

CHAPTER VII - THE JUDICATURE	SAPIT VII - POUVWAR ZIDISIER
<p>Article 76 Supreme Court</p> <p>(1) There shall be a Supreme Court for Mauritius which shall have unlimited jurisdiction to hear and determine any civil or criminal proceedings under any law other than a disciplinary law and such jurisdiction and powers as may be conferred upon it by this Constitution or any other law.</p> <p>(2) Subject to section 77, the Judges of the Supreme Court shall be the Chief Justice, the Senior Puisne Judge and such number of Puisne Judges as may be prescribed by Parliament:</p> <p>Provided that the office of a Judge shall not be abolished while any person is holding that office unless he consents to its abolition.</p>	<p>Lartik 76. Lakour Siprem</p> <p>(1) Pou ena enn Lakour Siprem dan Moris ki pou ena ziridksion ilimite pou ekoute ek pou ziz ninport ki prose sivil ou penal dan kad ninport ki lot lalwa ki enn lalwa disipliner, ek li pou ousi ena ziridksion ek bann pouvwar ki Konstitision, ouswa enn lot lalwa, kapav akord li.</p> <p>(2). Sou rezerv seksion 77, bann Ziz Lakour Siprem pou konpran Sef-Ziz (<i>Chief Justice</i>), Senior Ziz Pwine (<i>Senior Puisne Judge</i>) ek nonb Ziz Pwine (<i>Puisne Judges</i>) ki finn preskrir par Parlman:</p> <p>Lor kondision etabli ki post enn Ziz pa pou gagn drwa siprime kan ena enn dimounn ki pe deza okip post-la, amwin ki dimounn-la donn so konsantman pou ki siprim post-la.</p>
<p>Article 77. Appointment of Judges of Supreme Court</p> <p>(1) The Chief Justice shall be appointed by the President acting after consultation with the Prime Minister.</p> <p>(2) The Senior Puisne Judge shall be appointed by the President, acting in accordance with the advice of the Chief Justice.</p> <p>(3) The Puisne Judges shall be appointed by the President, acting in accordance with the advice of the Judicial and Legal Service Commission.</p> <p>(4) No person shall be qualified for appointment as a Judge of the Supreme Court unless he is, and has been for at least 5 years, a barrister entitled to practise before the Supreme Court.</p> <p>(5) Where the office of Chief Justice is vacant or the person holding that office is for any reason unable to perform the functions of the office, those functions shall be discharged by such one of the other Judges of the Supreme Court as may be designated in that behalf by the President acting in accordance with the advice of the person holding the office of Chief Justice:</p>	<p>Lartik 77. Nominasion bann Ziz Lakour Siprem</p> <p>(1) Sef-Ziz (<i>Chief Justice</i>) pou nome par Prezidan Repiblik ki pou azir apre konsiltasion avek Premie Minis.</p> <p>(2) Senior Ziz Pwine (<i>Senior Puisne Judge</i>) pou nome par Prezidan Repiblik ki pou azir lor baz rekomandasion Sef-Ziz.</p> <p>(3) Bann Ziz Pwine (<i>Puisne Judges</i>) pou nome par Prezidan Repiblik, ki pou azir lor baz rekomandasion <i>Judicial and Legal Service Commission</i>.</p> <p>(4) Personn pa pou gagn drwa nome antan ki Ziz Lakour Siprem si li pa, ouswa pa finn pandan omwin 5 an, enn avoka ki abilite pou exerse devan Lakour Siprem.</p> <p>(5) Kan post Sef-Ziz finn vinn vakan ouswa ki dimounn ki okip post-la finn, pou enn rezon ou enn lot, trouv li dan inkapasite pou exers so bann fonksion dan sa post-la, sa bann fonksion-la pou asime par enn parmi bann Ziz Lakour Siprem an konformite ek seki Prezidan Repiblik pou dezigne dan sa rol-la, lor baz rekomandasion ki dimounn ki ti pe okip post Sef-Ziz pou fer:</p>

