (1) applies and the identified member is constitutionally qualified and willing to serve.
- c) The appointment shall be made as soon as practicable after official declaration of the complete election results.

79. Limitation on consecutive service as Prime Minister

- a) No person shall hold office as Prime Minister for more than two consecutive electoral mandates or for an aggregate period exceeding ten consecutive years, whichever occurs first.

- b) For the purposes of this section, an electoral mandate is the period of substantive service as Prime Minister associated with a term of Parliament following a general election.
- c) A person who has reached the limit prescribed by subsection (a) is not eligible for appointment as Prime Minister during the immediately succeeding term of Parliament.
- d) After the completion of one full intervening term of Parliament during which that person has not held office as Prime Minister, the person becomes eligible for appointment for a new period governed by subsection (a).
- e) Temporary performance of the functions of Prime Minister during absence, illness or another temporary incapacity does not constitute service as Prime Minister for the purposes of this section.
- f) Parliament may by organic law regulate the treatment of a substantive appointment made during a term of Parliament, but no law may permit resignation, temporary replacement or early dissolution to circumvent this section.

80. Hung Parliament

- a) Where no party or registered pre-electoral alliance holds an absolute majority, the President shall act impartially and appoint, subject to section 79, the member who, on objective and publicly defensible evidence, appears most likely to command the confidence of the Assembly.
- b) In determining that question, the President may consult party and alliance leaders and consider signed support commitments, registered alliance arrangements and other reliable evidence, but shall not require or accept a secret agreement inconsistent with electoral law.
- c) The President shall give concise written reasons for the appointment, excluding information whose temporary confidentiality is necessary for genuine negotiations or personal safety.
- d) A Prime Minister appointed under this section shall obtain an affirmative vote of confidence by an absolute majority of all elected members within seven days after the first sitting or appointment, whichever occurs later.

81. Thirty-day government-formation framework

- a) The entire process of forming a Government following a general election shall be completed not later than thirty days after official declaration of the complete results.
- b) If an appointee under section 80 fails to obtain confidence, the President shall promptly consult and may appoint another member who appears likely to command confidence, subject to the same requirement.
- c) If no member obtains confidence within the thirty-day period, the President shall dissolve Parliament and call a general election.
- d) The outgoing Government remains in office in a caretaker capacity until a new Prime Minister assumes office.
- e) Deliberate absence, vacancy or abstention does not reduce the absolute-majority denominator required by this section.

82. Constructive vote of no confidence

- a) The Assembly may withdraw confidence from the Prime Minister only by electing a successor through a constructive motion of no confidence.
- b) The motion shall-
 - i. be signed by not less than one-fifth of all elected members;
 - ii. name a qualified member proposed as successor; and

- iii. state expressly that the Assembly withdraws confidence from the incumbent and elects the named successor.
- c) The motion shall not be voted upon sooner than forty-eight hours after valid notice and shall be decided not later than seven days after that notice.
- d) The motion is carried only if supported by an absolute majority of all elected members.
- e) Immediately upon certification of passage by the Speaker-
 - i. the incumbent Prime Minister ceases to hold office;
 - ii. the President shall appoint, subject to section 79, the named successor without political discretion; and
 - iii. the other Ministers continue temporarily only as necessary for orderly transfer until appointments are made on the advice of the new Prime Minister.
- f) Prorogation, adjournment or advice to dissolve shall not prevent consideration and determination of a valid motion within the period required by this section.

83. Confidence and supply

- a) Confidence in the Government may be tested only by-
 - i. a constructive motion under section 82;
 - ii. an express motion of confidence initiated by the Prime Minister; or
 - iii. final rejection of the annual appropriation necessary for continued government, where the Prime Minister has declared before the vote that the matter engages confidence.
- b) Defeat of another Bill, motion or policy does not by itself require resignation or dissolution.
- c) A motion under subsection (1)(b) is carried only by an absolute majority of all elected members.

84. Vacancy, absence or incapacity of the Prime Minister

- a) The office of Prime Minister becomes vacant upon death, resignation, loss of membership other than by dissolution, removal under section 82, or permanent incapacity determined under a procedure prescribed by organic law.
- b) Where the office becomes vacant but a governing majority remains capable of supporting a successor, the President shall appoint, subject to section 79, that successor on demonstrable evidence of majority support, to be confirmed by the Assembly within seven days.
- c) Where the Prime Minister is temporarily absent or unable to act, the Deputy Prime Minister, or another Minister designated according to law, shall perform the functions of Prime Minister for the shortest necessary period.
- d) If it is impracticable to obtain the Prime Minister's advice concerning temporary substitution, the President shall act in accordance with the predetermined order or objective procedure prescribed by organic law and shall not select a substitute for political advantage.

85. Attorney-General

- a) There shall be an Attorney-General who is the principal legal adviser to the Government and a Minister.
- b) The Attorney-General shall be qualified to practice as a barrister in Mauritius.
- c) The Attorney-General may be appointed from outside the Assembly if otherwise qualified for election. In that case the Attorney-General may participate in proceedings of the Assembly but may not vote.

- d) The Attorney-General shall act consistently with the Constitution, professional independence and the duty of candour owed to courts and Parliament.
- e) The office and functions of the Attorney-General are distinct from those of the Director of Public Prosecutions.

86. Junior Ministers

- a) The President may, on the advice of the Prime Minister, appoint not more than ten Junior Ministers from among members of the Assembly to assist Ministers.
- b) A Junior Minister holds office subject to the same constitutional duties of integrity, collective responsibility and caretaker restraint applicable to a Minister.
- c) The office becomes vacant on the appointment of a new Prime Minister, on loss of membership other than by dissolution, or when the President so directs on the advice of the Prime Minister.

87. Direction and administration of departments

- a) A Minister assigned responsibility for a department exercises lawful general direction and control over policy and administration.
- b) Subject to ministerial direction, a department shall be supervised by a Permanent Secretary or another supervising public officer appointed in accordance with the public-service Chapter.
- c) A Minister shall not direct a constitutionally independent institution or interfere with an individual operational, prosecutorial, policing, audit, electoral, adjudicative or appointment decision protected by this Constitution.

88. Secretary to Cabinet

- a) There shall be a Secretary to Cabinet whose office is a public office.
- b) The Secretary shall arrange Cabinet business, keep an accurate record of decisions, convey those decisions to the appropriate authority and perform other lawful functions assigned by the Prime Minister.
- c) Cabinet records shall be preserved in accordance with law and shall become accessible when constitutional accountability and archival law require, subject to legitimate and proportionate confidentiality.

89. Caretaker Government

- a) The Government enters caretaker status upon dissolution of Parliament and remains in that status until a newly appointed Prime Minister assumes office.
- b) A caretaker Government shall maintain ordinary administration, protect public safety, respond to emergencies and discharge obligations that cannot reasonably be deferred.
- c) Except where urgency or the public interest demonstrably requires otherwise, it shall not-
 - i. make a major long-term policy commitment;
 - ii. enter a substantial contract binding an incoming Government;
 - iii. make a senior long-term public appointment;
 - iv. dispose of a strategic public asset;
 - v. confer a substantial discretionary grant or benefit; or
 - vi. use public resources, communications or events for electoral advantage.

- d) Where a major decision cannot reasonably be deferred, the caretaker Government shall, where practicable, consult the Leader of the Opposition and publish reasons. Consultation does not confer a veto.
- e) Public officers shall remain politically neutral in their official functions during the election period.

90. President to be informed

The Prime Minister shall keep the President informed concerning the general conduct of Government and shall furnish information reasonably requested for the proper performance of the President's constitutional functions.

91. Responsibility, legality and records

- a) Every Minister is individually accountable to the Prime Minister and the Assembly for the lawful administration of assigned responsibilities, and Cabinet is collectively accountable under section 76.
- b) Significant executive decisions shall leave an auditable record identifying the lawful authority, material reasons, conflicts considered and responsible decision-maker, subject to proportionate protection of Cabinet deliberation, privacy and national security.
- c) No claim of technological complexity, outsourcing, confidentiality or collective decision-making removes constitutional responsibility from the competent public authority.

CHAPTER VII THE PRESIDENT AND VICE-PRESIDENT

92. Offices and constitutional character

- a) There shall be a President of the Republic who is Head of State and Commander-in-Chief of Mauritius.
- b) There shall be a Vice-President of the Republic who shall assist the President in the performance of constitutional and civic functions and act as President when this Constitution so requires.
- c) The President shall-
 - i. uphold and defend this Constitution;
 - ii. protect the institutions of democracy and the rule of law;
 - iii. respect and promote the fundamental rights of all persons;
 - iv. represent the unity, diversity, continuity and dignity of the Republic; and
 - v. exercise only the powers conferred by this Constitution or another law consistent with it.
- d) The Presidency is founded upon broad legitimacy and limited power. Neither the President nor the Vice-President is a political executive or a source of governmental policy independent of the Cabinet responsible to the Assembly.

93. Qualifications and incompatibilities

- a) A person is qualified for election as President or Vice-President if that person-
 - i. is a citizen of Mauritius;
 - ii. has attained forty years of age;
 - iii. has resided in Mauritius for not less than five years immediately preceding the election, subject to reasonable exceptions prescribed by organic law for public service or other compelling circumstances;
 - iv. is qualified to be elected to the Assembly; and
 - v. is a person of integrity and constitutional capacity.
- b) While in office, the President or Vice-President shall not-
 - i. hold another public or political office;
 - ii. hold an office of emolument;
 - iii. practise a profession, engage in trade or business, or hold a position creating a material conflict with the office; or
 - iv. hold office in or publicly campaign for a political party.
- c) A person elected shall relinquish every incompatible office and disclose interests in the manner prescribed by law before assuming office.

94. Presidential Electoral College

- a) The President shall be elected by a Presidential Electoral College of one hundred members consisting of-
 - i. the eighty-two members of the National Assembly;
 - ii. six elected representatives of Rodrigues; and
 - iii. twelve mainland local-government electors.

- b) The six representatives of Rodrigues shall be elected by and from among the elected members of the Rodrigues Regional Assembly in accordance with proportional and transparent procedures prescribed in the Presidential Elections Schedule.
- c) The twelve mainland local-government electors shall be elected by and from among elected members of mainland local authorities under a fair distribution prescribed in the Presidential Elections Schedule, taking reasonable account of population, territorial diversity and political proportionality.
- d) A member of the College acts in that member's own constitutional judgment and shall not be compelled by law or party direction to vote for a particular candidate.
- e) The College exists only for functions expressly conferred by this Constitution and is not a continuing legislative or executive body.
- f) A vacancy in the College does not invalidate its constitution or proceedings. Every threshold expressed as a proportion of the full College shall be calculated from one hundred, and deliberate absence does not reduce the denominator.

95. Nomination for President

- a) A candidate for President shall be nominated in writing by ten members of the Electoral College.
- b) A member may subscribe the nomination of only one candidate at the same presidential election.
- c) A nomination shall include the candidate's written consent, declaration of qualifications and interests, and undertaking to comply with the political neutrality and incompatibility requirements of this Chapter.
- d) Nomination and voting procedures shall be administered independently by the Electoral Management Commission and conducted transparently, subject to secrecy of the ballot.

96. Election of President

- a) Not less than two-thirds of the full Electoral College constitutes a quorum.
- b) Voting shall be by secret ballot and in person. Proxy voting is prohibited.
- c) On each of the first three ballots, a candidate is elected only by obtaining the votes of not less than two-thirds of the full College.
- d) If no candidate is elected on the third ballot-
 - i. only the two candidates receiving the highest numbers of votes on that ballot shall proceed to a fourth ballot; and
 - ii. a tie affecting qualification for the fourth ballot shall be resolved by the objective procedure prescribed in the Presidential Elections Schedule.
- e) On the fourth ballot, a candidate is elected only by obtaining an absolute majority of the full College.
- f) No candidate may be elected by plurality.
- g) If neither candidate obtains an absolute majority on the fourth ballot, the election shall recommence with fresh nominations within seven days. The incumbent continues in office under section 99(2) solely to preserve continuity.
- h) The result of each completed ballot shall be certified by the Electoral Management Commission. The numerical result shall be published without disclosing any member's vote.

97. Election of Vice-President

- a) The Vice-President shall be elected by the Presidential Electoral College in a separate election held after the election of the President.

- b) Sections 92, 94 and 95 apply, with necessary adaptations, to the election of the Vice-President.
- c) A person is not disqualified from election as Vice-President merely because that person was nominated unsuccessfully for President, but a member of the College may subscribe only one nomination in each separate election.

98. Term of office

- a) The President holds office for one term of six years and is not eligible for re-election.
- b) The Vice-President holds office for one term of six years and is not eligible for re-election to that office.
- c) Service as Vice-President or Acting President does not of itself disqualify a person from election for one term as President, unless that person has acted as President for an aggregate period exceeding three years.
- d) A person assumes office upon taking the prescribed oath before the Chief Justice or another senior judge designated by law.
- e) The term begins on assumption of office and, subject to section 99, ends upon expiry of six years, death, resignation, removal or permanent incapacity.

99. Continuity and acting arrangements

- a) The President shall resign by writing addressed to the Speaker and delivered to the Chief Justice and the Speaker.
- b) At expiry of the term, the President continues to perform the functions of office until a successor assumes office, but for no longer than sixty days unless the Supreme Court authorises a strictly necessary extension arising from war, emergency or impossibility.
- c) If the office is vacant, or the President is temporarily unable to perform its functions, those functions shall be performed-
 - i. by the Vice-President; or
 - ii. if the Vice-President is unable to act or the office is vacant, by the Chief Justice.
- d) A person acting under subsection (3)-
 - i. shall preserve continuity and political neutrality;
 - ii. shall not exercise a reserve power unless necessary to prevent a constitutional vacuum or unless the Supreme Court authorises its exercise; and
 - iii. ceases to act when the President resumes office or a successor assumes office.
- e) An election to fill a presidential vacancy shall be completed within sixty days. The person elected begins a full six-year term.
- f) A Vice-Presidential vacancy shall be filled within sixty days by the Electoral College under section 97.

100. Exercise of presidential functions

- a) In exercising a function under this Constitution or another law, the President shall act-
 - i. on the binding advice of the Cabinet or a Minister acting under its general authority;
 - ii. on the binding recommendation of an independent constitutional body where this Constitution so provides;
 - iii. after consultation with a specified person or institution where this Constitution so provides; or

iv. in the President's own deliberate judgment only where this Constitution expressly confers that discretion.

- b) The President may once request the Cabinet or recommending body to reconsider advice or a recommendation, giving written constitutional reasons. Following reconsideration, the President shall act in accordance with the advice or recommendation finally tendered unless doing so would manifestly violate this Constitution.
- c) Where compliance would manifestly violate this Constitution, the President shall decline temporarily, give written reasons and seek an expedited determination of the Supreme Court. The President shall comply with that determination.
- d) Consultation does not require the President to accept the view of the person consulted, but the consultation shall be genuine and occur before decision.
- e) The President shall not use a ceremonial, appointment, assent or reserve function to direct Government policy or displace the confidence of the Assembly.

101. Reserve functions

- a) The President acts in deliberate judgment only when-
 - i. appointing a Prime Minister under sections 78 to 81;
 - ii. determining whether the constitutional conditions for dissolution under section 72 are satisfied;
 - iii. appointing the Leader of the Opposition under section 74;
 - iv. ensuring temporary succession under section 84 where prescribed advice cannot reasonably be obtained; or
 - v. another provision expressly so states.
- b) A reserve function shall be exercised impartially, for constitutional purposes and on objectively relevant evidence.
- c) Except where immediate confidentiality is strictly necessary, the President shall publish concise reasons for an exceptional exercise of deliberate judgment.
- d) The existence, scope, legality and constitutional purpose of a reserve function are subject to judicial review. A court shall not substitute a political preference for a lawful presidential judgment.

102. Presidential communications and civic functions

- a) The President may address the Assembly and the nation on constitutional and civic occasions.
- b) The President may promote constitutional literacy, democratic inclusion, national remembrance, social cohesion and respect for the institutions of the Republic.
- c) A communication under this section shall not constitute a rival programme of government, party intervention or direction to an independent institution.

103. Responsibility and immunity

- a) No civil or criminal proceedings shall be instituted or continued against the President or Vice-President during tenure in respect of a lawful act performed in the exercise of official functions, except constitutional proceedings concerning the validity of that act or proceedings under section 104.
- b) Functional immunity does not extend to-
 - i. conduct unrelated to official functions;
 - ii. corruption or serious dishonesty;

- iii. an international crime or other offence for which immunity would be inconsistent with international law applicable to Mauritius; or
 - iv. proceedings commenced after tenure, subject to lawful limitation rules.
- c) A court may regulate the timing and conduct of proceedings to prevent vexatious interference with the performance of the office while preserving evidence, accountability and access to justice.
- d) No process to compel personal attendance shall issue against the President without leave of the Supreme Court, granted where the interests of justice outweigh the constitutional burden upon the office.

104. Removal and incapacity

- a) The President or Vice-President may be removed only for-
- i. serious violation of this Constitution;
 - ii. gross misconduct;
 - iii. incapacity that permanently prevents performance of the functions of office; or
 - iv. conduct fundamentally incompatible with the integrity and dignity of the office.
- b) Proceedings may be initiated by a motion stating the alleged grounds and signed by not less than one-third of all elected members of the Assembly.
- c) If the Assembly, by a majority of all elected members, resolves that the allegation warrants investigation, the Chief Justice shall constitute an independent tribunal of three persons qualified as prescribed by organic law, including at least two persons who hold or have held high judicial office.
- d) The officeholder shall receive the allegations and evidence, have reasonable time and facilities to respond, be entitled to legal representation and receive a fair hearing.
- e) The tribunal shall report whether a ground in subsection (1) has been established by clear and convincing evidence.
- f) If the tribunal finds a ground established, the Assembly may remove the officeholder by a resolution supported by not less than three-quarters of all elected members.
- g) The officeholder may be suspended during proceedings only by a resolution supported by two-thirds of all elected members where suspension is strictly necessary to protect the office, evidence or constitutional functioning. The Vice-President or Chief Justice shall act during suspension.
- h) The legality and procedural fairness of removal proceedings are subject to expedited review by the Supreme Court, but the Court shall not reconsider a reasonably supported factual finding merely because another conclusion was possible.

105. Prerogative of mercy

- a) The President may, in accordance with the advice of the Commission on the Prerogative of Mercy-
- i. grant a free or conditional pardon to a person convicted of an offence;
 - ii. grant a respite from the execution of a punishment;
 - iii. substitute a less severe lawful punishment; or
 - iv. remit the whole or part of a punishment, penalty or forfeiture due to the State on account of an offence.
- b) There shall be an independent Commission on the Prerogative of Mercy consisting of a Chairperson and not fewer than two other members appointed in the manner prescribed by organic law.

- c) The appointment procedure, qualifications, tenure and conflict rules of the Commission shall protect impartiality, relevant professional and community experience and freedom from political direction.
- d) The President may once request the Commission to reconsider its advice and shall act in accordance with the advice tendered after reconsideration.
- e) The Commission shall observe procedural fairness, consider relevant judicial and correctional material and give sufficient reasons in its record, subject to lawful protection of privacy, safety and rehabilitation.
- f) The exercise of mercy does not reverse a conviction or substitute the President or Commission for a court of appeal.

