

25th June 2019

The Chairman,
Electoral Supervisory Commission,
Cnr Louis Pasteur & Remy Ollier streets,
6th Floor, Max City Building, Port Louis.

Dear Sir,

Perception of electoral bribery and election rigging in the forthcoming elections

According to the Representation of People Act 1958, section 64(1)(a), bribery is the offence committed by any person who 'directly or indirectly, by himself or by any other person on his behalf gives, lends, or agrees to give or lend, or offers, promises, or promises to procure or to endeavour to procure, any money or valuable consideration to or for any elector, or to or for any person on behalf of any elector, or to or for any other person, in order to induce any elector to vote or refrained from voting, or corruptly does any such act on account of any elector having voted or refrained from voting at any election'.

In the 2019-2020 budget proposals presently being examined in the National Assembly, the Minister of Finance has earmarked the following sums of money for the following targeted recipients:

- (i) Public officers : Rs 1,000 monthly as from January 2020;
- (ii) Old age pensioners: Rs 500 monthly as from January 2020;
- (iii) Young entrepreneurs: Rs 500,000.

As the present legislature will end on 22nd December 2019 and general elections are deemed to be held before or after that date, and also taking into consideration that writs have already been issued for the by-election to be held on 13th November 2019 in Constituency No. 7 (Piton/Riviere du Rempart) for which Nomination Day has been fixed for the 17th August 2019, the grant of the above sums might be perceived in this context as:

- electoral bribery to voters who would vote or have voted for the party/alliance of the Minister of Finance;
- election rigging, which is the act of dishonestly organizing an election to get a particular result. It might indeed constitute an electoral fraud and an interference with the election process.

We understand that, according to the Constitution of the Republic of Mauritius 1968, Section 41(1), the Commission 'shall have general responsibility for, and shall supervise, the registration of electors for the election of members of the Assembly and the conduct of elections of such members and the Commission shall have such powers and other functions relating to such registration and such elections as may be prescribed'.

For these elections to be fair and free as in a democracy like the Republic of Mauritius, would it not be the duty of the Commission to draw the attention of those concerned to this matter of extreme importance to the public in the particular context of the imminence of elections and by virtue of 'powers' conferred to the Commission by the Representation of People Act? As the saying goes, prevention is better than cure. Any action on your part would be thus most welcome.

This letter is being copied to His Excellency Acting President of the Republic of Mauritius and also to the latter's advisor by law, the Attorney General, who is being requested, by copy of this letter, to apprise the Cabinet and its head, the Honourable Prime minister, of its contents.

As it is obvious that the present situation is exceptional, whereby a Budget is being presented in the National Assembly whilst writs for a by-election has already been issued and general elections are imminent and with the risk of perception of electoral bribery and election rigging, this letter is also being copied to His Lordship Chief Justice.

By copy of the letter, His Lordship is being humbly requested to give his views on the matter, in particular whether in the present context, it would not have been preferable for the 2019-2020 Budget to be presented instead by the new Government that would emerge from the forthcoming general elections as a matter of good governance and public policy.

Yours faithfully,

Ismaël Nazir.

Leader, Front Libération National
Avenue Cardinal 3,
Morcellement Guibies,
Pailles.

cc. The acting President, Republic of Mauritius

The Attorney General

The Chief Justice