<p>Provided that if the office of Chief Justice is vacant or if the person holding that office is on leave of absence, pending retirement, or if the President, acting in his own deliberate judgment, considers that it is impracticable to obtain the advice of that person owing to that person's absence or illness, the President shall act after consultation with the Prime Minister.</p> <p>(6) Where the office of Senior Puisne Judge is vacant or the person holding that office is acting as Chief Justice or is for any reason unable to perform the functions of the office, such one of the Judges of the Supreme Court as the President, acting in accordance with the advice of the Chief Justice, may appoint shall act in the office of Senior Puisne Judge.</p> <p>(7) Where the office of any Puisne Judge is vacant or where a person holding the office of Puisne Judge is acting as Chief Justice or as Senior Puisne Judge or is for any reason unable to perform the functions of his office or where the Prime Minister, having been informed by the Chief Justice that the state of business in the Supreme Court requires that the number of Judges should be temporarily increased and having consulted with the Chief Justice, request the President to appoint an additional Judge, the President, acting in accordance with the advice of the Judicial and Legal Service Commission, may appoint a person qualified for appointment as a Judge of the Supreme Court to act as a Puisne Judge of that court:</p> <p>Provided that a person may act as a Puisne Judge notwithstanding that he has attained the age prescribed for the purposes of section 78(1).</p> <p>(8) Any person appointed under this section to act as a Puisne Judge shall, unless he is removed from office under section 78, continue to act for the period of his appointment or, if no such period is specified, until his appointment is revoked by the President, acting in accordance with the advice of the Chief Justice:</p> <p>Provided that a person whose appointment to act as a Puisne Judge has expired or has been revoked may, with the permission of the President, acting in accordance with the advice of the Chief Justice, continue to act as such for such a period as may be necessary to enable him to deliver</p>	<p>Lor kondision etabli ki si post Sef-Ziz finn vinn vakan ouswa si dimounn ki okip post-la finn pran enn konze otorize, an-atandan so retret, ouswa si Prezidan Repiblik, ki pou azir dapre so prop zizman delibere, estime ki li inposib pou gagn rekomandasion sa dimounn-la par lefet ki li absan ou malad, Prezidan Repiblik pou azir apre konsiltasion avek Premie Minis.</p> <p>(6) Kan post Senior Ziz Pwine finn vinn vakan ouswa ki dimounn ki okip sa post-la pe azir antan ki Sef-Ziz oubien ki, pou enn rezon ou enn lot, li dan inkapasite pou exers bann fonksion ki post-la inplike, enn parmi bann Ziz Lakour Siprem pou kapav nome par Prezidan Repiblik lor rekomandasion Sef-Ziz, pou exers bann fonksion Senior Ziz Pwine.</p> <p>(7) Kan post enn Ziz Pwine finn vinn vakan ouswa ki dimounn ki okip post Ziz Pwine pe azir antan ki Sef-Ziz ouswa Senior Ziz Pwine ouswa ki, pou enn rezon ou enn lot, li dan inkapasite pou exers bann fonksion ki so post exize ouswa si Premie Minis finn informe par Sef-Ziz, ki sitiasion ki pe prevalwar dan Lakour Siprem pe exize ki nonb Ziz bizin ogmante tanporerman, e ki apre konsiltasion avek Sef-Ziz, li demann Prezidan Repiblik nomm enn Ziz adisionel, Prezidan Repiblik, lor rekomandasion <i>Judicial and Legal Service Commission</i>, pou kapav nomm enn dimounn ki abilite pou ofisie antan ki Ziz Lakour Siprem pour azir antan ki Ziz Pwine pou sa lakour-la:</p> <p>Lor kondision etabli ki enn dimounn kapav azir antan ki Ziz Pwine mem si li finn ariv laz ki finn preskrir dan seksion 78(1).</p> <p>(8) Tou dimounn ki, sou sa seksion-la, finn nome pou azir antan ki enn Ziz Pwine, pou bizin, amwin ki li revoke depi so post an fonksion seksion 78, kontigne azir pandan dire so manda, ouswa si okenn dire pa finn spesifie, ziska ki so manda revoke par Prezidan Repiblik, ki pou baz so aksion lor rekomandasion Sef-Ziz:</p> <p>Lor kondision etabli ki enn dimounn, ki so manda pou azir antan ki Ziz Pwine finn expire, ouswa ki li finn revoke, pou kapav, avek permission Prezidan Repiblik, ki pou baz so aksion lor rekomandasion Sef-Ziz, kontigne azir antan ki tel, pandan enn peryod letan ki neserer pou permet li rann enn zizman ouswa fer ninport ki lot aksion ki ena lien avek</p>