CHAPTER VIII THE JUDICATURE

106. Judicial authority and independence

- a) The judicial authority of Mauritius is vested in the courts established by this Constitution or by law.
- b) The courts are independent and subject only to this Constitution and the law, which they shall apply impartially and without fear, favour or prejudice.
- c) No person or authority shall interfere with the functioning of a court or with the decisional independence of a judicial officer.
- d) Organs of the State shall assist and protect the courts to ensure their independence, dignity, accessibility and effectiveness.
- e) An order or decision of a court binds every person and authority to which it applies unless lawfully stayed, varied or set aside.

107. The Supreme Court

- a) There shall be a Supreme Court of Mauritius possessing unlimited jurisdiction to hear and determine civil and criminal proceedings and such jurisdiction and powers as are conferred by this Constitution or law.
- b) The Supreme Court consists of the Chief Justice, the Senior Puisne Judge and such number of other Judges as Parliament may prescribe.
- c) The Supreme Court is a superior court of record and has inherent power to protect and regulate its process and prevent abuse of that process.
- d) Parliament shall ensure that the Supreme Court and subordinate courts possess the institutional, administrative and technological capacity necessary to administer justice effectively throughout the Republic.

108. Courts of Appeal

- a) There shall be, as divisions of the Supreme Court, a Court of Civil Appeal and a Court of Criminal Appeal.
- b) Each Court of Appeal shall have the jurisdiction and powers conferred by this Constitution and law.
- c) Nothing in this section creates a court separate from the Supreme Court.

108A. Subordinate courts

- a) Parliament may establish subordinate courts with civil, criminal, family, employment and other jurisdiction prescribed by law.
- b) Every subordinate court shall be independent and impartial and shall conduct proceedings consistently with the Bill of Rights.
- c) The Supreme Court has jurisdiction to supervise proceedings before a subordinate court and may issue any order, writ or direction necessary to ensure that justice is duly administered.
- d) An appeal lies from a subordinate court to the Supreme Court or a division of it as of right or with leave in the cases prescribed by law.
- e) No law shall make a subordinate court the final judge of the constitutional validity of its own conduct or exclude the supervisory jurisdiction of the Supreme Court.

109. Constitutional and Public Law Division

- a) A specialist Constitutional and Public Law Division shall operate within the Supreme Court.
- b) The Division shall hear constitutional, administrative, electoral, institutional and other public-law proceedings assigned by law or by rules of court.
- c) The Division does not constitute a separate Constitutional Court and does not diminish the jurisdiction of the Supreme Court.
- d) Rules of court shall provide for urgent case management, interim protection, representative and public-interest proceedings, specialist judicial allocation and timely reasons.
- e) A proceeding shall not fail merely because it was commenced in another division of the Supreme Court, and the Court may transfer it in the interests of justice.

110. Constitutional jurisdiction

- a) The Supreme Court has original jurisdiction to determine whether-
 - i. a law or conduct is inconsistent with this Constitution;
 - ii. a public authority has exceeded or failed to exercise constitutional power;
 - iii. a constitutional right has been infringed or threatened;
 - iv. an election, appointment or institutional act complies with this Constitution; or
 - v. another question concerning interpretation, protection or enforcement of this Constitution arises.
- b) A subordinate court before which a substantial constitutional question arises may determine an incidental question within its jurisdiction or refer the question to the Supreme Court in the manner prescribed by law.
- c) Where a question is referred, the Supreme Court shall determine it and the referring court shall dispose of the proceeding consistently with that determination.
- d) Standing, remedies and costs are governed by section 28 and rules consistent with effective constitutional protection.

111. Supervisory jurisdiction and judicial review

- a) The Supreme Court has supervisory jurisdiction over subordinate courts, tribunals, public authorities and persons exercising public power.
- b) Judicial review extends to legality, jurisdiction, constitutional purpose, procedural fairness, rationality, relevant considerations, proportionality where rights or this Constitution require it, and abuse of power.
- c) No ouster, finality or secrecy clause excludes the jurisdiction of the Supreme Court to determine whether a person or authority acted within constitutional and lawful power.
- d) Judicial review of an independent institution protects legality and does not authorise political direction or substitution of a decision lawfully entrusted to that institution.

112. Appeals to the Judicial Committee

- a) An appeal lies from a final decision of the Court of Appeal to the Judicial Committee of the Privy Council as of right or with leave in the cases prescribed by this Constitution or law.
- b) An appeal lies as of right where-
 - i. the matter involves interpretation of this Constitution;

- ii. the matter concerns enforcement of a fundamental right and satisfies the threshold prescribed by law;
 - iii. the value or subject matter satisfies the jurisdictional requirement prescribed by law; or
 - iv. another existing category of appeal as of right is preserved by law.
- c) The Court of Appeal or the Judicial Committee may grant leave where a question of great general or public importance, or another compelling reason, warrants further appeal.
 - d) Nothing in this Constitution abolishes or diminishes the existing appellate relationship with the Judicial Committee except by an amendment enacted under the procedure applicable to the Judicature.

113. Appointment of judges

- a) The Chief Justice shall be formally appointed by the President on the nomination of the Judicial and Legal Service Commission made under section 120.
- b) The Senior Puisne Judge and other Judges of the Supreme Court shall be appointed by the President on the binding recommendation of the Judicial and Legal Service Commission.
- c) A person is qualified for appointment as a Judge if that person has been entitled to practise as a barrister before the Supreme Court for the period prescribed by this Constitution or law and possesses the legal ability, integrity, independence, temperament and experience required for judicial office.
- d) Appointment and promotion shall follow a transparent, fair and merit-based process that protects confidentiality reasonably necessary for candidates and judicial independence.
- e) Judicial diversity and equality of opportunity shall be pursued consistently with merit, competence, integrity and the prohibition of political patronage.

114. Tenure of judges

- a) A permanent Judge holds office until the retirement age prescribed by organic law, which shall not be reduced to the disadvantage of a serving Judge.
- b) Remuneration, pension rights and essential conditions of judicial office shall not be altered to the disadvantage of a serving Judge.
- c) A Judge may be removed only for inability to perform the functions of office or serious misconduct, established through the independent procedure in section 115.
- d) A Judge shall not be transferred, denied work, disciplined or subjected to adverse administrative action for the lawful exercise of judicial functions.
- e) Temporary or acting appointments shall be exceptional, based on objective need and shall not be used to create dependence upon renewal.

115. Removal of judges

- a) Proceedings concerning removal of the Chief Justice may be initiated in the manner prescribed by organic law upon credible evidence of a ground in section 114(3).
- b) Proceedings concerning another Judge may be initiated by the Judicial and Legal Service Commission upon credible evidence of such a ground.
- c) The President shall appoint an independent tribunal of not fewer than three persons who hold or have held high judicial office in Mauritius or a comparable Commonwealth jurisdiction, selected through the procedure prescribed by organic law.

- d) The Judge is entitled to notice, disclosure consistent with fairness, legal representation, a reasonable opportunity to answer and a hearing before the tribunal.
- e) The tribunal shall report the facts and recommend whether the question of removal should be referred to the Judicial Committee.
- f) If the tribunal so recommends, the President shall refer the question to the Judicial Committee.
- g) The President shall remove the Judge only if the Judicial Committee advises that the Judge ought to be removed for incapacity or serious misconduct.
- h) Otherwise the proceeding shall terminate and any suspension shall cease.
- i) Suspension pending determination may occur only where necessary to protect the administration of justice and shall not diminish remuneration.

116. Oaths and judicial ethics

- a) A Judge shall take the prescribed oath to administer justice according to this Constitution and law without fear, favour, affection or ill will.
- b) An enforceable code of judicial conduct shall address independence, impartiality, integrity, propriety, competence, diligence, equality, conflicts of interest and recusal.
- c) The code shall protect legitimate complaints and accountability without permitting disciplinary processes to challenge the merits of a judicial decision that is properly subject to appeal.

117. Administration and funding of the courts

- a) The Chief Justice is the head of the Judiciary and is responsible, with judicial officers and an independent court administration established by law, for the effective administration of the courts.
- b) The Judiciary shall prepare a reasoned budget proposal and may present its resource requirements directly to the appropriate parliamentary committee.
- c) The Judiciary remains subject to audit and lawful financial controls, but its funding shall not be manipulated to influence adjudication or institutional independence.
- d) Parliament shall provide reasonable measures for legal aid, physical and digital accessibility, interpretation and timely access to justice throughout Mauritius.

CHAPTER IX THE JUDICIAL AND LEGAL SERVICE COMMISSION

118. Establishment and composition

- a) There shall be a Judicial and Legal Service Commission consisting of seven members-
 - i. the Chief Justice, as Chairperson;
 - ii. the Senior Puisne Judge;
 - iii. one senior Judge of the Supreme Court elected by the Judges of that Court;
 - iv. one current or recently retired senior Judge selected through the judicial mechanism prescribed by organic law;
 - v. one senior barrister nominated through the elected professional component of the organised Bar;
 - vi. one senior attorney nominated through the Mauritius Law Society; and
 - vii. one independent lay member selected through an open merit process by the Constitutional Appointments Authority.
- b) At least four members shall possess current or previous senior judicial experience.
- c) A member nominated, elected or selected by another body shall act independently and not as a delegate or representative of that body.
- d) No member of the Executive or political officeholder may be a member of the Commission.

119. Qualifications, tenure and safeguards

- a) A member other than an ex officio member shall possess integrity, independence and knowledge or experience relevant to justice, legal practice, public administration or constitutional governance.
- b) Political disqualification, cooling-off, incompatibility, disclosure and recusal requirements shall be prescribed by organic law and shall be sufficient to protect actual and perceived independence.
- c) A non-ex officio member shall serve one non-renewable term of six years, with terms staggered as prescribed in the Transitional Schedule.
- d) A vacancy does not invalidate proceedings if a quorum remains. A vacancy shall be filled promptly through the same independent source and procedure.
- e) The Commission shall publish appointment criteria, procedural rules and an annual report while protecting personal information and deliberative confidentiality where necessary.

120. Appointment of the Chief Justice

- a) When the office of Chief Justice is or will become vacant, the Commission shall conduct a rigorous merit assessment of every eligible candidate willing to serve.
- b) The Commission shall nominate one candidate by the affirmative votes of not fewer than five of its seven members.
- c) The President shall appoint the nominee within fourteen days.
- d) The President may once return the nomination for reconsideration on stated constitutional grounds. If the Commission confirms the nomination by the same majority, the President shall appoint the nominee within seven days.
- e) Failure by the President to act within the prescribed period has the effect that the nominee is deemed appointed and shall be sworn in by the Senior Puisne Judge.

121. Other judicial and legal appointments

- a) The Commission shall recommend appointments to, promotions within and disciplinary control over judicial and legal offices placed within its jurisdiction by this Constitution or law.
- b) The Commission shall act on published, role-relevant standards of legal ability, integrity, independence, temperament, experience and merit.
- c) The President or other formal appointing authority shall give effect to a binding recommendation within the prescribed period.
- d) Parliament may assign additional legal offices to the Commission but shall not place political or ordinary executive appointments within its jurisdiction.
- e) A decision affecting an individual is subject to procedural fairness and lawful judicial review, with due respect for the Commission's specialist constitutional function.

122. Procedure and independence of the Commission

- a) The Commission is independent and shall not be subject to the direction or control of any person or authority.
- b) The quorum is five members, at least three of whom shall have judicial experience.
- c) A member having a material personal, professional or financial conflict shall disclose it and take no part in the matter.
- d) The Commission may regulate its procedure, obtain independent professional assistance and require information reasonably necessary for its functions.
- e) A failure by a nominating source to act within the prescribed period shall activate the anti-deadlock replacement mechanism prescribed by organic law and shall not transfer decisive control to the Executive.

CHAPTER X PROSECUTORIAL INDEPENDENCE

123. Director of Public Prosecutions

- a) There shall be a Director of Public Prosecutions whose office is a public office and who shall be appointed by the Judicial and Legal Service Commission.
- b) A person is qualified for appointment only if qualified for appointment as a Judge of the Supreme Court and demonstrably possesses the integrity, independence and prosecutorial judgment required for the office.
- c) The Director holds office until the retirement age prescribed for the office and enjoys security of tenure, protected remuneration and removal safeguards comparable to those of a Judge.

124. Functions and powers of the Director of Public Prosecutions

- a) The Director may, whenever considered necessary in the interests of justice-
 - i. institute and undertake criminal proceedings before a court other than a court established by disciplinary law;
 - ii. take over and continue criminal proceedings instituted by another person or authority; and
 - iii. discontinue criminal proceedings at any stage before judgment.
- b) The powers in subsection (a) may be exercised personally or through a person acting under the Director's general or specific instructions.
- c) The powers to take over and discontinue proceedings are vested in the Director to the exclusion of any other person or authority, subject to lawful withdrawal by a private prosecutor before an accused is charged before a court.
- d) An appeal, stated case or reserved question arising from criminal proceedings forms part of those proceedings, but the Director shall not discontinue an appeal brought by a convicted person without that person's consent.

125. Independence, accountability and review

- a) In exercising prosecutorial functions, the Director shall not be subject to the direction or control of any person or authority.
- b) No person shall improperly seek to influence a decision to prosecute, decline, continue, take over or discontinue proceedings.
- c) The Director shall publish general prosecution policies and an annual report sufficient to explain priorities, consistency and institutional performance without prejudicing individual proceedings, privacy, safety or the presumption of innocence.
- d) A prosecutorial decision remains subject to lawful judicial review on established public-law grounds, applied with due regard to prosecutorial independence, expertise and the administration of criminal justice.
- e) Prosecutorial independence protects justice from politics; it does not protect prosecution from law.
- f) Removal and discipline of the Director shall follow the protected procedure applicable to an office requiring judicial qualification and shall not be controlled by the Executive.

CHAPTER XI THE POLICE AND CIVILIAN OVERSIGHT

126. Commissioner and command of the Police Force

- a) There shall be a Commissioner of Police whose office is a public office.
- b) The Police Force is under the command of the Commissioner.
- c) The Commissioner shall be appointed through the specialist jurisdiction of the Disciplined Forces Service Commission following a transparent merit process and shall not be appointed by the Prime Minister.
- d) The qualifications, tenure and removal safeguards of the Commissioner shall protect professional leadership, integrity and operational independence.

127. Existing operational independence strengthened

- a) The Commissioner is responsible for determining the use and controlling the operations of the Police Force and, in exercising those responsibilities, is not subject to the direction or control of any person or authority except as expressly provided by this Constitution.
- b) The Prime Minister or another Minister authorised by the Prime Minister may issue general written directions of policy concerning public safety and public order.
- c) A general policy direction-
 - i. shall not concern the arrest, investigation, surveillance or treatment of a particular person or case;
 - ii. shall not require or prevent a particular operational outcome;
 - iii. shall be lawful, prospective and consistent with rights; and
 - iv. shall be published unless a specific and reviewable national-security reason requires temporary confidentiality.
- d) Ministerial responsibility for organisation, maintenance, administration, legislation and public-safety policy does not confer control over individual operations.
- e) This section preserves and strengthens the operational independence already recognised by the former Constitution; it does not create that independence for the first time.

128. Constitutional standards for policing

- a) The Police shall act lawfully, impartially, professionally and with respect for human dignity and equal protection.
- b) Arrest, detention, search, surveillance and force shall meet standards of legality, necessity, proportionality, record-keeping and accountability.
- c) A person in police custody shall have prompt access to legal advice, necessary medical attention, accurate custody records and safeguards appropriate to age, disability or vulnerability.
- d) A death or serious injury in custody or resulting from police action shall be reported immediately to the independent civilian oversight body and investigated independently.
- e) Investigative technologies, including biometric identification, device extraction and location tracking, shall be authorised by law and subjected to safeguards and oversight proportionate to their intrusiveness.

129. Independent Police Conduct and Civilian Oversight Commission

- a) There shall be an Independent Police Conduct and Civilian Oversight Commission.

- b) The Commission is independent and is not subject to the direction or control of any person or authority.
- c) Its membership shall be civilian, professionally competent and politically independent and shall be selected through the Constitutional Appointments Authority and formally appointed by the President.
- d) The Commission may-
 - i. receive and investigate complaints;
 - ii. initiate an investigation on its own motion;
 - iii. investigate a death, serious injury, torture, ill-treatment, corruption, political interference, discriminatory policing, serious surveillance abuse or other grave police misconduct;
 - iv. require documents, secure evidence and compel lawful cooperation;
 - v. recommend disciplinary or systemic action;
 - vi. refer evidence of crime to the Director of Public Prosecutions or competent investigative authority; and
 - vii. publish findings and follow-up reports subject to fairness and legitimate confidentiality.
- e) The Commission does not direct police operations or prosecute criminal offences.

130. Complaints, systemic remedies and cooperation

- a) The law shall provide accessible, timely and safe procedures for police complaints, including protection against retaliation.
- b) The civilian oversight Commission may require a written response and implementation plan from the Police or responsible Ministry and may report persistent non-compliance to the Assembly.
- c) Evidence of a systemic pattern of unlawful policing may be addressed through recommendations, binding procedural requirements authorised by law, or public-interest proceedings under section 28.
- d) The Police, Director of Public Prosecutions, human-rights institutions and civilian oversight Commission shall cooperate without compromising their distinct constitutional functions.

CHAPTER XII CONSTITUTIONAL APPOINTMENTS AND INSTITUTIONAL INDEPENDENCE

131. Independence begins before appointment

- a) Appointment to an independent constitutional office shall be made through a process that protects merit, competence, integrity, equality of opportunity, fair access and freedom from partisan control.
- b) Independence begins before appointment and shall continue through secure tenure, adequate resources, control of professional functions, protection against improper interference and a fair removal process.
- c) Equality opens access to public service; merit determines suitability; and transparency ensures that neither principle becomes a cover for patronage.

132. Constitutional Appointments Authority

- a) There shall be a Constitutional Appointments Authority consisting of five independent members.
- b) The Authority is the appointment gateway only for the independent offices expressly enumerated in section 138 or another provision of this Constitution.
- c) The Authority does not replace or direct the Judicial and Legal Service Commission, Public Service Commission or Disciplined Forces Service Commission and is not a universal public-appointments commission.
- d) The Authority is independent and shall not be subject to the direction or control of any person or authority.
- e) No person holding an office for which the Authority makes the substantive appointment decision is, by virtue of that office, eligible to be a voting member of the Authority.

133. Composition of the Authority

- a) The five members shall be formally appointed by the President from persons selected as follows-
 - i. one retired senior Judge, selected by the Judicial and Legal Service Commission by not fewer than five affirmative votes, who shall chair the Authority;
 - ii. one person with substantial experience in independent public administration or merit selection, selected by the Public Service Commission;
 - iii. one person elected by not less than two-thirds of all elected members of the National Assembly following an open application and public committee process;
 - iv. one person of recognised professional standing in audit, finance, law, governance or organisational leadership, selected through an independent electoral process among professional bodies designated by organic law; and
 - v. one person of recognised civic standing and experience in human rights, equality, civil society or public accountability, selected through the independent civic process prescribed by organic law.
- b) Every selection source shall publish the vacancy, criteria, shortlist, conflict declarations and reasons sufficient to demonstrate merit, subject to proportionate protection of personal information.
- c) A selecting body shall not instruct, recall or otherwise control the member it selects.
- d) The composition shall, so far as practicable, reflect the diversity and territorial character of Mauritius and progressive gender parity without displacing individual merit.

134. Qualifications and political disqualification

- a) A member shall be a citizen of Mauritius of integrity, independence and demonstrated competence relevant to constitutional appointments.
- b) A person is not eligible if that person-
 - i. is the President, Vice-President, a member of the Assembly, a member of the Rodrigues Regional Assembly, a local-government councillor, a Minister, Junior Minister or political adviser;
 - ii. holds office in or is employed by a political party;
 - iii. has, during the preceding five years, been a candidate at a national, regional or local election or held a senior elected or executive position in a political party;
 - iv. is an undischarged bankrupt or has been convicted of an offence involving corruption, dishonesty, abuse of public office or serious electoral misconduct; or
 - v. has another conflict or incapacity prescribed by organic law that is reasonably incompatible with the office.
- c) Restrictions under this section shall be applied fairly and shall not exclude ordinary civic opinion, prior lawful advocacy or professional public service unrelated to partisan control.

135. Tenure, staggering and removal

- a) A member serves one non-renewable term of six years.
- b) Terms shall be staggered under the Transitional Schedule so that no incoming Government or single selection cycle can replace the whole Authority.
- c) A member may be removed only for incapacity, serious misconduct, material breach of duty or loss of qualification, after notice, an opportunity to respond and an independent determination under organic law.
- d) Remuneration and essential conditions shall not be altered to a member's disadvantage during tenure.
- e) A vacancy shall be filled promptly for a fresh term through the same selection source. A vacancy does not invalidate proceedings if a quorum remains.

136. Appointment procedure

- a) For every office within its jurisdiction, the Authority shall-
 - i. publish the vacancy and role-relevant eligibility and assessment criteria;
 - ii. invite applications or nominations through a fair and accessible process;
 - iii. require disclosure and management of relevant interests and relationships;
 - iv. conduct objective shortlisting and structured assessment;
 - v. interview shortlisted candidates where appropriate;
 - vi. select the best-qualified candidate by reasoned decision; and
 - vii. publish the name and reasons sufficient to demonstrate compliance with constitutional criteria, while protecting legitimate personal information.
- b) Selection shall be based upon merit, competence, integrity, independence, equality of opportunity and any specialist qualification required for the office.
- c) A relationship, prior employment or disclosed association does not automatically disqualify a candidate, but shall be assessed openly and managed where it could reasonably affect independence or public confidence.

- d) An organic law may provide for a proportionate public confirmation hearing for a narrowly defined office of exceptional public importance. A hearing shall test suitability, independence and integrity and shall not require political conformity.

137. Formal appointment and anti-deadlock rules

- a) Where the Authority selects a candidate, the President shall formally appoint that candidate within fourteen days.
- b) The President may once return the selection for reconsideration on stated constitutional grounds. If the Authority confirms the selection by not fewer than four votes, the President shall appoint the candidate within seven days.
- c) Failure by the President to act within the required period has the effect that the candidate is deemed appointed and shall assume office upon taking the prescribed oath.
- d) The quorum of the Authority is four members and a selection requires at least three affirmative votes, except that confirmation following reconsideration requires four.
- e) If a selection source fails to fill a membership vacancy within sixty days, an independent substitute selection mechanism prescribed by organic law shall operate. That mechanism shall preserve the character of the source and shall not transfer the choice to the Government.
- f) If the Authority is unable to select an officeholder after two properly conducted processes, it shall publish the cause of deadlock and commence an expedited fresh process. An acting appointment may be made only under section 146 and shall not alter the Authority's jurisdiction.

138. Offices within the jurisdiction of the Authority

- a) The Authority shall select, for formal appointment by the President-
 - i. the Ombudsman;
 - ii. the Director of Audit;
 - iii. the Information Commissioner;
 - iv. the head and independent members of the principal national integrity or financial-crimes institution, to the extent prescribed by organic law;
 - v. the members of the Electoral Management Commission;
 - vi. the head and independent members of the Independent Police Conduct and Civilian Oversight Commission;
 - vii. the Inspector-General of Intelligence; and
 - viii. any other independent accountability office expressly assigned to it by an amendment to this Constitution.
- b) Parliament shall not enlarge the list in subsection (1) by ordinary law.
- c) Membership of a multi-member institution may be distributed among the Authority and other independent sources where this Constitution or organic law so provides, but the Executive shall not obtain controlling appointment power.
- d) The Electoral Commissioner, members of the Electoral Management Commission, Judges, the Director of Public Prosecutions, the Commissioner of Police and ordinary public officers are not appointed through the Authority unless this Constitution expressly provides otherwise.

139. Removal from an office appointed through the Authority

- a) Selection by the Authority does not confer upon it an unchecked power of removal.
- b) A protected officeholder may be removed only for incapacity, serious misconduct, material breach of constitutional duty or another precisely defined ground appropriate to the office.
- c) Removal shall require-
 - i. a written allegation supported by credible evidence;
 - ii. notice and a fair opportunity to answer;
 - iii. investigation and determination by an independent tribunal or other constitutionally appropriate body; and
 - iv. access to judicial review.
- d) Suspension pending determination shall be exceptional, with reasons, necessary to protect the institution or evidence, and subject to prompt independent review.
- e) The particular procedure for each office shall be prescribed by this Constitution or organic law and shall maintain equivalent protection from executive retaliation.

140. Common guarantees of institutional independence

- a) Every independent constitutional institution shall-
 - i. exercise its professional and constitutional functions independently;
 - ii. control its internal professional work, subject to lawful administration and public-finance rules;
 - iii. have secure tenure and fair removal safeguards for its leadership;
 - iv. have access to staff, expertise, information and premises reasonably necessary for its functions;
 - v. prepare and defend a reasoned budget proposal before the appropriate parliamentary committee;
 - vi. remain subject to audit, judicial review and duties of transparency compatible with its functions; and
 - vii. report at least annually to the Assembly and the public.
- b) No budgetary, staffing, administrative or acting arrangement may be used to punish, obstruct or improperly influence an independent institution.
- c) A material reduction from a reasoned budget request shall be accompanied by public reasons and shall not prevent performance of the institution's core constitutional functions.
- d) Independence is protection against improper direction, not immunity from law, judicial review, financial accountability or reasoned public criticism.

141. Duty of non-interference

- a) No person shall improperly influence, obstruct, retaliate against or threaten an independent constitutional institution, its member or staff concerning the lawful exercise of a protected function.
- b) Parliament shall prescribe effective civil, disciplinary or criminal consequences proportionate to the seriousness of interference.
- c) Nothing in this section prohibits lawful advocacy, evidence, complaint, parliamentary scrutiny, judicial proceedings or good-faith public criticism.

CHAPTER XIII THE PUBLIC SERVICE AND SERVICE COMMISSIONS

142. Values of the public service

- a) The public service shall be professional, impartial, efficient, responsive, ethical and accountable.
- b) Recruitment, appointment and promotion shall be based on merit, competence, integrity, equality of opportunity, fair competition and the needs of the service.
- c) Public administration shall broadly represent the diversity of Mauritius through equal access and removal of unjustified barriers, without replacing merit by patronage or arbitrary preference.
- d) Public officers shall serve the lawful Government of the day with political impartiality and shall not be required to perform a partisan function.
- e) No person shall be appointed, promoted, transferred, disciplined or dismissed because of political allegiance, family connection, protected characteristic, lawful disclosure or refusal to perform an unlawful act.

143. Public Service Commission

- a) There shall be an independent Public Service Commission.
- b) The Commission shall be responsible, subject to this Constitution, for appointment to public offices within its jurisdiction, confirmation, promotion, transfer, disciplinary control and removal.
- c) Its composition shall provide collective professional competence, independence from the Executive, secure non-renewable or appropriately limited terms, political-disqualification rules and managed conflicts.
- d) Members shall be appointed by the President through the independent process prescribed by this Constitution or organic law, after transparent merit selection and consultation that prevents control by a single political authority.
- e) The Commission may delegate functions under defined and reviewable conditions but remains responsible for the integrity of the system.

144. Disciplined Forces Service Commission

- a) There shall be an independent Disciplined Forces Service Commission.
- b) The Commission shall exercise constitutional responsibility for appointments, promotions, discipline and removal in the Police Force, Prison Service, fire services and other disciplined forces prescribed by law.
- c) The appointment of the Commissioner of Police shall be made by the Commission through an open or appropriately transparent merit process consistent with the operational independence and security requirements of that office.
- d) The Commission shall possess relevant experience in disciplined services, law, public administration, human rights and organisational leadership and shall not be controlled by a Minister or serving operational commander.
- e) The Commission may delegate routine functions but shall not delegate final responsibility for appointment or removal of the head of a disciplined force.

145. Independence and procedure of Service Commissions

- a) A Service Commission is independent and shall not be subject to the direction or control of any person or authority in an individual appointment, promotion, transfer, disciplinary or removal decision.

- b) It shall publish general criteria, procedural rules and annual performance information, subject to legitimate privacy and security.
- c) A person materially affected by a decision is entitled to procedural fairness, reasons appropriate to the decision and access to the Public Bodies Appeal Tribunal or a court as provided by law.
- d) A Commissioner shall disclose and recuse from a material conflict.
- e) Political officeholders and recent senior party officials are ineligible during the cooling-off period prescribed by organic law.

146. Acting appointments

- a) An acting appointment to a constitutional or senior public office shall be made only to preserve continuity during a temporary absence or genuine vacancy.
- b) An acting appointment shall-
 - i. be based on qualification, merit and suitability;
 - ii. be made by, or on the binding recommendation of, the body responsible for the substantive appointment;
 - iii. state its reason and duration; and
 - iv. not be used to avoid or delay the permanent appointment process.
- c) Unless this Constitution expressly provides otherwise, an acting appointment shall not exceed six months in aggregate. A single extension not exceeding three months may be authorised by the Supreme Court on proof of strict necessity and diligent progress towards a permanent appointment.
- d) The permanent appointment process shall commence promptly and not later than thirty days after a vacancy becomes known.
- e) An acting officeholder shall enjoy functional independence but acquires no preference or expectation of permanent appointment merely through acting service.

147. Public Bodies Appeal Tribunal

- a) There shall be a Public Bodies Appeal Tribunal established by law and possessing the independence and jurisdiction necessary to determine appeals concerning public-service and public-body employment decisions assigned to it.
- b) The Tribunal shall act fairly, give reasoned decisions within a reasonable time and remain subject to the supervisory jurisdiction of the Supreme Court.
- c) Its members shall be selected through a merit process appropriate to an independent adjudicative body and shall have secure tenure for their terms.

148. Appointments to diplomatic and specified offices

- a) Appointment of principal representatives of Mauritius abroad shall be made by the President on the advice of the Prime Minister after consideration of professional qualifications, integrity, diplomatic capacity and the interests of Mauritius.
- b) Political judgment may properly inform an appointment that represents the policy of the elected Government, but reasons, qualifications and conflicts shall be recorded and patronage shall not displace minimum competence and integrity.
- c) An appointment to a public office not assigned by this Constitution shall be made by the constitutionally or legally competent authority in accordance with the values in section 142.

149. Pensions and accrued rights

- a) A pension, compensation, gratuity or comparable benefit in respect of public service, or for a dependant or personal representative arising from that service, is an accrued constitutional interest protected by this section.
- b) The law applicable to a benefit granted before commencement is the law in force when it was granted or a later law that is no less favourable to the person entitled.
- c) For a benefit arising from a period of service, the applicable law is the law in force when that period commenced or a later law that is no less favourable.
- d) Where a person has a lawful option between pension laws, the law selected by that person is treated as the more favourable law.
- e) Benefits are charged on the Consolidated Fund except to the extent lawfully charged upon and paid from another fund.
- f) A discretion to refuse, withhold, reduce or suspend a benefit shall not be exercised without concurrence of the Service Commission having jurisdiction over the service concerned.
- g) A Commission shall not concur on the ground of misconduct by a protected constitutional officeholder unless that person was lawfully removed for that misconduct.
- h) A person ordinarily resident outside Mauritius may remit a pension payment abroad without a special deduction, charge or tax on remission, subject to lawful court attachment and reasonable transfer regulation.

CHAPTER XIV ELECTORAL ADMINISTRATION AND INTEGRITY

150. Electoral Management Commission

- a) There shall be a permanent and independent Electoral Management Commission.
- b) The Commission shall consist of a Chairperson and six other members selected through a transparent merit process by the Constitutional Appointments Authority and formally appointed by the President.
- c) Collectively, the members shall possess substantial experience in electoral administration, constitutional or electoral law, information and cybersecurity, public administration, finance or audit, accessibility, democratic participation and the territorial circumstances of Mauritius.
- d) A member shall serve one non-renewable term of six years. Terms shall be staggered.
- e) A person is not eligible if that person-
 - i. holds political or elected office or public office incompatible with independent electoral supervision;
 - ii. is a candidate for election;
 - iii. holds office in or is employed by a political party; or
 - iv. has held a senior party office or stood as a candidate during the preceding five years.
- f) The Commission is not subject to the direction or control of any person or authority.

151. Functions of the Electoral Management Commission

- a) The Commission has constitutional responsibility for the governance, supervision, regulation and certification of-
 - i. registration of electors;
 - ii. national, regional and local elections and referendums;
 - iii. registration of political parties and pre-electoral alliances for electoral purposes;
 - iv. compliance with candidature and national-list requirements;
 - v. political-party and campaign-finance regulation;
 - vi. the National Corrective Vote and allocation of the twenty corrective seats;
 - vii. electoral standards, accessibility, integrity and transparency; and
 - viii. other electoral matters assigned by this Constitution or law.
- b) The Commission shall certify and publish election results and complete, independently reproducible PR20 allocation records.
- c) The Commission may issue regulations and binding directions within authority conferred by law, conduct regulatory hearings, impose proportionate administrative sanctions and refer evidence of crime to the competent authority.
- d) The Commission shall consult the Electoral Commissioner on decisions materially affecting professional election administration.
- e) The Commission shall not direct the determination of an individual operational or investigative matter entrusted by law to the Electoral Commissioner, except through a lawful review or general standard expressly authorised by this Constitution.

152. Electoral Commissioner

- a) There shall be an Electoral Commissioner who is the separate protected professional executive head of electoral administration.
- b) The Electoral Commissioner shall be appointed by the Judicial and Legal Service Commission through an open, rigorous and merit-based process.
- c) A person is qualified if entitled to practise as a barrister in Mauritius and possessing substantial competence and experience relevant to electoral law, public administration and independent institutional leadership.
- d) The Electoral Commissioner shall serve a single non-renewable term of seven years and shall not be eligible for appointment to political office during the cooling-off period prescribed by organic law.
- e) In exercising constitutional, operational and investigative functions, the Electoral Commissioner is not subject to the direction or control of any person or authority, subject to lawful decisions of a court and the distinct constitutional governance functions of the Commission.
- f) The Electoral Commissioner has the right and duty to attend meetings of the Commission, participate without a vote, keep it informed and refer a question of institutional governance or electoral legality for its decision.

153. Functions of the Electoral Commissioner

- a) The Electoral Commissioner is responsible for the professional administration of elections, including-
 - i. maintaining and correcting the register of electors;
 - ii. nomination, polling, counting and result-transmission operations;
 - iii. training and direction of election officers;
 - iv. custody, security and audit of ballots, systems and electoral records;
 - v. administration of the National Corrective Vote and preparation of allocation calculations for certification;
 - vi. investigations and inspections assigned by electoral or political-finance law; and
 - vii. other executive functions prescribed by law.
- b) The Commissioner shall publish operational directions, datasets, calculations and reports promptly, subject to ballot secrecy, personal-data protection and genuine cybersecurity requirements.
- c) The Commissioner may require information, documents and reasonable assistance necessary for lawful electoral functions and may apply to the Supreme Court for enforcement.

154. Referral of electoral legislation

- a) A proposed Bill, regulation or instrument materially concerning elections, registration of electors, political finance, referendums or political-party registration shall be referred to the Commission and Electoral Commissioner sufficiently early for reasoned comment before introduction or enactment.
- b) Their comments shall be published and laid before the Assembly unless a narrowly identified security or personal-data interest requires limited withholding.
- c) Failure to comply with this section renders the measure procedurally invalid unless the Supreme Court determines that urgent necessity justified the failure and that no substantial electoral prejudice resulted.

155. Constituencies and Electoral Boundaries Panel

- a) There are twenty-one constituencies-

- i. twenty constituencies in the Island of Mauritius, each returning three members; and
 - ii. Rodrigues, returning two members.
- b) Parliament may by resolution provide that another island forming part of Mauritius be included in a constituency recommended by the Electoral Boundaries Panel, with effect from the next dissolution.
 - c) There shall be an Electoral Boundaries Panel exercising the boundary function independently within the constitutional electoral framework and behind an institutional firewall from election operations, party registration and political-finance enforcement.
 - d) The Panel shall consist of a Chairperson qualified for judicial office and four other independent members possessing relevant competence in law, demography, geography, statistics, public administration or territorial affairs.
 - e) Members shall be selected through an independent process prescribed by organic law and shall be subject to the political disqualifications applicable to the Commission.

156. Review of constituency boundaries

- a) The Electoral Boundaries Panel shall review mainland constituency boundaries not later than ten years after its last report and may conduct an earlier review following an official census or material population change.
- b) Boundaries shall seek, so far as reasonably practicable, equality of inhabitants by reference to the population quota, while permitting justified consideration of-
 - i. geography and means of communication;
 - ii. population density;
 - iii. administrative and community boundaries;
 - iv. accessibility and coherent territorial representation; and
 - v. the stability of constituencies.
- c) The Panel shall publish proposed boundaries, supporting data and reasons and provide a meaningful opportunity for public representations before finalising its report.
- d) The Assembly may approve or reject the recommendations but may not vary them.
- e) Approved recommendations take effect at the next dissolution. If rejected, the Panel shall reconsider the stated objections independently and submit a revised or confirmed report.
- f) The legality and procedural fairness of a review are subject to expedited judicial review, but a court shall respect the Panel's technical assessment within lawful bounds.

157. Registration and qualifications of electors

- a) Every Commonwealth citizen who has attained eighteen years of age is entitled to be registered as an elector if that person-
 - i. has resided in Mauritius for not less than two years immediately before the prescribed registration date; or
 - ii. is domiciled in Mauritius and resident in Mauritius on that date.
- b) Parliament may prescribe reasonable rules for establishing residence, domicile and constituency connection consistently with equal suffrage and the right to vote.
- c) No person shall be registered in more than one constituency.

- d) A person shall not be disqualified from registration merely by reason of disability or a generalised finding concerning mental capacity.
- e) A disqualification based on imprisonment or an electoral offence shall be prescribed by law, proportionate to seriousness and duration, and consistent with universal adult suffrage.
- f) The law shall provide accessible and timely procedures to inspect and correct the register and to review a refusal or removal.

158. Right to vote and electoral accessibility

- a) Every registered elector has the right to vote in accordance with sections 15 and 50.
- b) The law may regulate voting by persons performing election duties, persons with disabilities, persons unable to read the ballot, persons in lawful custody, electors temporarily absent and residents of remote territories, while protecting secrecy, equality and integrity.
- c) Assistance shall be available where necessary, but no person shall learn or control another elector's vote except to the minimum extent unavoidable under a lawful assisted-voting procedure.
- d) An elector shall not vote in a constituency in which the elector is not registered.

159. Electoral cybersecurity and political communications

- a) The Commission and Electoral Commissioner shall protect electoral registers, voting and counting processes, result systems and official communications against interference, manipulation and material cyber risk.
- b) Any electronic system used in a constitutionally significant electoral process shall be auditable, independently tested and supported by a verifiable record and contingency procedure.
- c) The law may require clear sponsor, funding and provenance disclosure for significant online political advertising and synthetic or materially altered media, but shall not authorise censorship of political opinion merely because it is controversial, critical or produced with technological assistance.
- d) A restriction addressing deceptive impersonation or foreign interference shall be clear, necessary, proportionate and subject to prompt independent review.