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<p>judgment or to do any other thing in relation to proceedings that were commenced before him previously thereto.</p> <p>[Amended 48/91]</p>	<p>enn prosedir ki finn fini koumanse devan li, avan expirasion so manda ouswa so revokasion.</p> <p>[Amandman 48/1]</p>
<p>Article 78 Tenure of office of Judges of Supreme Court</p> <p>(1) Subject to this section, a person holding the office of a Judge of the Supreme Court shall vacate that office on attaining the retiring age:</p> <p>Provided that he may, with the permission of the President, acting in his own deliberate judgment, in the case of the Chief Justice or in any other case, in accordance with the advice of the Chief Justice, continue in office for such period as may be necessary to enable him to deliver judgment or to do any other thing in relation to proceedings that were commenced before him before he attained that age.</p> <p>(2) A Judge of the Supreme Court may be removed from office only for inability to perform the functions of his office (whether arising from infirmity of body or mind or from any other cause) or for misbehaviour, and shall not be so removed except in accordance with subsection (3).</p> <p>(3) A Judge of the Supreme Court shall be removed from office by the President where the question of removing him from office has, pursuant to subsection (4), been referred to the Judicial Committee and the Judicial Committee has advised that the Judge ought to be removed from office for inability or misbehaviour.</p> <p>(4) Where the Chief Justice or, in relation to the removal of the person holding the office of Chief Justice, the President considers that the question of removing a Judge of the Supreme Court from office for inability or misbehaviour ought to be investigated –</p> <p style="padding-left: 40px;">(a) the President shall appoint a tribunal, which shall consist of a chairman and not less than 2 other members, selected by the President from among persons who hold or have held office as a Judge of a court having unlimited jurisdiction in civil and criminal</p>	<p>Lartik 78. Manda bann Ziz Lakour Siprem</p> <p>(1) Sou rezerv sa seksion-la, enn dimounn ki okip post enn Ziz dan Lakour Siprem pou bizin liber so post kan li finn ariv laz retret:</p> <p>Lor kondision etabli ki li kapav, avek otorizasion Prezidan Repiblik, ki pou azir lor baz so prop zizman delibere, dan ka ki konsern Sef-Ziz ouswa dan ninport ki lot ka, an konfirmite ek rekomandasion Sef-Ziz, kontigne exers so bann fonksion pandan enn peryod ki pou permet li rann enn zizman, ouswa pou fer ninport ki lot aksion ki ena lien avek enn prosedir ki finn koumanse devan li avan ki li ariv sa laz-la.</p> <p>(2) Enn Ziz Lakour Siprem kapav revoke depi so post inikman si li dan enn inkapasite pou exers bann fonksion ki tom sou so responsabilite (ki sa inkapasite-la, li rezilta enn infirmite fizik ou mantal ouswa pou ninport ki lot rezon) ouswa aköz enn move konportman, e personn pa pou gagn drwa revok li sof dan kad ki finn preskrir dan sou-seksion (3).</p> <p>(3) Enn Ziz Lakour Siprem pou kapav revoke depi so fonksion par Prezidan Repiblik kan ek si kestion lor so revokasion finn, konformeman ek seksion (4), soumet ek <i>Judicial Committee</i> e ki <i>Judicial Committee</i> finn rekomande ki bizin revok Ziz-la depi so fonksion swa aköz so inkapasite, swa aköz enn move konportman.</p> <p>(4) Kan Sef-Ziz, ouswa Prezidan Repiblik si pe diskrit revokasion dimounn ki pe exers fonksion Sef-Ziz, estime ki kestion revokasion enn Ziz Lakour Siprem depi so fonksion, swa aköz so inkapasite, swa aköz enn move konportman, bizin pas par enn lanket:</p> <p style="padding-left: 40px;">(a) Prezidan Repiblik pou bizin nomm enn tribinal ki pou konpoze par enn prezidan ek omwin 2 lezot manb, ki pou swazir par Prezidan Repiblik parmi bann dimounn ki pe exers ouswa ki finn exers bann fonksion Ziz dan enn lakour ki ena ziridiksion ilimite dan bann zafer sivil ou penal, dan ninport ki parti</p>