160. Election petitions and electoral justice

- a) The Supreme Court has jurisdiction to determine an election petition, challenge to a National Corrective allocation, registration dispute or other substantial electoral controversy.
- b) Parliament and rules of court shall provide strict but fair timelines, preservation of evidence, specialist case management and appropriate interim relief.
- c) A court may confirm a result, order a recount or correction, invalidate an election or allocation where the legal threshold is met, or grant another effective remedy that respects the electorate's lawful choice.
- d) An unreasonable procedural delay shall not be permitted to make electoral justice ineffective.

CHAPTER XV POLITICAL PARTIES, ALLIANCES AND POLITICAL FINANCE

161. Constitutional status and freedom of political parties

- a) Every citizen has the right to form, join, participate in or leave a political party.
- b) Political parties are free associations with an essential public role in democratic competition, representation and government formation.
- c) The State shall treat parties fairly and shall not confer or withhold legal recognition, access or benefit on the basis of support for or opposition to the Government.
- d) A party may be prohibited or dissolved only by order of the Supreme Court on proof that it uses or advocates violence to overthrow the constitutional order, or otherwise presents a compelling and demonstrable threat to democratic government that cannot be addressed by less restrictive means.
- e) Mere advocacy of constitutional change, independence for a territory through lawful democratic means, criticism of the State or unpopular political opinion is not a ground for prohibition.

162. Registration and democratic responsibilities

- a) A political party seeking registration or participation in public elections shall-
 - i. maintain a written and publicly accessible constitution;
 - ii. have identifiable and accountable governing organs;
 - iii. maintain fair and known rules for membership, leadership and candidate selection;
 - iv. hold internal elections at reasonable intervals;
 - v. maintain proper financial records and comply with political-finance law;
 - vi. respect constitutional equality and fair procedure; and
 - vii. provide protection against arbitrary expulsion.
- b) Regulation shall respect ideological, associational and organisational autonomy and shall not authorise a public authority to supervise ordinary internal political disagreement.
- c) A member materially affected by failure to follow a party's registered constitution is entitled to a fair internal remedy and, after reasonable exhaustion, to limited judicial relief enforcing legality and procedural fairness without transferring political leadership to the courts.

163. Political alliances

- a) Political parties may form alliances for electoral and parliamentary purposes.
- b) An alliance seeking common National Corrective entitlement shall register and make the disclosures required by section 51 before the prescribed electoral deadline.
- c) The identity of the alliance, its constituent parties, its national list and the essential bargain presented to electors shall not be altered retrospectively.
- d) Nothing in this section prevents lawful post-election cooperation or coalition formation, but it shall not be used to recalculate National Corrective entitlement contrary to the vote cast.

164. Constitutional principles of political finance

- a) Political finance shall be governed by transparency, fair competition, reasonable limits, traceability, independent enforcement and protection of democratic expression.
- b) Parliament shall enact and maintain a comprehensive Political Parties and Campaign Finance Act governing parties, alliances, candidates, national and constituency campaigns, donations, loans, guarantees, in-kind support, substantial third-party campaigning and digital political expenditure.
- c) Existing candidate-expenditure regulation forms part of the legal foundation but does not displace the duty to maintain the comprehensive framework required by subsection (2).
- d) Regulation shall follow the substance of coordinated electoral campaigning and may address material pre-election expenditure designed to evade campaign-period rules.

165. Accounts, donations and disclosure

- a) A registered party or alliance shall maintain annual accounts in accordance with consistent standards, have them independently audited and file them with the Electoral Management Commission.
- b) The law shall require timely disclosure of significant donations and in-kind support, including the identity of permissible donors and beneficial ownership necessary to reveal the true source.
- c) Anonymous or disguised donations above a low prescribed amount, foreign funding not expressly and narrowly permitted, straw donations and the use of public resources for partisan campaigning are prohibited.
- d) Corporate or organisational donations shall require lawful internal authorisation and transparent identification of the real source of funds.
- e) Small-donor privacy may be reasonably protected where secrecy does not create a material risk of evasion or improper influence.

166. Donation and expenditure limits

- a) Parliament shall prescribe reasonable and periodically reviewed limits on donations and campaign expenditure.
- b) Limits may distinguish between constituency, national, alliance and third-party expenditure and shall reflect the genuine cost of lawful modern campaigning without permitting financial domination.
- c) Limits and accounting rules shall address loans, guarantees, discounts, services, digital advertising and coordinated expenditure.
- d) A limit shall not unreasonably prevent a candidate or emerging political formation from communicating with electors.

167. Third-party campaigning and public funding

- a) A person or organisation spending more than the modest threshold prescribed by law principally to influence an election shall register, disclose funding and comply with proportionate expenditure rules.
- b) Ordinary citizen advocacy, journalism, academic work, trade-union representation and civil-society speech shall not be regulated as campaign expenditure unless coordinated with a contestant or conducted at a scale and for a purpose defined by law.
- c) Parliament may provide limited public funding or public electoral assistance based on objective criteria, demonstrated support and equality of opportunity.

- d) Public support shall be transparent, audited and conditional upon compliance and shall not entrench established parties or operate as a reward controlled by the Government.

168. Independent regulation and enforcement

- a) The Electoral Management Commission is the principal constitutional regulator of political-party and campaign finance.
- b) The Electoral Commissioner shall perform the administrative, audit-support, inspection and investigative functions assigned by law, consistently with section 153.
- c) The Commission may require accounts and records, conduct or commission audits, order correction, impose proportionate civil or administrative sanctions and refer suspected criminal conduct to the competent authority.
- d) Sanctions shall distinguish inadvertent and promptly corrected error from deliberate concealment, prohibited funding, false accounts, straw donors or systematic evasion.
- e) A serious sanction materially affecting political participation is subject to prompt review by the Supreme Court.

169. Use of State resources and official communications

- a) State, local-authority and public-body resources shall not be used to confer an improper electoral advantage.
- b) Publicly funded communications during an election period shall be limited to necessary public information and shall not promote the personal or party image of an incumbent.
- c) The Commission may issue binding election-period standards governing official advertising, public events, vehicles, staff, grants and digital communications.
- d) This section applies in addition to caretaker duties under section 89.

170. Parliamentary caucuses and the free mandate

- a) Members may organise in parliamentary parties and caucuses, and reasonable party discipline is consistent with representative government.
- b) A member's first constitutional duty is to the Constitution and the Republic. No party direction authorises an unlawful act, obstruction of accountability or false statement to the Assembly.
- c) Standing orders and law shall preserve reasonable freedom of conscience, committee scrutiny and protected disclosures.
- d) A constituency seat belongs to the electorate and is not the transferable property of a party.
- e) A National Corrective seat remains subject to the distinct anti-defection safeguards in section 57 because its entitlement arose from the National Corrective Vote.

CHAPTER XVI THE OMBUDSMAN AND ADMINISTRATIVE ACCOUNTABILITY

171. Office and independence of the Ombudsman

- a) There shall be an Ombudsman for Mauritius.
- b) The Ombudsman shall be selected by the Constitutional Appointments Authority and formally appointed by the President.
- c) The Ombudsman is independent and shall not be subject to the direction or control of any person or authority.
- d) The Ombudsman shall serve one non-renewable term of seven years and shall possess integrity, independence and substantial experience in law, public administration, human rights, investigation or administrative justice.
- e) The Ombudsman may be removed only under the protected procedure required by section 139.

172. Jurisdiction and investigations

- a) The Ombudsman may investigate an action taken by or on behalf of a government department, public officer, local authority, public body or person exercising a public function where the action may involve-
 - i. maladministration, unfairness or unreasonable delay;
 - ii. abuse of discretion or improper purpose;
 - iii. failure to give reasons, respond or follow lawful procedure;
 - iv. discrimination or material disregard of rights;
 - v. systemic administrative failure; or
 - vi. another matter prescribed by law consistently with the constitutional purpose of the office.
- b) An investigation may begin upon complaint, referral or the Ombudsman's own motion.
- c) The Ombudsman may decline or discontinue a matter that is trivial, vexatious, unduly delayed without good reason, more appropriately determined by a court or specialist body, or incapable of producing a useful remedy.
- d) The Ombudsman shall not reconsider the merits of a judicial decision, direct a criminal prosecution or interfere with a constitutionally protected operational decision.
- e) Parliament may prescribe limited exclusions necessary for judicial independence, national security or another compelling constitutional interest, but shall not make executive administration generally immune from investigation.

173. Investigative powers and fairness

- a) For a lawful investigation the Ombudsman may require information, documents, explanations and attendance and may enter public premises under authority prescribed by law.
- b) Legal professional privilege, judicial deliberation and narrowly protected national-security information shall be respected, but a general confidentiality clause does not defeat lawful access.
- c) A person who may be adversely identified shall receive notice of the material allegation and a reasonable opportunity to respond before a final adverse finding.

- d) Investigations shall ordinarily be conducted in private, but findings, systemic reports and recommendations may be published consistently with fairness, privacy and the public interest.
- e) The Ombudsman may apply to the Supreme Court to enforce lawful access or protect the integrity of an investigation.

174. Recommendations and accountable follow-through

- a) Following an investigation, the Ombudsman may recommend correction, reasons, reconsideration, apology, compensation, disciplinary examination, procedural reform or another appropriate administrative response.
- b) The public body concerned shall, within the prescribed period-
 - i. state whether it accepts each material recommendation;
 - ii. identify action, responsibility and an implementation timetable; or
 - iii. if it rejects a recommendation, give reasoned grounds.
- c) Silence does not constitute compliance.
- d) The Ombudsman shall maintain a public implementation register and may issue a special report to the Assembly concerning persistent or serious non-compliance.
- e) The responsible Minister or institutional head shall appear before the appropriate committee if required to explain non-compliance.
- f) Where serious systemic illegality remains unresolved, the Ombudsman has standing to institute constitutional or public-law proceedings in the Supreme Court.

175. Referrals and accessibility

- a) The Ombudsman shall maintain accessible complaint procedures throughout the Republic without unreasonable formality or cost.
- b) A complaint received by the wrong accountability institution shall, with appropriate consent and protection of confidentiality, be referred promptly to the competent institution.
- c) A timely complaint made in good faith to an accountability institution preserves any limitation period as prescribed by law while referral is reasonably undertaken.
- d) The Ombudsman shall cooperate with human-rights, information, audit, integrity, police-oversight and service institutions without merging or compromising their distinct functions.

CHAPTER XVII AUDIT AND PARLIAMENTARY FINANCIAL ACCOUNTABILITY

176. Director of Audit

- a) There shall be a Director of Audit selected by the Constitutional Appointments Authority and formally appointed by the President.
- b) The Director is independent and shall not be subject to the direction or control of any person or authority in deciding the scope, conduct, method, findings or reporting of an audit.
- c) The Director shall serve one non-renewable term of seven years and shall possess recognised professional competence, integrity and substantial audit or public-finance experience.
- d) Removal shall occur only under the protected procedure required by section 139.

177. Audit mandate and access

- a) The Director shall audit and report upon-
 - i. the public accounts of Mauritius and every officer and authority responsible for public revenue or expenditure;
 - ii. the accounts, performance and internal control of Ministries, departments, local authorities and public bodies;
 - iii. State-owned or State-controlled enterprises and funds;
 - iv. a person or arrangement receiving, holding, managing or materially risking public money or public assets, to the extent prescribed by law; and
 - v. procurement, concessions, public-private arrangements and outsourced functions involving material public financial exposure.
- b) Audit may address legality, regularity, financial reporting, internal control, economy, efficiency, effectiveness and value for money without substituting the Director's policy preference for a lawful governmental choice.
- c) The Director has timely access to every record, system, person and explanation reasonably necessary for an audit.
- d) Contractual confidentiality, outsourcing or digital custody does not prevent audit access. Legitimate confidentiality may govern public disclosure but not examination by the Director.
- e) The Director may apply to the Supreme Court to enforce access, preserve records or prevent obstruction.

178. Audit reports and responses

- a) The Director shall submit annual and special reports to the Speaker, who shall lay them before the Assembly promptly and cause them to be published.
- b) A report involving sensitive information may contain a protected annex available to an authorised committee and court under safeguards, but the existence and general subject of the finding shall not be concealed without compelling reason.
- c) Every audited body shall respond to a material finding within the prescribed period, identifying-
 - i. accepted corrective action;
 - ii. the responsible officer;

- iii. an implementation date; or
 - iv. reasons for disagreement.
- d) The Director shall publish a follow-up status identifying matters completed, in progress, disputed, repeated or unresolved.
 - e) A substantially repeated material finding shall be referred automatically to the Public Accounts Committee.

179. Civil and public-law proceedings by the Director

- a) Where an audit reveals serious and sufficiently evidenced unlawful expenditure, unauthorised loss, failure to account, unlawful disposal of a public asset or substantial recoverable loss, the Director has standing to institute appropriate civil or public-law proceedings in the Supreme Court.
- b) The Director may seek a declaration, preservation order, accounting, restitution, recovery or another civil remedy necessary to protect public resources.
- c) The Director is not a criminal prosecutor.
- d) Evidence reasonably indicating a criminal offence shall be referred to the competent investigative authority or the Director of Public Prosecutions, without prejudicing audit independence or lawful civil action.

180. Public Accounts Committee

- a) There shall be a Public Accounts Committee of the National Assembly.
- b) The Committee shall examine-
 - i. accounts showing the appropriation and use of money authorised by Parliament;
 - ii. reports of the Director of Audit;
 - iii. material financial-control, procurement and value-for-money failures; and
 - iv. implementation of recommendations and recovery of public loss.
- c) The Committee shall not substitute itself for the Director's audit judgment or reopen the policy merits of expenditure lawfully authorised, except to the extent necessary to examine value for money or constitutional compliance.

181. Composition and independence of the Committee

- a) The Committee shall consist of members appointed proportionately from the Assembly and shall not include a Minister or Junior Minister.
- b) It shall be chaired by an opposition member elected by the Assembly from nominees submitted by opposition members under a protected process prescribed by standing orders.
- c) The Government majority shall not remove or replace the Chairperson except for incapacity, serious misconduct, loss of eligibility or failure to perform the office, established through a fair process.
- d) The Committee shall have independent research, legal, accounting and audit support sufficient for its functions.
- e) The dissolution or prorogation of Parliament does not prevent the Committee from preserving evidence, maintaining its implementation register or performing an urgent function expressly continued by this Constitution.

182. Powers and follow-through of the Committee

- a) Subject to lawful privilege and confidentiality, the Committee may summon accounting officers, heads of public bodies, Ministers where political responsibility is directly relevant, contractors and other necessary witnesses and may require documents.
- b) Hearings shall ordinarily be public. A closed hearing shall be limited to what is necessary to protect a legitimate interest, and a public summary shall be issued where possible.
- c) The Government shall respond to a Committee report within sixty days, stating accepted action, responsibility and timetable or giving reasons for rejection.
- d) The Committee shall maintain and publish an implementation register and may revisit a repeated, high-risk or unresolved matter.
- e) The accountability chain shall remain visible: parliamentary authorisation, executive expenditure, independent audit, Committee scrutiny, Government response, implementation and public tracking.

CHAPTER XVIII INFORMATION, OPEN GOVERNMENT AND PUBLIC RECORDS

183. Information Commissioner

- a) There shall be an Information Commissioner selected by the Constitutional Appointments Authority and formally appointed by the President.
- b) The Commissioner is independent and shall serve one non-renewable term of seven years.
- c) The Commissioner shall possess integrity, independence and substantial experience in law, information governance, journalism, public administration, data protection or human rights.
- d) Removal shall occur only under the protected procedure required by section 139.

184. Functions and powers of the Information Commissioner

- a) The Commissioner shall-
 - i. promote and enforce the right of access to information;
 - ii. determine appeals from refusals, delay, excessive charges or inadequate searches;
 - iii. order disclosure, severance, correction of procedure or other lawful compliance;
 - iv. monitor proactive publication and records management;
 - v. issue codes and guidance; and
 - vi. report systemic secrecy or non-compliance to the Assembly.
- b) The Commissioner may inspect records, including classified records, under security and confidentiality safeguards appropriate to the information.
- c) A decision is binding unless stayed or set aside on review by the Supreme Court.
- d) The burden of justifying refusal rests on the person or authority withholding the information.

185. Proactive publication and open data

- a) Public bodies shall proactively publish information of substantial public interest, including budgets, procurement awards, major public contracts, public-land interests, environmental authorisations, senior appointment procedures, audit follow-up, lobbying records and statistical information.
- b) Publication shall be timely, accessible, searchable and, where reasonably practicable, available in reusable and machine-readable form.
- c) A lawful exemption shall be applied only to the protected portion of a record, and the remainder shall be disclosed.
- d) Delay, excessive fees, artificial fragmentation or failure to conduct a reasonable search shall not be used to defeat access.

186. Public records and archives

- a) Every public authority shall create and preserve an adequate record of significant decisions, expenditure, advice, authorisations and reasons.
- b) No person shall conceal, destroy, alter or deliberately fail to create a public record for the purpose of frustrating accountability, audit, access to information, judicial proceedings or historical preservation.

- c) Parliament shall establish professional standards for records retention, secure digital preservation, lawful disposal and transfer of historically significant records to public archives.
- d) Cabinet, security and personal records may receive time-limited protection, but classification shall be reviewed and shall not continue merely to avoid embarrassment or accountability.

CHAPTER XIX INTEGRITY IN PUBLIC LIFE

187. Constitutional integrity framework

- a) Parliament shall maintain a comprehensive and coherent framework for preventing, detecting, investigating and sanctioning corruption, abuse of office, illicit enrichment, undisclosed conflicts and serious breaches of public integrity.
- b) The framework shall include an independent principal integrity or financial-crimes institution with secure leadership, investigative authority, operational independence and accountability consistent with this Constitution.
- c) Appointment of its head and independent members shall be made through section 137, while prosecution remains vested in the Director of Public Prosecutions.
- d) Integrity institutions shall cooperate through lawful referrals and information-sharing without duplicating functions or compromising investigations and rights.

188. Assets, liabilities and interests

- a) Ministers, members of the Assembly, senior public officers, heads and members of designated public bodies and other prescribed officeholders shall declare assets, liabilities, significant beneficial interests and relevant outside activities-
 - i. on assuming office;
 - ii. periodically while in office;
 - iii. upon a material change; and
 - iv. on leaving office.
- b) The law shall provide meaningful public disclosure calibrated to protect legitimate privacy, family security and personal data.
- c) Declarations shall be verified on a risk-based and impartial basis and unexplained material discrepancies shall be investigated through fair procedures.
- d) Requirements shall apply by constitutional function and risk, not political affiliation.

189. Conflicts, gifts and improper advantage

- a) A public officeholder shall disclose and appropriately manage a material personal, family, financial, professional or political interest capable of affecting official judgment.
- b) Management may require recusal, divestment, blind administration, restriction, refusal of a benefit or another proportionate measure prescribed by law.
- c) Gifts, hospitality and benefits connected with public office shall be subject to clear limits, declaration and public registers appropriate to value and risk.
- d) No person shall use public office, confidential information or influence to obtain an improper advantage for that person, a relative, associate, political party or other person.

190. Lobbying transparency and revolving doors

- a) Lobbying is a lawful form of democratic participation, but organised or professional attempts materially to influence major public decisions shall be transparent.

- b) The law shall provide for registration of professional lobbyists and publication of appropriate information concerning substantive lobbying of Ministers and designated senior officials.
- c) Regulation shall protect ordinary constituent contact, petitions, journalism, diplomacy, legal representation, collective bargaining and genuine civic advocacy.
- d) A person leaving designated public office shall be subject to reasonable cooling-off, confidentiality and recusal requirements necessary to prevent misuse of inside information, regulatory capture or negotiation of future private advantage while in office.
- e) A restriction shall be proportionate and shall not unreasonably prevent a former officeholder from earning a livelihood.

191. Protected disclosures

- a) A person who in good faith and on reasonable grounds reports corruption, illegality, serious maladministration, danger to the public, gross waste or concealment of wrongdoing through a protected channel is entitled to protection.
- b) Retaliation, including dismissal, demotion, discriminatory transfer, harassment, threat or professional disadvantage, is prohibited and shall attract effective remedies and sanctions.
- c) The law shall protect confidentiality where reasonably possible, provide independent reporting channels and permit prescribed external disclosure where internal or regulatory channels have failed or an imminent and serious danger requires it.
- d) National-security information shall be reported through specialised secure channels under the national-security Chapter; it shall not be excluded from protection merely because it is classified.
- e) Protection does not extend to a person who knowingly fabricates material information, but an honest error does not by itself remove protection.

CHAPTER XX PUBLIC LAND AND NATIONAL PATRIMONY

192. Public trust and national patrimony

- a) The seashore, public beaches, Pas Geometriques, public waters, reefs, lagoons, public forests, mountains, outer islands and designated strategic natural assets form part of the finite national patrimony of Mauritius.
- b) The State holds and administers those assets in trust for the people and for future generations.
- c) Administration under this section shall protect public access, ecological integrity, transparent and fair value, legitimate development and measurable public benefit.
- d) Parliament shall identify by organic law the classes of property to which the heightened protection of this Chapter applies.

193. Disposal, lease and change of use

- a) A disposal, lease, renewal, material variation, change of use or substantial development involving protected public land shall-
 - i. serve a demonstrable public interest;
 - ii. follow a transparent process proportionate to the value and sensitivity of the asset;
 - iii. be supported by an independent and current valuation;
 - iv. disclose material conflicts and beneficial interests as prescribed by law;
 - v. identify the measurable and enduring public benefit; and
 - vi. comply with environmental and participatory duties.
- b) An expiring coastal or strategic lease shall be reviewed against contemporary public-interest criteria and carries no automatic constitutional expectation of renewal.
- c) A material change from the purpose for which a public interest was originally granted requires fresh scrutiny and authorisation appropriate to the new use.
- d) A transaction of exceptional strategic importance may be subjected by organic law to independent approval or an enhanced parliamentary procedure.

194. Public register

- a) The State shall maintain an accessible public register of protected public-land interests.
- b) The register shall identify the land or interest concerned, the holder or beneficiary, significant beneficial ownership where lawfully disclosable, duration, original purpose, consideration paid or payable to the State, material variations, authorised changes of use, valuation, allocation method, required public benefit and implementation status.
- c) Legitimate personal, commercial or security information may be withheld only to the minimum extent justified under section 24.

195. Public access to the coast

- a) Every person has the right, subject to reasonable measures prescribed by law, to reasonable, safe and non-discriminatory access to-
 - i. the seashore, public beaches and coastal areas;
 - ii. lagoons, rivers, lakes and other public waters;

- iii. mountains, forests, waterfalls, nature reserves and other natural areas held by the State or a public authority; and
 - iv. natural, cultural and recreational assets forming part of the national patrimony.
- b) The State shall identify, protect, maintain and, where reasonably necessary, restore public access routes to the seashore and other public natural areas.
 - c) No lease, development, enclosure, transfer or change of use affecting public land or the national patrimony may extinguish or materially obstruct an established public access route unless-
 - i. the restriction is authorised by law and justified by conservation, public safety, national security or another compelling public interest;
 - ii. affected communities have been consulted; and
 - iii. equivalent or improved alternative public access is provided wherever reasonably possible.
 - d) Access shall not be denied or restricted solely for the commercial advantage of a private person, lessee, hotel, residential development or other undertaking.
 - e) Reasonable restrictions may be imposed by law to protect the environment, biodiversity, cultural heritage, public safety, privacy, lawful property rights and the rights of local communities, but every restriction shall be necessary and proportionate.
 - f) Nothing in this section creates a general right to enter private property. Where access to an important natural or cultural asset requires passage over private land, the State may secure access by agreement, easement, acquisition or another lawful measure, subject to fair procedures and compensation where constitutionally required.
 - g) Public authorities shall progressively make principal public beaches and natural recreational areas accessible to persons with disabilities, older persons and persons with reduced mobility.

196. Public value and community benefit

- a) Where a grant, lease, planning decision or public investment creates exceptional private value from a public asset, Parliament may require a fair proportion of that uplift to be returned to the community.
- b) Public-value receipts may support affordable housing, coastal rehabilitation, public infrastructure, environmental restoration, a Public Land Bank or community land arrangements established by law.
- c) A value-capture measure shall be lawful, transparent, proportionate and consistent with the property protections in section 17.

197. Enforcement of the public trust

- a) An appropriate person or organisation may institute public-interest proceedings concerning unlawful alienation, concealed change of use, denial of public access or serious failure to protect the national patrimony.
- b) A court may grant preventive, preservatory, restorative, compensatory or supervisory relief.
- c) No claimant is required to establish personal ownership of an asset held in public trust.

CHAPTER XXI PARTICIPATORY AND DIRECT DEMOCRACY

198. Right to petition the Assembly

- a) Every person has the right, individually or with others, to submit a petition to the National Assembly concerning a grievance, proposed law or matter of public interest.
- b) Petitions may be submitted and supported in secure paper or digital form without unreasonable formality or cost.
- c) Lawful petitioning shall not expose a person to retaliation.
- d) A petition shall not determine criminal guilt, reverse a judgment or improperly interfere with pending judicial proceedings.

199. Petitions Committee and graduated consideration

- a) The Assembly shall establish a Petitions Committee with fair opposition representation.
- b) The Committee shall apply objective admissibility rules, publish admissible petitions and permit consolidation of substantially similar petitions.
- c) Standing orders shall establish graduated thresholds under which support for a petition requires a written response, committee consideration or debate in the Assembly.
- d) Thresholds shall be realistic and shall include proportionate territorial routes for Rodrigues, Agalega and small or remote communities.
- e) Consideration of a petition does not compel the Assembly or Government to adopt its request, but a response shall be reasoned.

200. Constitutional referendums

- a) A referendum shall be held where this Constitution expressly requires approval of the electorate for an alteration.
- b) Parliament may by a resolution supported by not less than two-thirds of all elected members authorise a consultative referendum on an exceptional question of national importance.
- c) A referendum question shall be clear, neutral and confined to a reasonably coherent subject.
- d) Before polling, the Supreme Court shall, on a reference from the Electoral Management Commission, determine whether the question and procedure comply with this Constitution.
- e) A referendum shall be administered by the Electoral Commissioner under the supervision of the Electoral Management Commission.

201. Fair referendum process

- a) Referendum law shall provide for balanced official information, political-finance transparency, reasonable spending limits, fair media opportunity and identification of official campaign organisations.
- b) The Government may explain and advocate its position but shall not use public resources to overwhelm the opposing case.
- c) Fundamental rights and the constitutional dignity of minorities are not displaced merely by a referendum majority.
- d) The result of a consultative referendum shall be laid before and debated by the Assembly with a reasoned Government response.

202. Recall of constituency members

- a) Electors of a constituency may recall a constituency member after the first half of the parliamentary term through a verified petition followed by a secret recall ballot.
- b) An organic law shall prescribe a substantial signature threshold, a limited collection period and safeguards against fraud, intimidation and repeated petitions. The threshold shall be sufficiently demanding to prevent recall from becoming a routine substitute for periodic elections.
- c) Recall based upon serious misconduct established by a court or independent tribunal may proceed under a distinct procedure prescribed by law.
- d) Political recall shall not be completed unless a majority of valid votes favours recall and the participation threshold prescribed by organic law is met.
- e) A successful recall vacates the seat and a by-election shall be held promptly.
- f) Recall shall not be initiated during the first half of the term, within twelve months before the ordinary expiry of Parliament, or more than once against the same member during a term.
- g) Recall of a constituency member who is Prime Minister or a Minister vacates the parliamentary seat and consequently the executive office in accordance with this Constitution.

203. National Corrective Members and recall

- a) A National Corrective Member is accountable under the vacancy, integrity and anti-defection provisions of this Constitution.
- b) Because the seat arises from a national party or alliance entitlement rather than a territorial constituency, it shall not be subjected to a constituency recall petition.
- c) An organic law may provide a national recall mechanism for serious misconduct only if it protects the national electoral entitlement and fills any vacancy under section 57 without recalculation.

204. Citizens assemblies

- a) The Assembly may establish a citizens assembly to consider a complex, long-term or constitutionally significant public question.
- b) Participants shall be selected independently through a broadly representative civic-lottery or comparable fair process and shall receive balanced information, access to competing expertise and impartial facilitation.
- c) A citizens assembly makes recommendations and does not exercise legislative power.
- d) The National Assembly shall debate and respond publicly to its final recommendations within a reasonable time.
- e) Parliament may provide by organic law for a citizen-initiated request for a citizens assembly that satisfies a substantial national or territorial threshold.

CHAPTER XXII LOCAL DEMOCRACY

205. Constitutional status of local government

- a) Democratic local government is a component of the constitutional order of Mauritius.
- b) Local authorities are not merely administrative agents of the central Government and are entitled to exercise lawful functions within their democratic mandate.
- c) The system of local government shall be classification-neutral and shall protect meaningful representation and democratic worth irrespective of whether an area is described as urban, rural, municipal, district or village.
- d) National responsibilities shall be exercised nationally where necessary; local responsibilities shall be exercised locally where possible; and all levels shall remain accountable.

206. Subsidiarity and local functions

- a) A public responsibility shall be exercised at the lowest level capable of performing it effectively unless national uniformity, redistribution, scale, constitutional rights or another compelling reason requires national or regional action.
- b) Parliament shall by organic law define the principal functions, powers and institutional forms of local authorities.
- c) A function or resource shall not be removed or materially reduced merely because a local authority is controlled by a political formation opposed to the national Government.
- d) National law may establish minimum service, rights, environmental, integrity and financial standards applicable to all local authorities.

207. Local elections and terms

- a) Local authorities shall be chosen through free, fair and regular elections on a fixed cycle prescribed by organic law.
- b) An election may be postponed only because a war, constitutionally declared emergency or strict operational impossibility prevents safe and credible polling.
- c) Postponement shall be for the shortest objectively necessary period, require approval by not less than two-thirds of all elected members of the Assembly within fourteen days, be reviewed at intervals not exceeding three months and remain subject to judicial review.
- d) Ordinary legislation shall not extend a local democratic mandate for political or administrative convenience.

208. Local candidature and equality

- a) Local electoral law shall promote progressive gender parity while preserving voter choice.
- b) Where a party or group presents more than one candidate in a local electoral area, at least one candidate shall be of each sex.
- c) Parliament may prescribe stronger reasonable candidature requirements consistent with equality, merit, democratic competition and free election.
- d) Persons with disabilities, young adults and communities ordinarily under-represented shall have fair opportunity to participate without guaranteed outcomes that displace the electorate's choice.

209. Local finance and equal treatment

- a) Local authorities are entitled to revenue sources and transparent, reasonably predictable intergovernmental grants sufficient to perform assigned functions.
- b) Allocation formulas shall take account of population, need, infrastructure, vulnerability, service costs and equalisation.
- c) Discretionary funding shall not reward political alignment or punish lawful opposition.
- d) Local authorities remain subject to audit, procurement law, public-integrity duties and public financial accountability.

210. Local participation and transparency

- a) A local authority shall provide timely information and meaningful participation concerning significant development plans, environmental decisions, disposal of public assets and major changes to public space.
- b) Law may provide for local petitions, participatory budgeting, neighbourhood structures and public hearings.
- c) Meetings, decisions, budgets, contracts and implementation reports shall be public subject to proportionate protection of privacy, security and lawful commercial confidentiality.

211. Central intervention

- a) Central Government may intervene in a local authority only under law and only where necessary to remedy serious illegality, financial collapse, persistent failure to deliver an essential service or another compelling constitutional failure.
- b) Intervention shall be proportionate, reasoned, time-limited, procedurally fair and directed towards restoring elected local government.
- c) Dissolution or suspension of an elected local authority requires independent review and a fresh election within the shortest practicable period.
- d) An intervention is subject to judicial review.

CHAPTER XXIII THE RODRIGUES REGIONAL ASSEMBLY

212. Regional Assembly

- a) There shall be a Rodrigues Regional Assembly.
- b) The Regional Assembly consists of a Chairperson and members elected in the number, manner and for the term prescribed by organic law.
- c) The Chairperson may be elected from among the members or from among persons qualified for election, but shall act independently and impartially when presiding.
- d) Elections shall be free, fair, regular and consistent with equality, progressive gender parity and effective representation.
- e) The Regional Assembly may regulate its procedure subject to this Constitution and organic law.

213. Powers and functions

- a) Subject to this Constitution, the Regional Assembly shall exercise legislative, regulatory, administrative and oversight functions concerning matters assigned to Rodrigues.
- b) It may-
 - i. propose and adopt Bills concerning matters within its responsibility;
 - ii. make Regional Assembly Regulations where authorised;
 - iii. approve the regional budget and oversee expenditure;
 - iv. scrutinise the Executive Council;
 - v. conduct inquiries, receive petitions and facilitate public participation; and
 - vi. perform other functions consistent with autonomy and national unity.
- c) A Bill adopted through the constitutionally prescribed regional process and completed in the manner provided by organic law shall be known as a Rodrigues Regional Assembly Law.
- d) A Regional Assembly Law or Regulation applies only to Rodrigues unless Parliament expressly provides for cooperative application consistently with this Constitution.
- e) National law prevails only to the extent that national competence is constitutionally established and an inconsistency cannot reasonably be reconciled.

214. Executive Council

- a) There shall be an Executive Council of Rodrigues consisting of a Chief Commissioner, a Deputy Chief Commissioner and the number of Commissioners prescribed by organic law.
- b) The Chief Commissioner shall be the elected member who commands the confidence of the Regional Assembly and shall be appointed through a transparent process prescribed by organic law.
- c) Other Commissioners shall be appointed from among elected members on the advice of the Chief Commissioner.
- d) The Executive Council is collectively responsible to the Regional Assembly for regional administration and policy.
- e) Organic law shall provide stable confidence, vacancy, caretaker and succession procedures compatible with democratic self-government.

215. Rodrigues Capital Fund and Consolidated Fund

- a) There are established-
 - i. the Rodrigues Capital Fund, consisting of funds lawfully provided for development and capital purposes; and
 - ii. the Rodrigues Consolidated Fund, consisting of money appropriated by the National Assembly for recurrent expenditure and revenue lawfully raised or received by the Regional Assembly.
- b) No money shall be withdrawn except under lawful regional appropriation or another authority prescribed consistently with this Constitution.
- c) Regional finances are subject to independent audit by the Director of Audit and scrutiny by the Regional Assembly and, in relation to national funds, the Public Accounts Committee.
- d) National transfers shall comply with the transparent and predictable principles in section 40.

216. Cooperation and resolution of competence disputes

- a) National and Rodrigues institutions shall cooperate in good faith, exchange necessary information and respect each other's constitutional functions.
- b) A dispute concerning competence shall first be addressed through an intergovernmental procedure prescribed by organic law.
- c) If unresolved within a reasonable time, either Government may refer the dispute to the Supreme Court.
- d) Pending determination, each institution shall avoid irreversible action and maintain essential public services.

217. Protection of autonomy

- a) A law giving effect to the essential autonomy, institutions, electoral arrangements, powers or finances of Rodrigues shall not be altered so as materially to diminish that autonomy without the concurrence of the Regional Assembly.
- b) If concurrence is withheld, the alteration shall not pass unless-
 - i. it is supported at final voting by not less than three-quarters of all elected members of the National Assembly;
 - ii. the Regional Assembly and the people of Rodrigues received meaningful notice and opportunity to participate; and
 - iii. the alteration is reasonable, necessary and consistent with the sovereignty, territorial integrity and constitutional unity of Mauritius.
- c) An alteration abolishing the autonomous status of Rodrigues requires the constitutional referendum and unanimity procedure applicable to the foundational provisions of this Constitution, together with approval by a majority of valid votes cast in Rodrigues.
- d) This section strengthens the existing protection against arbitrary recentralisation and shall not be interpreted as creating separate sovereignty.

218. Application of national constitutional standards

- a) The Bill of Rights, public-integrity duties, electoral principles, audit requirements and judicial authority of this Constitution apply fully in Rodrigues.
- b) A national institution exercising a function in Rodrigues shall respect autonomy and subsidiarity.

- c) A regional institution shall respect national sovereignty, constitutional rights and lawful national standards.
- d) Equality of citizenship includes reasonable national solidarity addressing insularity, vulnerability and the additional cost of essential services.

CHAPTER XXIV PUBLIC FINANCE

219. Consolidated Fund

- a) All revenues and other money raised or received for the purposes of the Government shall be paid into and form one Consolidated Fund, except money payable by or under law into another public fund established for a specified purpose.
- b) No public money shall be kept outside a fund authorised by law.
- c) Every public fund, special-purpose vehicle and off-budget arrangement involving public money is subject to parliamentary authority, audit, transparent accounts and this Constitution.

220. Withdrawals and appropriations

- a) Money shall not be withdrawn from the Consolidated Fund except-
 - i. to meet expenditure charged on that Fund by this Constitution or an Act of Parliament; or
 - ii. where the issue or expenditure has been authorised by an Appropriation Act or supplementary appropriation.
- b) Money shall not be withdrawn from another public fund except under lawful authority governing that fund.
- c) Parliament shall not appropriate money for an unlawful purpose, and an appropriation does not cure conduct inconsistent with this Constitution.

221. Annual estimates and Appropriation Act

- a) The Minister responsible for finance shall cause estimates of national revenue and expenditure for each financial year to be prepared and laid before the Assembly.
- b) The estimates shall distinguish expenditure charged on the Consolidated Fund from expenditure requiring appropriation and shall disclose fiscal risks, guarantees and other material contingent liabilities.
- c) Heads of expenditure requiring appropriation shall be included in an Appropriation Bill introduced sufficiently before the beginning of the financial year for meaningful parliamentary scrutiny.
- d) Parliament shall receive accessible fiscal and distributional information sufficient to understand the principal effects of the proposed budget.

222. Expenditure in advance of appropriation

- a) If an Appropriation Act has not commenced by the beginning of a financial year, Parliament may authorise withdrawals necessary to carry on essential public services for a period not exceeding four months.
- b) The amount authorised shall not exceed the proportion of the preceding year's appropriated expenditure reasonably corresponding to that period, adjusted only as prescribed by law for unavoidable obligations.
- c) Authority under this section shall not finance a major new programme unrelated to continuity.

223. Supplementary and excess expenditure

- a) Where appropriated expenditure is insufficient or a need arises for expenditure not appropriated, the Government shall lay a supplementary estimate before the Assembly and obtain lawful appropriation.
- b) If expenditure has already occurred because delay was impossible, the Minister responsible for finance shall report it promptly with reasons and seek retrospective parliamentary authorisation, without prejudice to audit, recovery or responsibility for unlawful expenditure.