matters in some part of the Commonwealth or a court having jurisdiction in appeals from any such court;

(b) the tribunal shall enquire into the matter and report on the facts to the President and recommend to the President whether the question of removing the Judge from office should be referred to the Judicial Committee; and

(c) where the tribunal so recommends, the President shall refer the question accordingly.

(5) Where the question of removing a Judge of the Supreme Court from office has been referred to a tribunal under subsection (4), the President may suspend the Judge from performing the functions of his office; and any such suspension may at any time be revoked by the President and shall in any case cease to have effect –

(a) where the tribunal recommends to the President that he should not refer the question of removing the Judge from office to the Judicial Committee; or

(b) where the Judicial Committee advises that the Judge ought not to be removed from office.

(6) The functions of the President under this section shall be exercised by him in his own deliberate judgment.

(7) The retiring age for the purposes of subsection (1) shall be the age of 62 years or such other age as may be prescribed by Parliament:

Provided that a provision of any Act of Parliament, to the extent that it alters the age at which Judges of the Supreme Court shall vacate their offices, shall not have effect in relation to a Judge after his appointment unless he consents to its having effect.

[Amended 48/91]

Commonwealth ouswa dan enn lakour ki ena ziridiksion pou ekout bann apel lor bann desizion ki vinn depi sa tip lakour-la;

(b) tribinal-la pou fer enn lanket lor kestion-la ek li pou soumet Prezidan Repiblik enn rapor lor bann fe ki finn arive, e kot li pou rekomann Prezidan si bizin soumet kestion lor revokasion Ziz-la divan *Judicial Committee*; ek

(c) si tribinal-la finn fer enn rekomandasion dan sa sans-la, Prezidan Repiblik pou bizin soumet kestion-la an-konsekans.

(5) Kan kestion lor revokasion enn Ziz Lakour Siprem finn soumet ek enn tribinal dan kad aplikasion sou-seksion (4), Prezidan Repiblik pou kapav sispans Ziz-la depi so bann fonksion; ek ninport ki sispansion ki tom dan sa kategori-la pou kapav revoke ninport kan par Prezidan Repiblik e li pou nepli ena lefe, dan ninport ki ka:-

(a) si tribinal-la finn rekomann Prezidan Repiblik ki fode pa ki li soumet kestion lor revokasion Ziz-la *Judicial Committee*; ouswa

(b) si *Judicial Committee* rekomande ki Ziz-la pa bizin revoke depi so fonksion.

(6) Bann fonksion Prezidan Repiblik sou sa seksion-la pou exerse par limem dapre so prop zizman delibere.

(7) Laz retret dan kad aplikasion sou-seksion (1), li 62 an ouswa ninport ki lot laz ki finn preskrir par Parlman:

Lor kondision etabli ki ninport ki provizion lalwa ki vote dan Parlman, dan limit kot li modifie laz kot bann Ziz Lakour Siprem bizin kit zot fonksion, pa pou ena lefe konsernan enn Ziz apre so nominasion, amwin ki limem, li donn so konsantman pou ki li ena lefe.

Amandman 48/91]