- c) Excess expenditure shall be reported to the Director of Audit and Public Accounts Committee.

224. Contingencies Fund

- a) Parliament may establish a Contingencies Fund and prescribe a prudent ceiling.
- b) An advance may be made only for urgent and unforeseen expenditure for which no other lawful provision exists.
- c) Every advance shall be reported promptly to the Assembly and replaced through supplementary appropriation within the prescribed period.
- d) The Fund shall not be used to avoid parliamentary scrutiny or finance recurrent expenditure that was reasonably foreseeable.

225. Public debt, guarantees and fiscal transparency

- a) Public debt and every charge upon public revenue shall be secured on the Consolidated Fund.
- b) Borrowing, guarantees and material contingent liabilities shall be authorised by law and disclosed transparently.
- c) The Government shall publish regular, comprehensive and comprehensible information concerning public debt, guarantees, fiscal risks and obligations of entities materially supported by the State.
- d) Parliament may establish principles of prudent and sustainable public finance, provided that they protect democratic capacity to respond to recession, emergency, social need and long-term investment.
- e) No fiscal arrangement may conceal public borrowing or transfer material risk outside constitutional audit and parliamentary accountability.

226. Remuneration of protected offices

- a) Remuneration and allowances of the President, Vice-President, Speaker, Judges, members and heads of independent constitutional institutions, Director of Public Prosecutions, Commissioner of Police, Director of Audit, Ombudsman and other offices prescribed by this Constitution are charged on the Consolidated Fund.
- b) Their remuneration and essential conditions shall not be altered to their disadvantage during tenure.
- c) This protection does not prevent a generally applicable tax or proportionate national measure that does not target or undermine institutional independence.

227. Retiring allowances of members

- a) No serving or former member of the National Assembly has a constitutional guarantee that a parliamentary retiring allowance will remain unreduced or unchanged.
- b) Parliament may by law reduce, limit, modify or withhold a parliamentary retiring allowance and may, where expressly provided and constitutionally justified, give that law retrospective effect.
- c) A measure under this section remains subject to legality, equality, procedural fairness, protection against arbitrary deprivation and any legitimate accrued right expressly created by law.
- d) This section does not place parliamentary retiring allowances on more favourable constitutional terms than accrued public-service pensions protected by section 149.

228. Accountability for public expenditure

- a) Every accounting officer is personally responsible, subject to law, for maintaining proper financial control and records and for explaining expenditure administered by that office.

- b) A direction by a Minister does not relieve an accounting officer from recording an objection to expenditure reasonably believed to be unlawful or seriously improper.
- c) Parliament shall provide procedures for written ministerial directions, protected disclosure, surcharge or recovery where lawful, and referral of suspected misconduct.
- d) Public procurement shall be fair, competitive, transparent and designed to secure value and integrity, subject to strictly justified exceptions.

CHAPTER XXV EMERGENCY GOVERNMENT

229. Constitutional continuity

- a) The Constitution is never suspended.
- b) Emergency power exists only because and to the extent that this Constitution and law authorise it.
- c) During an emergency, the Executive, Parliament, courts and independent institutions shall continue to perform their constitutional functions so far as reasonably possible.
- d) Necessity may affect how public power is exercised; it does not remove legality, responsibility, parliamentary accountability or judicial review.

230. Grounds and declaration

- a) The President may, acting on the advice of Cabinet, declare a state of public emergency only where war, invasion, insurrection, terrorism, epidemic, natural disaster, catastrophic infrastructure failure or another grave threat endangers the life, health, safety or constitutional order of the nation or a substantial part of it.
- b) The declaration shall-
 - i. identify the nature and factual basis of the threat;
 - ii. specify the territory to which it applies;
 - iii. state the powers or categories of measures considered necessary;
 - iv. state the commencement and expiry; and
 - v. be published and communicated immediately to the Speaker, Chief Justice and heads of relevant independent institutions.
- c) Information may be placed in a protected annex where publication would create a specific and serious risk, but sufficient public reasons shall always be given.
- d) A declaration is subject to immediate judicial review and does not conclusively establish the existence, necessity or scope of emergency power.

231. Duration and parliamentary renewal

- a) A declaration expires seven days after it is made unless approved by an absolute majority of all elected members of the Assembly.
- b) Parliamentary approval may continue the emergency for not more than thirty days at a time.
- c) After an aggregate period of ninety days, every further renewal requires the votes of not less than two-thirds of all elected members and authorisation by the Supreme Court, on application made before expiry of the current period. The Court shall authorise continuation only where satisfied that the emergency remains actual and serious, that continued exceptional powers are strictly necessary and proportionate, and that ordinary constitutional government cannot adequately address the situation.
- d) Each renewal requires fresh, specific and publicly stated justification and shall be limited to the territory and powers strictly required.
- e) The Assembly may amend or revoke a declaration or measure at any time.
- f) Dissolution, prorogation or adjournment does not prevent the Assembly from meeting to consider approval, renewal, variation or revocation.

232. Emergency measures and rights

- a) Every emergency measure shall be prescribed by law and be strictly necessary, proportionate, temporary, geographically tailored where appropriate and subject to review.
- b) A measure restricting a right shall comply with sections 29 and 30.
- c) No emergency measure may-
 - i. abolish or suspend Parliament or a court;
 - ii. confer unlimited legislative power on the Executive;
 - iii. indemnify unlawful conduct prospectively;
 - iv. discriminate on a prohibited ground except where a distinction is strictly required by the nature of the threat; or
 - v. prevent access to a court to challenge detention or serious State interference.
- d) Emergency regulations having substantial effect upon rights expire within seven days unless confirmed by the Assembly and thereafter expire with the declaration unless lawfully continued under ordinary law.

233. Detention and judicial protection

- a) Emergency detention shall be individually justified, recorded and communicated promptly to the detained person and a person of that person's choice.
- b) Every detained person retains access to legal advice, necessary medical care, humane conditions and prompt judicial supervision.
- c) A court shall review the lawfulness and necessity of continued detention at intervals prescribed by law and may order release or protective conditions.
- d) Secret or unacknowledged detention is prohibited.
- e) An independent institution designated by law shall have access to every place of emergency detention.

234. Public-health emergencies

- a) Measures responding to a public-health emergency shall be authorised by law and informed by the best reasonably available scientific evidence.
- b) Restrictions involving movement, quarantine, isolation, business activity, personal data, testing, treatment or vaccination shall be necessary, proportionate, time-limited and periodically reviewed.
- c) Public-health expertise shall inform decisions but does not displace ministerial responsibility, parliamentary scrutiny or judicial review.
- d) Criteria and material evidence shall be published so far as compatible with privacy, safety and effective response.
- e) The State shall consider reasonable support for persons and livelihoods subjected to exceptional burdens for the public good.

235. Emergency procurement and finance

- a) Emergency procurement may use accelerated procedures only to the extent delay would materially endanger the response.
- b) Every contract shall retain an auditable record, conflict declarations, price and supplier information and beneficial ownership disclosure, subject to narrowly justified security protection.

- c) Awards shall be published promptly and subjected to rapid post-award audit.
- d) Limited contingency expenditure may occur before supplementary appropriation only within statutory ceilings and purposes and shall be reported immediately to the Assembly.
- e) Emergency funds, donations and off-budget resources are public money for purposes of audit and accountability.

236. Continuity of Parliament and courts

- a) The Assembly and its essential committees may meet remotely or at a secure alternative place where ordinary physical meeting is unsafe or impossible.
- b) Remote proceedings shall protect identity, voting integrity, privilege, deliberation and public access so far as security permits.
- c) Courts shall maintain filing, urgent hearings, review of detention and judicial authorisation through secure remote means or alternative venues.
- d) Limitation periods may be adjusted only to the extent access is genuinely impossible. The right to challenge detention and obtain urgent protection shall not be suspended.
- e) The Executive shall not rely on physical disruption to avoid constitutionally required approval or scrutiny.

237. Continuity of independent institutions

- a) Every independent constitutional institution shall maintain succession, secure-record, alternative-premises and remote-operation arrangements appropriate to its functions.
- b) The DPP, electoral institutions, Police oversight, Director of Audit, Ombudsman, Information Commissioner and integrity bodies shall retain their constitutional powers throughout an emergency.
- c) Emergency reorganisation shall not place a protected institution under ministerial direction.
- d) Public-interest proceedings may be brought to test a systemic emergency measure or failure.

CHAPTER XXVI NATIONAL SECURITY, INTELLIGENCE AND STATE SECRECY

238. Legality of intelligence functions

- a) Intelligence and national-security functions shall be established and exercised only under law.
- b) Every agency or unit shall have a defined mandate, prohibited activities, record-keeping duties, ministerial responsibility for policy and independent oversight.
- c) No intelligence body has an implied power to violate this Constitution, manipulate democratic competition, target lawful political activity or operate without accountable legal authority.
- d) Technology may change; constitutional responsibility does not.

239. Intrusive surveillance and authorisation

- a) Interception of communications, equipment interference, covert entry, intrusive observation, bulk acquisition or comparable surveillance shall require clear statutory authority.
- b) Intrusive surveillance shall ordinarily require prior authorisation by an independent judicial officer on evidence of legality, necessity, proportionality and connection to a legitimate investigation or security purpose.
- c) An urgent measure without prior authorisation shall be narrowly defined, recorded and submitted for judicial confirmation within the period prescribed by law. If not confirmed, it shall cease and unlawfully obtained material shall be dealt with as the court directs.
- d) Authorisation shall specify scope, duration, minimisation, retention, dissemination and review.
- e) High-impact analytical, biometric or artificial-intelligence systems shall maintain human responsibility, audit trails, accuracy and bias assessment and routes for independent challenge.

240. Inspector-General of Intelligence

- a) There shall be an Inspector-General of Intelligence selected by the Constitutional Appointments Authority and formally appointed by the President.
- b) The Inspector-General is independent, security-cleared and shall serve one non-renewable term of seven years.
- c) The Inspector-General may-
 - i. inspect intelligence operations and systems;
 - ii. access classified premises, records and personnel;
 - iii. audit legality, necessity, proportionality, expenditure and compliance;
 - iv. receive complaints and protected disclosures;
 - v. refer evidence of illegality or crime to the competent authority; and
 - vi. report publicly and through protected annexes to Parliament and the courts.
- d) No claim of classification or ministerial responsibility shall defeat lawful access by the Inspector-General.

241. Parliamentary Intelligence and Security Committee

- a) The Assembly shall establish a multi-party Intelligence and Security Committee.

- b) Membership shall reflect Government and opposition representation and require security obligations compatible with effective scrutiny.
- c) The Committee may scrutinise administration, expenditure, policy, legal compliance and systemic performance but shall not direct an operation or expose information where disclosure would create a specific and serious harm.
- d) The Committee shall have secure access to information, independent specialist support and power to receive protected reports from the Inspector-General.
- e) It shall issue a public annual report and may provide a classified annex to authorised recipients.

242. Classification and State secrecy

- a) Information may be classified only where disclosure would create a specific and substantial risk to national security, defence, intelligence sources or methods, international relations or another compelling protected interest prescribed by law.
- b) Classification shall identify reasons, level, responsible authority and an expiry or review date.
- c) Information shall not be classified or withheld merely to conceal illegality, corruption, abuse, administrative failure or embarrassment.
- d) The Information Commissioner, Inspector-General and courts may examine classified information under protective procedures.
- e) A court may use closed or special procedures only to the extent strictly necessary and shall preserve fair hearing through summaries, special representation or another protective measure where possible.
- f) The Executive's assertion of secrecy is reviewable and is not conclusive.

243. Protected national-security disclosures

- a) A person working within national-security or intelligence functions may make a protected disclosure of illegality, serious abuse, danger or concealment to the Inspector-General, a designated Judge, the parliamentary Intelligence and Security Committee or another secure authority prescribed by law.
- b) Good-faith use of a protected channel shall not attract retaliation or criminal, civil or disciplinary liability merely because the information is classified.
- c) The law may regulate public disclosure of operational secrets where necessary to prevent serious harm, provided that it does not punish a person for responsibly seeking redress through an effective protected channel.

244. Judicial review and remedies in security matters

- a) National-security action remains subject to the Constitution and judicial review.
- b) The Supreme Court may receive classified evidence, appoint special representation, limit disclosure and make secure orders necessary to protect both fairness and genuine security.
- c) Secrecy shall not prevent the Court from determining legality or granting an effective remedy.
- d) A public judgment shall state the legal principles and as much of the reasons as can safely be disclosed.

CHAPTER XXVII ALTERATION OF THE CONSTITUTION

245. Power and meaning of alteration

- a) Subject to this Chapter, Parliament may alter this Constitution.
- b) Alteration includes-
 - i. repeal, with or without re-enactment or replacement;
 - ii. amendment, omission, modification or insertion;
 - iii. suspension for any period or termination of a suspension;
 - iv. a change to the legal effect, institutional substance or practical operation of a provision; and
 - v. an indirect or consequential measure whose purpose or effect is to evade the required procedure.
- c) No branch or institution may alter this Constitution by ordinary law, executive action, standing order, treaty or interpretation inconsistent with the text and structure of this Constitution.

246. Exceptional entrenchment

- a) A Bill altering-
 - i. section 1; or
 - ii. the rule in section 70(1) that Parliament, unless sooner dissolved, continues for five years from the first sitting after a general election and then stands dissolved,

shall not be introduced or passed unless the procedure in this section is completed.

- b) Before introduction, the proposed Bill shall be submitted by referendum to the electorate of Mauritius and approved by the votes of not less than three-quarters of the entire registered electorate.
- c) Following approval under subsection (2), the Bill shall not pass unless supported at final voting by every elected member of the National Assembly.
- d) A vacancy, absence, abstention or failure to vote does not reduce either denominator.
- e) This section is intended to preserve, in the renumbered constitutional text, the exceptional entrenchment formerly attached through section 47(3) to section 1 and to the five-year duration rule formerly contained in section 57(2). It does not dispense with, reduce or circumvent any procedure required by the Constitution in force for the lawful enactment, repeal, replacement or relocation of an exceptionally entrenched provision.

247. Three-quarter protected provisions

- a) A Bill altering any provision listed in subsection (2) shall not pass unless supported at final voting by not less than three-quarters of all elected members of the Assembly.
- b) The specially protected provisions are-
 - i. this Chapter;
 - ii. Chapter II concerning fundamental rights and freedoms;
 - iii. Chapter V concerning the composition, election, duration and essential procedure of Parliament, except the rule separately protected by section 246;
 - iv. Chapter VII concerning the President and Vice-President;

- v. Chapters VIII to XI concerning the Judicature, Judicial and Legal Service Commission, Director of Public Prosecutions and operational independence of the Police;
 - vi. Chapter XIII concerning the Public Service and Service Commissions;
 - vii. Chapter XIV concerning electoral administration and integrity;
 - viii. Chapter XVI concerning the Ombudsman;
 - ix. the Electoral Schedule;
 - x. the Presidential Elections Schedule; and
 - xi. section 226 concerning remuneration of protected offices; and
 - xii. every definition, transitional provision or other provision to the extent that it relates to a provision listed in paragraphs (a) to (k).
- c) Inclusion of a provision in this section does not permit an alteration that would destroy the sovereign democratic character of Mauritius, abolish periodic genuine elections or extinguish the essential protection of human dignity and constitutional legality.

248. General constitutional amendments

- a) A Bill altering a provision not governed by section 246 or 247 shall not pass unless supported at final voting by not less than two-thirds of all elected members of the Assembly.
- b) A new provision shall be classified according to its substance and constitutional effect rather than merely the Chapter in which it is placed.
- c) Where a Bill contains alterations subject to different thresholds, every provision shall satisfy the highest threshold applicable to its substance and necessary consequential operation.

249. Procedure and constitutional certification

- a) A constitutional amendment Bill shall-
 - i. identify every provision and Schedule affected;
 - ii. contain or be accompanied by a concordance explaining consequential effects;
 - iii. be published for public consideration for not less than ninety days before final voting, except where the Supreme Court authorises a shorter period because of genuine and compelling urgency;
 - iv. receive committee examination and an opportunity for public submissions; and
 - v. be voted upon by recorded division.
- b) The Speaker shall certify the threshold applied and the number of affirmative votes.
- c) Before assent, the President, the Speaker, the Electoral Management Commission or not fewer than one-fifth of all elected members may refer to the Supreme Court a question whether the Bill complied with this Chapter.
- d) The Court shall determine a reference urgently. Certification by the Speaker is evidence of compliance but is not conclusive upon a constitutional question.
- e) A Bill duly certified and constitutionally valid shall receive presidential assent.

CHAPTER XXVIII MISCELLANEOUS CONSTITUTIONAL PROVISIONS

250. Constitutional oaths

- a) A person assuming an office specified in the Oaths Schedule shall take and subscribe the prescribed oath or affirmation before performing substantive functions.
- b) An affirmation has the same legal effect as an oath.
- c) Every oath of office shall include fidelity to Mauritius, obedience to this Constitution, faithful performance, integrity and respect for the rights of all persons.

251. Resignation

- a) A person holding an office established by this Constitution may resign by signed writing addressed to the person or authority prescribed by this Constitution or law.
- b) Resignation takes effect when received or on a later date stated in the writing.
- c) Before a resignation takes effect, it may be withdrawn with the consent of the person or authority to whom it was addressed.
- d) A resignation made under coercion, fraud or incapacity may be reviewed by the Supreme Court.

252. Reappointments and concurrent appointments

- a) A person may be reappointed to a constitutional office only where this Constitution permits renewal.
- b) A person who has served a non-renewable term is not eligible for a further term in the same office, whether permanent, acting or under another title substantially reproducing that office.
- c) A person may hold two public offices concurrently only where law permits, the functions are compatible and no conflict or threat to independence arises.
- d) Concurrent acting arrangements shall be strictly temporary and shall comply with section 146.

253. Performance of functions by commissions and tribunals

- a) A constitutional commission or tribunal may act notwithstanding a vacancy if a quorum remains.
- b) Proceedings are not invalid merely because a person not entitled to participate did so, unless the participation materially affected the outcome, quorum, independence or fairness.
- c) A decision shall be made by a majority of members participating, unless this Constitution requires an enhanced majority.
- d) Where votes are equally divided, the Chairperson has no casting vote in an appointment, disciplinary or adjudicative decision unless this Constitution expressly provides otherwise.
- e) Every commission and tribunal shall regulate its procedure consistently with fairness, independence, reasonable expedition and published rules.
- f) A tribunal established under this Constitution has the same powers as the Supreme Court to compel the attendance and examination of witnesses, administer oaths, arrange the examination of witnesses abroad and require the production of documents, subject to law and procedural fairness.

254. Consultation

- a) Where this Constitution requires consultation, the person responsible for the decision shall-
 - i. provide sufficient relevant information;
 - ii. allow reasonable time for a considered response;
 - iii. consider the response genuinely before deciding; and
 - iv. keep an adequate record.
- b) Consultation does not require agreement unless this Constitution expressly requires consent or concurrence.
- c) Failure to consult is reviewable and may invalidate the decision where the failure was material.

255. Power to make, amend and revoke instruments

- a) A power conferred by this Constitution to make an appointment, regulation, proclamation, order or other instrument includes the power to amend or revoke it, subject to the same constitutional procedure and safeguards.
- b) Subsection (1) does not authorise removal from a protected office except through the removal procedure applicable to that office.
- c) An instrument shall be published unless lawful confidentiality is strictly necessary, and an unpublished instrument shall not impose a penalty or materially impair a right.

256. Parliamentary control of subordinate legislation

- a) Subordinate legislation which establishes a criminal offence, imposes a penalty, authorises detention or restricts a constitutional right shall be laid before the Assembly as soon as practicable after it is made.

(1A) Without prejudice to any other parliamentary power, subordinate legislation to which subsection (1) applies may be annulled by resolution of the Assembly passed within thirty days after it is laid.

(1B) In calculating the thirty-day period, no account shall be taken of any period during which Parliament is dissolved, prorogued or adjourned for more than four days.

- b) A measure imposing a substantial limitation on rights, taxation, serious penalty or emergency power shall require affirmative parliamentary approval within a defined period.
- c) Parliament shall not delegate power to amend this Constitution or alter an essential element of a constitutional right or institution.
- d) Subordinate legislation is subject to judicial review.

257. Saving of judicial jurisdiction

- a) No provision declaring a constitutional decision final, conclusive or not subject to direction or control excludes the jurisdiction of the courts to determine legality, jurisdiction, procedural fairness, constitutional compliance or abuse of power.
- b) Judicial review shall respect the decisional independence and specialist function constitutionally entrusted to the decision-maker.

258. Interpretation

- a) In this Constitution, unless the context otherwise requires-

“absolute majority of all elected members” means not fewer than forty-two affirmative votes while the full membership of the Assembly is eighty-two;

“Assembly” means the National Assembly;

“CAA” means the Constitutional Appointments Authority;

“Cabinet” means the Cabinet established by section 76;

“Commissioner” in the electoral Chapters means the Electoral Commissioner unless the context indicates another office;

“constitutional office” means an office established or expressly protected by this Constitution;

“Court of Appeal” means the Court of Civil Appeal or Court of Criminal Appeal;

“disciplined force” includes the Police Force, Prison Service, a naval, military or air force and a fire or rescue service prescribed by law;

“elected member” means a constituency member or National Corrective Member of the Assembly and excludes a non-member Speaker or non-member Attorney-General;

“financial year” means the period of twelve months ending on 30 June or another date prescribed by Parliament;

“Gazette” means the official Gazette of Mauritius;

“Government” means the Government of the Republic of Mauritius;

“independent constitutional institution” means an institution protected from direction or control in its constitutional functions;

“Island of Mauritius” includes the small islands adjacent to it;

“Judicial Committee” means the Judicial Committee of the Privy Council;

“law” includes an Act, lawful subordinate legislation and a rule of law in force;

“local authority” means a municipal, district, village or other democratically elected local authority established by law;

“Mauritius” has the meaning in section 38;

“National Corrective Vote” or “NCV” means the vote established by section 50;

“oath” includes affirmation;

“organic law” means an Act expressly designated by this Constitution to provide stable institutional or procedural detail and passed by an absolute majority of all elected members;

“Parliament” means the President and the National Assembly;

“political office” includes elected office, Ministerial office, political adviser and senior office in a political party;

“prescribed” means prescribed by or under a law made by the competent authority;

“President” means the President of the Republic;

“public body” includes a statutory body, State-controlled entity, local authority and a person exercising a public function or materially administering public resources;

“public office” means an office of emolument in the public service, subject to section 259;

“public officer” means a person holding or acting in a public office;

“public service” means service of the State in a civil capacity;

“Rodrigues” means the Island of Rodrigues and adjacent islands administered as part of Rodrigues;

“State” means the Republic of Mauritius; and

“subordinate court” means a court subordinate to the Supreme Court and does not include a court martial.

- b) The Interpretation and General Clauses Act applies, with necessary adaptations, except to the extent inconsistent with this Constitution.
- c) A reference to writing includes a secure and reproducible electronic record unless the nature of the act requires physical execution.
- d) A reference to one sex or gender includes every person to whom the provision reasonably applies, except where biological distinction is materially and constitutionally relevant.
- e) Headings assist navigation but do not limit the substantive meaning of a provision.

259. References to public office

- a) Public office includes the offices of Judges, judicial officers, members of the Police Force, the President’s professional staff and other offices prescribed consistently with the public-service structure.
- b) Public office does not include-
 - i. President or Vice-President;
 - ii. member or Chairperson of the National Assembly or Rodrigues Regional Assembly;
 - iii. Minister, Junior Minister or an office restricted to elected members;
 - iv. member of a constitutional commission or tribunal; or
 - v. another office expressly excluded by this Constitution.
- c) Holding a pension, allowance or fee arising from public service does not by itself constitute holding public office.

260. Constitutional compliance by private and delegated actors

- a) A person performing a public function or exercising delegated public power is bound by the constitutional duties applicable to that function.
- b) Outsourcing, incorporation, contract or technological delegation shall not create an accountability escape from rights, audit, information, integrity or judicial review.
- c) Parliament may regulate the degree and manner of application, consistently with the nature of the function and the rights of private persons.

261. International law

- a) The State shall respect its obligations under international law.
- b) A treaty binds domestic persons and authorities to the extent provided by an Act of Parliament, except where this Constitution expressly provides otherwise.
- c) Courts shall, where reasonably possible, interpret legislation consistently with binding international obligations and may consider international law when interpreting constitutional rights.

- d) No treaty authorises an act inconsistent with this Constitution.

262. Transitional authority

- a) The Transitional Schedule governs the continuity and commencement of this Constitution.
- b) Parliament shall enact the organic laws and consequential legislation required by that Schedule within the prescribed periods.
- c) A delay does not revive a provision expressly repealed, but a court may issue directions necessary to preserve lawful government and prevent a constitutional vacuum.

FIRST SCHEDULE ELECTORAL SYSTEM AND PR20

1. Constituency representation

- a) Sixty constituency members shall be returned from the twenty mainland constituencies, each returning three members.
- b) Rodrigues shall return two constituency members.
- c) Constituency members shall be directly elected in the manner prescribed by electoral law.
- d) The validity of a constituency vote shall not depend upon casting the National Corrective Vote, and the validity of the National Corrective Vote shall not depend upon casting every available constituency vote.

2. Registration of formations

- a) A political party or pre-electoral alliance seeking National Corrective entitlement shall register with the Electoral Management Commission by the prescribed deadline.
- b) Registration shall identify the formation, authorised officers, symbol, constituent parties in an alliance, constituency endorsements and national list.
- c) Parties registered as one alliance for the National Corrective Vote are treated as one formation throughout threshold determination, allocation and vacancy filling.
- d) A post-election agreement shall not aggregate votes cast for formations registered separately.

3. Threshold

- a) The Electoral Commissioner shall determine the total valid National Corrective Votes cast throughout Mauritius.
- b) A formation is eligible if its valid National Corrective Votes equal or exceed five per cent of that total.
- c) Only eligible formations participate in allocation.

4. Initial seat figure

- a) Before allocating the first corrective seat, the Electoral Commissioner shall determine for each eligible formation the number of constituency candidates returned under its registered endorsement.
- b) That number is the formation's initial value of S.
- c) A constituency member endorsed jointly under a registered alliance counts only towards that alliance.

5. Sequential allocation

- a) For each eligible formation, calculate:

$$Q = \text{NCV} / (1 + S)$$

where NCV is its total valid National Corrective Vote and S is its constituency seats plus corrective seats already allocated.

- b) Allocate the next corrective seat to the formation with the highest Q.
- c) Increase that formation's S by one and recalculate all quotients.
- d) Repeat without reset until all twenty corrective seats have been allocated.

- e) Quotients shall be calculated to the precision prescribed by electoral law, which shall be sufficient to avoid distortion.

6. Ties

- a) If two or more formations have the same quotient for a seat, priority shall be given sequentially to-
 - i. the formation with the larger National Corrective Vote;
 - ii. if still tied, the formation with fewer constituency seats;
 - iii. if still tied, the formation that has received fewer corrective seats at that stage; and
 - iv. if still tied, a public drawing of lots conducted and recorded by the Electoral Commissioner.
- b) A recount or unresolved dispute capable of affecting allocation shall be determined before final certification, subject to urgent court proceedings.

7. Seats one to ten

- a) Corrective seats numbered one to ten in the national allocation sequence shall be filled, for the formation receiving each seat, by its highest-ranked eligible unelected constituency candidate not already selected.
- b) Candidate Performance Percentage is calculated as-

CPP = valid constituency votes obtained by the candidate / valid ballot papers counted in that constituency x 100.

- c) The Electoral Commissioner shall publish the ballot denominator and CPP of every potentially eligible candidate.
- d) If candidates have equal CPP, priority shall be determined by-
 - i. the greater number of valid constituency votes;
 - ii. if still tied, the smaller number of rejected ballot papers in the constituency;
 - iii. if still tied, a public drawing of lots.
- e) A candidate is ineligible if disqualified from membership, unwilling to serve, already returned, or excluded under a rule lawfully declared before nomination.
- f) If no eligible unelected constituency candidate of the formation remains, the seat shall be filled by the next eligible person on its national list.

8. Seats eleven to twenty

- a) Corrective seats numbered eleven to twenty shall be filled from the formation's national list in its published order.
- b) A person already returned or selected shall be passed over.
- c) Each list shall alternate women and men so far as practicable. The formation may choose which sex is placed first.
- d) A departure from alternation is permitted only where the formation demonstrates to the Commission that no eligible and consenting candidate of the required sex was reasonably available despite genuine efforts.
- e) An alliance list shall follow its pre-declared distribution among constituent parties.

9. Certification and publication

- a) The Commission shall certify the constituency results, NCV totals, threshold, initial seat figures, every quotient, each seat recipient and the person filling each seat.

- b) The complete calculation shall be published in human-readable and machine-readable form.
- c) A citizen using the certified results and this Schedule shall be capable of reproducing the allocation.

10. Vacancies

- a) A vacancy in a candidate-performance seat shall be filled by the next eligible unelected constituency candidate of the same formation ranked under paragraph 7.
- b) If none remains, it shall be filled from the formation's national list.
- c) A vacancy in a list seat shall be filled by the next eligible person on that list.
- d) A vacancy does not reopen the threshold or allocation calculation and does not transfer the seat to another formation.
- e) If a formation has ceased to exist, the Commission shall apply its registered pre-election succession rules. If those rules cannot operate, the seat remains vacant unless the Supreme Court approves a solution that best preserves the NCV entitlement without political renegotiation.

SECOND SCHEDULE PRESIDENTIAL ELECTIONS

1. Composition of the College

- a) The eighty-two members of the National Assembly are members of the Presidential Electoral College by virtue of office.
- b) The Rodrigues Regional Assembly shall elect six of its elected members to the College through a proportional procedure prescribed by organic law.
- c) Each of the five municipal councils and seven district councils of mainland Mauritius shall elect one of its elected councillors to the College, producing twelve mainland local-government electors.
- d) If the number or form of mainland local authorities changes, an organic law may distribute the twelve places fairly among successor authorities without altering the total.

2. Electoral term and vacancies

- a) Territorial electors serve for the presidential election for which they are chosen and any recommenced election arising from it.
- b) A vacancy shall be filled promptly by the same elected institution and method.
- c) A vacancy does not invalidate the College or reduce a constitutional denominator.

3. Convening and administration

- a) The Electoral Management Commission shall convene the College in sufficient time to prevent a vacancy in the Presidency.
- b) The Electoral Commissioner shall administer nominations, ballots, counting and certification.
- c) Proceedings may occur at more than one secure venue only if simultaneous, verifiable and consistent with personal attendance and ballot secrecy.

4. Nominations and ballots

- a) Nominations shall close at the time publicly fixed by the Commission.
- b) Ten valid subscriptions are required and each member may subscribe only one candidate in the election concerned.
- c) Ballots one to three shall be conducted at reasonable intervals permitting consultation but shall ordinarily be completed on the same day.
- d) On ballots one to three, election requires not fewer than sixty-seven affirmative votes.
- e) The fourth ballot is confined to the two leading candidates and election requires not fewer than fifty-one affirmative votes.
- f) No proxy, plurality election or reduction of the denominator is permitted.
- g) If a ballot is equally tied for qualification to the fourth ballot, a further restricted ballot among the tied candidates shall determine which proceeds. If the tie persists after two restricted ballots, the Electoral Commissioner shall conduct a public drawing of lots solely to determine qualification, not election.

5. Challenge

- a) A candidate or not fewer than ten members of the College may challenge a nomination, ballot or result in the Supreme Court within the period prescribed by organic law.

- b) The Court shall determine the matter urgently and may order correction, recount or a fresh ballot while preserving every unaffected step.

THIRD SCHEDULE JUDICIAL AND LEGAL OFFICES

The offices within the jurisdiction of the Judicial and Legal Service Commission include-

- i. Solicitor-General;
- ii. Parliamentary Counsel;
- iii. Judge in Bankruptcy and Master and Registrar, including Deputy Master and Registrar;
- iv. Assistant Solicitor-General;
- v. Principal State Counsel, Senior State Counsel and State Counsel;
- vi. Magistrate, including a Presiding Magistrate or Magistrate of the Intermediate Court or Industrial Court and a Senior District Magistrate;
- vii. Principal State Attorney, Senior State Attorney, State Attorney and Assistant State Attorney;
- viii. another judicial or legal office assigned by this Constitution or an organic law consistently with the specialist jurisdiction of the Commission.

FOURTH SCHEDULE OATHS AND AFFIRMATIONS

1. Oath of President or Vice-President

I, ..., swear or solemnly affirm that I will be faithful and bear true allegiance to Mauritius; that I will faithfully execute the office of President [or Vice-President]; that I will uphold, protect and defend the Constitution, democratic institutions, the rule of law and the fundamental rights of all persons; that I will maintain the unity and dignity of the Republic; and that I will perform my duties without fear, favour, affection, prejudice or improper influence.

2. Oath of Prime Minister, Minister or Junior Minister

I, ..., swear or solemnly affirm that I will be faithful and bear true allegiance to Mauritius; that I will uphold the Constitution and the law; that I will faithfully and conscientiously perform the duties of my office; that I will serve the people, protect public resources and disclose and avoid improper conflicts; and that I will not directly or indirectly reveal a matter requiring lawful Cabinet confidentiality except in the proper discharge of my duties or as required by law.

3. Oath of member of the National Assembly

I, ..., swear or solemnly affirm that I will be faithful and bear true allegiance to Mauritius; that I will uphold the Constitution and democratic government; that I will faithfully serve the people and the Republic; and that I will discharge my duties according to conscience and law without improper influence.

4. Judicial oath

I, ..., swear or solemnly affirm that I will be faithful and bear true allegiance to Mauritius; that I will uphold the Constitution and the law; and that I will administer justice to all persons without fear, favour, affection, prejudice or improper influence.

5. Oath of independent constitutional office

I, ..., swear or solemnly affirm that I will be faithful and bear true allegiance to Mauritius; that I will uphold the Constitution and the law; that I will perform the functions of my office independently, impartially, diligently and with integrity; and that I will not seek or accept improper direction or disclose protected information except as authorised by law.

FIFTH SCHEDULE TRANSITIONAL AND SAVING PROVISIONS

1. Commencement

- a) This Constitution comes into force on the date proclaimed following its lawful enactment, except where this Schedule provides phased commencement.
- b) Section 1 and constitutional supremacy commence immediately.
- c) Parliament may prescribe different commencement dates only where institutional preparation is objectively required and shall not postpone a provision beyond the long-stop period stated in this Schedule.

Lawful enactment of this Constitution must satisfy every amendment and entrenchment requirement applicable under the Constitution in force immediately before commencement. In particular, no renumbering, re-enactment, replacement or relocation of the substance of former section 1 or former section 57(2) shall be treated as avoiding the exceptional procedure applicable to that provision immediately before commencement.

2. Continuity of the State and law

- a) The Republic, its legal personality, sovereignty, rights, obligations, property and liabilities continue without interruption.
- b) Existing law continues in force to the extent consistent with this Constitution and shall be construed with necessary modifications to give effect to it.
- c) Parliament shall revise or repeal inconsistent laws within twenty-four months. Continuation under subparagraph (2) does not validate a clear inconsistency after commencement.
- d) Existing lawful regulations, appointments, delegations, contracts, judgments and administrative acts continue unless altered under this Constitution.

3. Pending proceedings and rights

- a) Judicial, electoral, administrative, disciplinary and investigative proceedings pending at commencement continue before the competent successor institution.
- b) Accrued rights, liabilities, causes of action, offences and penalties are preserved, subject to the Bill of Rights and the benefit of a lighter criminal penalty enacted before final sentence.
- c) A procedural change applies to a pending matter only where fair and practicable.

4. President and Vice-President

- a) The persons holding office as President and Vice-President at commencement continue until expiry of their existing terms, resignation, incapacity or removal under the law applicable immediately before commencement.
- b) The first Electoral College election shall be held sufficiently before expiry of the incumbent President's term for an orderly transfer.
- c) Prior service under the former Constitution does not disqualify a person from one term under section 98, unless that person has already completed two full terms as President.

5. Existing Parliament and first PR20 election

- a) The National Assembly existing at commencement continues for the remainder of its constitutional term unless sooner dissolved under this Constitution.

- b) Its membership and any additional seats validly allocated before commencement remain lawful until dissolution.
- c) PR20, the National Corrective Vote and replacement of the Best Loser System take effect at the first general election held after the Electoral Management Commission certifies readiness.
- d) Readiness shall be certified not later than eighteen months after commencement and shall include enacted electoral law, tested allocation procedures, party and alliance registration, national-list rules, voter education, manual verification, secure systems and expedited dispute procedures.
- e) The Commission shall publish a full simulation before certification.
- f) If dissolution occurs before readiness can reasonably be achieved, the Supreme Court may authorise one election under the former system solely to prevent an electoral vacuum, while fixing a binding timetable for the next election under PR20.

6. Electoral institutions

- a) The Electoral Supervisory Commission and Electoral Boundaries Commission existing at commencement continue temporarily with their existing lawful functions.
- b) The Constitutional Appointments Authority shall select the first Electoral Management Commission within twelve months.
- c) On assumption of office by the new Commission, the former Electoral Supervisory Commission ceases to exist and its records, staff, assets, liabilities and pending matters transfer as prescribed by organic law.
- d) The former Electoral Boundaries Commission continues until the first Electoral Boundaries Panel is constituted, which shall occur within eighteen months.
- e) The incumbent Electoral Commissioner continues under existing tenure. The non-renewable term in section 152 applies to a successor unless the incumbent elects within thirty days to enter a new full term through confirmation by the reconstituted JLSC.

7. Constitutional Appointments Authority

- a) The Authority shall be constituted within nine months after commencement.
- b) To create staggering, the initial non-ex officio appointments shall be allocated by lot to terms of two, three, four, five and six years. An initial shortened term does not make the member eligible for renewal.
- c) Existing officeholders subsequently falling within the Authority's jurisdiction continue for the balance of lawful tenure unless they resign or are lawfully removed.
- d) A vacancy arising after the Authority is operational shall be filled under the new process.

8. JLSC and Service Commissions

- a) Existing Commissions continue until reconstituted, which shall occur within twelve months.
- b) Existing members retain lawful remuneration and status during transition but acquire no right to appointment to the reconstituted body.
- c) Existing Judges, the Director of Public Prosecutions, Commissioner of Police and public officers continue in office under protected accrued terms, subject to this Constitution.
- d) Pending appointment, promotion and disciplinary matters shall transfer without prejudice and be determined under procedures that are fair and constitutionally compatible.

9. New and strengthened accountability institutions

- a) Organic laws for the Information Commissioner, Police Conduct and Civilian Oversight Commission, Inspector-General of Intelligence and strengthened integrity framework shall be enacted within eighteen months.
- b) Appointments and operational commencement shall occur within twenty-four months.
- c) Existing statutory institutions continue to perform lawful functions until succession, and no investigation, complaint or record shall lapse by reason of transition.
- d) Transfer arrangements shall preserve institutional independence, staff rights, evidence, confidentiality and continuity.

10. Rights and remedies

- a) The Bill of Rights applies from commencement to all conduct occurring thereafter and, where just and practicable, to the continuing effects of earlier conduct.
- b) Parliament shall enact or revise procedural, legal-aid and public-interest litigation rules within twelve months.
- c) Absence of implementing legislation does not prevent a court from enforcing a right or granting an effective remedy.
- d) Duties requiring progressive realisation are enforceable in accordance with their terms and available resources.

11. Rodrigues and local government

- a) Existing Rodrigues institutions, laws, funds and officers continue.
- b) Organic legislation shall be harmonised with Chapters IV and XXIII within eighteen months through meaningful consultation with the Regional Assembly and people of Rodrigues.
- c) Existing local authorities continue until the next elections lawfully due.
- d) Local-government legislation shall be harmonised within eighteen months, and no scheduled election shall be postponed merely because harmonisation is incomplete.

12. Emergency and security legislation

- a) Existing emergency, surveillance, intelligence and secrecy laws shall be reviewed within twelve months.
- b) A power inconsistent with Chapters XXV or XXVI is invalid from commencement to the extent of inconsistency.
- c) Independent authorisation and oversight mechanisms shall be operational within eighteen months.

13. Organic and consequential laws

- a) Within six months the Government shall publish a legislative implementation programme identifying every organic law and consequential amendment required.
- b) Bills shall be published with explanatory material and reasonable opportunity for public and professional comment.
- c) The Attorney-General shall report to the Assembly every three months on progress until completion.
- d) Failure to meet a deadline may be addressed by declaratory, mandatory or supervisory relief, taking account of institutional practicality.

14. Transitional application of Prime Ministerial service limit

Service as Prime Minister before the commencement of this Constitution shall not be counted, but the term of Parliament during which this Constitution commences shall count as the first electoral mandate of a person then holding office as Prime Minister.

15. Constitutional education and access

- a) The State shall publish this Constitution freely in accessible print and digital formats and provide authoritative or officially approved translations in languages widely used in public life.
- b) Public officers, police, electoral officials, local and regional authorities and educational institutions shall receive appropriate constitutional education.
- c) Lack of publication or training does not postpone a binding constitutional duty.

16. Five-year review

- a) An independent and publicly participatory review shall begin after the first full electoral and institutional cycle and not later than five years after commencement.
- b) The review shall examine implementation, accessibility of rights, PR20 operation, institutional capacity, local and territorial government and unintended consequences.
- c) The review may recommend amendments but does not suspend or reduce the applicable amendment thresholds.
- d) Its report shall be published and debated by the National Assembly and Rodrigues Regional Assembly.

Concordance: Current Constitution to Proposed Constitution

This concordance identifies how provisions of the current Constitution correspond to the Proposed Constitution.

“Reformed” denotes an intentional substantive change grounded in the accompanying submission;

“Modernised” denotes updated language or machinery without abandoning the existing constitutional function.

Current provision	Subject	Disposition	Proposed location / reason
1	The State	Preserved	s 1, verbatim
2	Supremacy	Modernised	s 2; supremacy, invalidity and constitutional obligations made express
3	Fundamental rights	Modernised	ss 4–6; general guarantee and application
4	Life	Modernised	s 7
5	Personal liberty	Modernised	s 9
6	Slavery and forced labour	Preserved/modernised	s 8
7	Inhuman treatment	Modernised	s 8; repealed current s 7(2) not revived
8	Property	Reformed	s 17; retained subject to modern proportionality and lawful-compensation framework
9	Privacy	Modernised	s 11; extended to communications, information and data
10	Protection of law	Modernised	s 10; fair-hearing and due-process guarantees
11	Conscience	Modernised	s 13
12	Expression	Modernised	s 14
13	Assembly and association	Modernised	s 15
14	Schools	Re-enacted elsewhere	s 19, within right to education
15	Movement	Modernised	s 16
16	Discrimination	Reformed	ss 5–6; substantive equality, gender equality and proportionate remedial measures
17	Enforcement	Reformed	s 28; broad standing, effective remedies and non-illusory access
17A	Retiring allowances of members	Preserved/modernised	s 227
18	Emergency derogations	Reformed	ss 30 and 230–237; narrower necessity, oversight and time controls
19	Rights interpretation and savings	Reformed	ss 29–30 and 258; general limitation and

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Current provision	Subject	Disposition	Proposed location / reason
			emergency rules replace broad savings
20	Independence-day citizens	Re-enacted elsewhere	s 31 and transitional continuity provisions
21	Registration entitlement	Modernised	ss 32–37
22	Birth in Mauritius	Modernised	ss 32–37
23	Birth abroad	Modernised	ss 32–37
24	Marriage to citizen	Modernised	ss 32–37; equality-compliant formulation
25	Commonwealth citizens	Modernised	ss 31–37 and legislation; citizenship no longer depends on a constitutional country list
26	Legislative power over citizenship	Preserved	s 37
27	Citizenship interpretation	Re-enacted elsewhere	s 37 and s 258
28	President	Reformed	ss 92–101 and Second Schedule; six-year non-renewable term and 100-member College
29	Vice-President	Reformed	ss 92–99; retained with office aligned to new presidential framework
30	Removal of President/Vice-President	Reformed	s 104; due-process removal retained
30A	Privileges and immunities	Preserved/modernised	s 103
30B	Presidential oaths	Preserved	s 98 and Fourth Schedule
31	Parliament	Reformed	s 46; Assembly consists of 82 elected members
32	Speaker and Deputy Speaker	Preserved/modernised	s 59
33	Qualifications for membership	Modernised	s 48
34	Disqualifications	Modernised	s 48
35	Tenure of members	Modernised	s 49
36	Vacation after sentence	Modernised	ss 48–49
36A	Prior-election validity	Re-enacted transitionally	Fifth Schedule; no permanent spent validation clause
37	Membership questions	Preserved/modernised	s 49(4) and s 160
38	Electoral Commissions	Reformed	ss 150 and 155; Electoral Management Commission, with separate Electoral

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Current provision	Subject	Disposition	Proposed location / reason
			Commissioner
39	Constituencies	Reformed	ss 155–156 and First Schedule
40	Electoral Commissioner	Preserved/strengthened	s 152
41	Electoral functions	Reformed	ss 151–154
42	Elector qualifications	Preserved/modernised	s 157
43	Elector disqualifications	Modernised	s 157; outdated disability terminology removed
44	Right to vote	Strengthened	ss 50 and 158
45	Law-making power	Preserved	s 46
46	Exercise of legislative power	Modernised	ss 66–67
47	Constitutional alteration	Reformed with existing tiers preserved	ss 245–249; exceptional, three-quarters and general two-thirds tiers distinguished
48	Assembly procedure	Preserved/modernised	s 61
49	Official language	Preserved	s 62; English official, French permitted in debate
50	Presiding	Preserved	s 59
51	Vacancies	Preserved	s 61
52	Quorum	Preserved/modernised	s 63
53	Voting	Preserved/modernised	s 63
54	Bills, motions, petitions	Modernised	s 68
55	Oath of allegiance	Preserved	s 60 and Fourth Schedule
56	Sessions	Reformed	s 69; first sitting deadline added
57	Prorogation and dissolution	Reformed	ss 70–73; five-year duration retained and ordinary prorogation capped at 14 days
58	Executive authority	Preserved/modernised	s 75
59	Ministers	Reformed	ss 77–81; formation and responsibility clarified
60	Ministerial tenure	Reformed	ss 82–84; constructive-confidence framework
61	Cabinet	Preserved/strengthened	s 76

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Current provision	Subject	Disposition	Proposed location / reason
62	Ministerial responsibilities	Preserved	s 86
63	Acting Prime Minister	Preserved/modernised	s 84
64	Exercise of presidential functions	Preserved/modernised	s 100
65	President informed	Preserved	s 90
66	Junior Ministers	Modernised	s 86
67	Ministerial oaths	Preserved	s 250 and Fourth Schedule
68	Government departments	Preserved/modernised	s 87
69	Attorney-General	Preserved/modernised	s 85
70	Secretary to Cabinet	Preserved	s 88
71	Commissioner of Police	Preserved/strengthened	ss 126–128; existing operational independence expressly retained
72	DPP	Preserved/strengthened	ss 123–125; independence with lawful judicial review
73	Leader of Opposition	Preserved/modernised	s 74
73A	Repealed	Omitted	No operative content
74	Constitution of offices	Re-enacted elsewhere	s 148 and general appointment provisions
75	Mercy	Preserved/modernised	s 105
75A	Rodrigues Regional Assembly	Strengthened	s 212
75B	Regional Assembly powers	Strengthened	s 213
75C	Executive Council	Preserved/modernised	s 214
75D	Rodrigues funds	Preserved/strengthened	s 215
75E	Alteration of written laws	Reformed	s 217; autonomy protected against arbitrary recentralisation
76	Supreme Court	Preserved	s 107
77	Judicial appointments	Reformed	ss 113 and 120–121; independent seven-member JLSC
78	Judicial tenure	Reformed	ss 114–115; security of tenure and protected retirement framework
79	Judicial oaths	Preserved	s 116 and Fourth Schedule

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Current provision	Subject	Disposition	Proposed location / reason
80	Courts of Appeal	Preserved	s 108
81	Privy Council appeals	Preserved/modernised	s 112
82	Supreme/subordinate courts	Preserved/modernised	ss 107–110
83	Original constitutional jurisdiction	Strengthened	s 110
84	Constitutional references	Preserved/modernised	s 110
85	JLSC	Reformed	ss 118–122
86	Judicial/legal officers	Reformed	s 121 and Third Schedule
87	Principal representatives abroad	Reformed	s 148; merit-based protected appointments where enumerated
88	PSC	Preserved/strengthened	s 143
89	Public officers	Preserved/modernised	ss 142–143
90	DFSC	Preserved/strengthened	s 144
91	Disciplined forces appointments	Preserved/modernised	ss 144–145
91A	Public Bodies Appeal Tribunal	Preserved	s 147
92	Commission/Ombudsman tenure	Reformed	ss 119, 135, 139–140; secure, generally non-renewable terms
93	Removal of protected officers	Reformed	ss 114–115, 125, 126 and 139; independent tribunal safeguards retained
94	Pension protection	Preserved/modernised	s 149
95	Commission pension functions	Preserved	s 149
96	Ombudsman	Preserved/strengthened	s 171
97	Ombudsman investigations	Preserved/strengthened	s 172
98	Investigation procedure	Preserved/modernised	s 173
99	Information disclosure	Preserved/modernised	s 173
100	Post-investigation proceedings	Preserved/strengthened	s 174
101	Ombudsman functions	Preserved/modernised	ss 171–175
102	Ancillary Ombudsman provision	Preserved	s 175
102A	Repealed	Omitted	No operative content

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Current provision	Subject	Disposition	Proposed location / reason
103	Consolidated Fund	Preserved	s 219
104	Withdrawals	Preserved	s 220
105	Authorisation of expenditure	Preserved/modernised	ss 221 and 223
106	Advance expenditure	Preserved	s 222
107	Contingencies Fund	Preserved	s 224
108	Remuneration of protected officers	Preserved/strengthened	s 226
109	Public debt	Preserved	s 225
110	Director of Audit	Preserved/strengthened	ss 176–179; audit role not prosecutorial
111	Interpretation	Modernised	s 258
112	Public-office references	Re-enacted elsewhere	s 259 and appointment provisions
113	Appointment to certain offices	Reformed	ss 146 and 252; obsolete age-based exception not carried forward where inconsistent with secure fixed terms
114	Acting appointments	Preserved/modernised	ss 146 and 252
115	Reappointments/concurrent appointments	Reformed	s 252; subject to express non-renewability safeguards
116	Removal from office	Preserved/modernised	ss 139 and 251–252
117	Resignations	Preserved/modernised	s 251; withdrawal safeguard to be stated expressly
118	Commission/tribunal functioning	Preserved/modernised	s 253; vacancy and procedure rules retained; evidentiary powers to be stated expressly
119	Court jurisdiction	Preserved	s 257
120	Amendment/revocation of instruments	Preserved	s 255
121	Consultation	Preserved/modernised	s 254
122	Parliamentary control of subordinate legislation	Preserved/modernised	s 256; laying and annulment period to be stated expressly
First Schedule	Electoral system and Best Loser System	Reformed	First Schedule; constituencies retained, BLS replaced by PR20 and community declarations removed
Second Schedule	JLSC offices	Preserved/updated	Third Schedule

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Current provision	Subject	Disposition	Proposed location / reason
Third Schedule	Oaths	Preserved/updated	Fourth Schedule
Fourth Schedule	Repealed	Omitted	No operative content
—	Prime Ministerial consecutive-service limit	New	s 79; two consecutive electoral mandates or ten consecutive years, followed by one full intervening parliamentary term
—	Access to coast and public natural heritage	New	ss 192 and 195; reasonable, safe and non-discriminatory access with public-trust, conservation, safety and property safeguards

Reconciliation: 50-Chapter Submission to Proposed Constitution

Concordance matrix. Historical and explanatory chapters are reflected through the operative architecture to which they lead.

Submission chapter	Constitutional implementation	Implementation status
1. Constitutional crossroads	Preamble; ss 1–3	Implemented
2. Philosophy of renewal	Preamble; ss 2–3, 75–91, 140–141	Implemented
3. Modern Bill of Rights	Chapter II, especially ss 4–30	Implemented
4. New-generation rights	ss 12, 21–22, 25, 27	Implemented
5. Privacy, AI and surveillance	ss 11–12, 159, 238–244	Implemented
6. Administrative justice, information and remedies	ss 23–24, 28, 183–186	Implemented
7. Environmental rights	ss 25, 45, 192–197. Includes reasonable access to public natural areas.	Implemented
8. Rights of nature	ss 26, 45 and 197. Public access remains compatible with proportionate conservation controls.	Implemented with designation detail left to law
9. Public land and national patrimony	ss 192–197. Includes protected coastal and natural-area access routes.	Implemented
10. Existing electoral-system problem	ss 47, 50–58 and First Schedule	Implemented through PR20
11. Electoral-reform history	First Schedule	Explanatory history not reproduced in operative text
12. Corrective-system principles	ss 47, 50–58 and First Schedule	Implemented
13. PR20 model	ss 47, 50–58 and First Schedule	Implemented; the allocation arithmetic is transparent and independently verifiable
14. National Corrective Vote	ss 50–53 and First Schedule	Implemented
15. Allocation and candidate performance	ss 53–55 and First Schedule	Implemented; the CPP definition and publication requirements are specified in the First Schedule
16. Historical PR20 testing	First Schedule	Evidence informs design; historical tables not constitutionalised
17. Replacement of Best Loser System	ss 47, 50–58; First and Fifth Schedules	Implemented with transitional continuity

Submission chapter	Constitutional implementation	Implementation status
18. Electoral institutions	ss 150–160	Implemented; Electoral Commissioner remains separate executive head
19. Role of President	ss 92–105	Implemented: broad legitimacy, limited power
20. Presidential College	ss 94–97 and Second Schedule	Implemented: 100 members
21. Presidential safeguards, tenure and removal	ss 92–105	Implemented: one non-renewable six-year term
22. National Assembly	ss 46–74	Implemented
23. Prorogation and dissolution	ss 69–73	Implemented; protected five-year duration preserved
24. Confidence and government formation	ss 78–84. Includes the constitutional limitation on consecutive service as Prime Minister.	Implemented: 30-day framework and constructive no confidence
25. Opposition rights and free mandate	ss 74 and 170	Implemented
26. Caretaker Government	s 89	Implemented
27. Practical institutional independence	ss 131–141 and institution-specific safeguards	Implemented
28. Judiciary and JLSC	ss 106–122 and Third Schedule	Implemented: Supreme Court/JCPC preserved; seven-member JLSC
29. DPP	ss 123–125	Implemented
30. Police and civilian oversight	ss 126–130	Implemented; existing operational independence expressly recognised
31. Public appointments	ss 131–149	Implemented through limited CAA plus specialist commissions
32. Public office as public trust	ss 3, 91, 131, 142 and 187–191	Implemented
33. Integrity in public life	ss 187–191	Implemented
34. Freedom of information	ss 24 and 183–186	Implemented
35. Political parties	ss 161–163 and 170	Implemented without excessive operational detail
36. Political and campaign finance	ss 164–169	Implemented; recognises and builds on candidate-expenditure regulation
37. Alliances and PR20 lists	ss 51–55, 57 and 163	Implemented

Submission chapter	Constitutional implementation	Implementation status
38. Ombudsman	ss 171–175	Implemented; own-motion power treated as existing, follow-through strengthened
39. Director of Audit	ss 176–179	Implemented; civil standing distinguished from criminal prosecution
40. Public Accounts Committee	ss 180–182	Implemented
41. Petitions	ss 198–199	Implemented
42. Referendums, recall and deliberation	ss 200–204	Implemented; the submission leaves the numerical recall threshold to organic law, so the Constitution states the controlling standard without inventing a percentage
43. Local democracy	ss 205–211. Includes local protection and maintenance of public access routes.	Implemented
44. Territorial Republic	ss 38–45 and 212–218. Includes access to the coast and natural heritage within the territorial Republic.	Implemented, including St Brandon and Chagossian recognition
45. Emergency government	ss 230–237	Implemented: seven-day initial period; renewals up to thirty days; after an aggregate ninety days, two-thirds of all elected members and Supreme Court authorisation required
46. National security and secrecy	ss 238–244	Implemented
47. Parliamentary, judicial and financial continuity	ss 73, 181(5) and 230–237	Implemented
48. Consolidated recommendations	Whole instrument Includes both the Prime Ministerial service limit and the public-access guarantee.	Implemented throughout the instrument
49. Amendment architecture	ss 245–249	Implemented; existing three tiers preserved
50. Implementation and transition	Fifth Schedule includes prospective Prime Ministerial transition and implementation of the public-access guarantee.	Implemented with commencement, continuity, readiness and five-year review

Resolution of key drafting choices

The following choices adopt the narrowest formulation compatible with the submission and the preservation of existing institutions:

Matter	Resolution adopted
PR20 quotient ties	Objective hierarchy using NCV total, constituency seats, corrective seats and ultimately a public drawing of lots; no political discretion
Candidate Performance	Candidate's valid constituency votes divided by valid ballot papers counted in that constituency; the denominator and every calculation must be published

Matter	Resolution adopted
Percentage	
Recall petition	No invented constitutional percentage; organic law must prescribe a substantial threshold capable of preventing routine partisan recall
Emergency timing	Seven-day initial expiry; parliamentary continuations of no more than thirty days at a time; after an aggregate ninety days, every further renewal requires both the votes of not less than two-thirds of all elected members and authorisation by the Supreme Court
Vice-President	Retained for constitutional continuity and elected separately by the same broadly based College under the same consensus rules
CAA composition	Five distributed sources-judicial, public-service, parliamentary supermajority, professional and civic-with no Executive-controlled bloc
Organic laws	Absolute majority of all elected members; this creates greater stability than ordinary voting without manufacturing a new fourth amendment tier

These are drafting solutions rather than claims about existing law. They remain separately visible so the Commission may alter an operational detail without disturbing the larger architecture.