<p>Article 79. Oaths to be taken by Judges</p> <p>A Judge of the Supreme Court shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as is prescribed by the Third Schedule.</p>	<p>Lartik 79. Serman ki bann Ziz bizin fer</p> <p>Enn Ziz Lakour Siprem pa gagn drwa exers so bann fonksion si li pa finn pret, ek finn ouskrir li ek, serman alezans ek serman ki li pou exekit so bann fonksion kouma bizin, an konformite ek seki finn preskrir dan Trwaziem Sedil.</p>
<p>Article 80. Courts of Appeal</p> <p>(1) There shall be a Court of Civil Appeal and a Court of Criminal Appeal for Mauritius, each of which shall be a division of the Supreme Court.</p> <p>(2) The Court of Civil Appeal shall have such jurisdiction and powers to hear and determine appeals in civil matters and the Court of Criminal Appeal shall have such jurisdiction and powers to hear and determine appeals in criminal matters as may be conferred upon them respectively by this Constitution or any other law.</p> <p>(3) The Judges of the Court of Civil Appeal and the Court of Criminal Appeal shall be the Judges for the time being of the Supreme Court.</p>	<p>Lartik 80. Lakour Apel</p> <p>(1) Pou ena enn Lakour Apel Sivil ek enn Lakour Apel Penal dan Moris, kot sakenn pou reprezant enn divizion Lakour Siprem.</p> <p>(2) Lakour Apel Sivil pou ena ziridiksion ek bann pouvwar nesaser pou ekout ek pou determinn bann apel dan bann zafer sivil ek Lakour Apel Penal pou ena ziridiksion ek bann pouvwar nesaser pou ekout ek pou determinn bann apel dan bann zafer penal an konformite ek seki Konstitision ou ninport ki lot lalwa kapav akord zot.</p> <p>(3) Bann Ziz Lakour Apel Sivil ek Lakour Apel penal pou konstitie par bann Ziz Lakour Siprem.</p>
<p>81 Appeals to the Judicial Committee</p> <p>(1) An appeal shall lie from decisions of the Court of Appeal or the Supreme Court to the Judicial Committee as of right in the following cases–</p> <p>(a) final decisions, in any civil or criminal proceedings, on questions as to the interpretation of this Constitution;</p> <p>(b) where the matter in dispute on the appeal to the Judicial Committee is of the value of 10,000 rupees or upwards or where the appeal involves, directly or indirectly, a claim to or a question respecting property or a right of the value of 10,000 rupees or upwards, final decisions in any civil proceedings;</p> <p>(c) final decisions in proceedings under section 17; and</p>	<p>Lartik 81. Apel devan <i>Judicial Committee</i></p> <p>(1). Enn apel kont bann desizion Lakour Apel ou Lakour Siprem pou kapav loze devan <i>Judicial Committee</i> antan ki enn drwa an limem dan bann ka swivan:</p> <p>a) kont bann desizion final dan bann prosedir sivil ou penal lor bann kestion interpretasion Konstitision;</p> <p>b) kan kestion ki pe fer deba pandan prosedir apel devan <i>Judicial Committee</i> ena enn valer ki egal ouswa ki plis ki Rs 10,000, ouswa kan apel-la inplik direktman ouswa indirekteman, enn reklamasion ou enn kestion ki ena lien ek enn propriete ou enn drwa ki egal ou plis ki Rs 10,000 dan ninport ki prosedir sivil;</p> <p>c) kont bann desizion final dan bann prosedir ki tom sou seksion 17 Konstitision; ek</p>

(d) in such other cases as may be prescribed by Parliament:

Provided that no such appeal shall lie from decisions of the Supreme Court in any case in which an appeal lies as of right from the Supreme Court to the Court of Appeal.

(2) An appeal shall lie from decisions of the Court of Appeal or of the Supreme Court to the Judicial Committee with the leave of the Court in the following cases –

(a) where in the opinion of the Court the question involved in the appeal is one that, by reason of its great general or public importance or otherwise, ought to be submitted to the Judicial Committee, final decisions in any civil proceedings; and

(b) in such other cases as may be prescribed by Parliament:

Provided that no such appeal shall lie from decisions of the Supreme Court in any case in which an appeal lies to the Court of Appeal, either as of right or by the leave of the Court of Appeal.

(3) Subsections (1) and (2) shall be subject to section 37(6) and paragraphs 2(5), 3(2) and 4(4) of the First Schedule.

(4) In this section, the references to final decisions of a court do not include any determination of a court that any application made to it is merely frivolous or vexatious.

(5) Nothing in this section shall affect any right of the Judicial Committee to grant special leave to appeal from the decision of any court in any civil or criminal matter.

[Amended 48/91]

d) dan tou bann lezot ka ki finn preskrir par Parlman:

Lor kondision etabli ki okenn apel ki tom dan sa katagori-la pa pou gagn drwa loze kont bann desizion Lakour Siprem dan bann ka kot enn apel finn deza loze antan ki enn drwa an limem kont enn desizion Lakour Siprem devan Lakour Apel.

(2). Pou ena enn apel kont bann desizion Lakour Apel ou Lakour Siprem devan *Judicial Committee*, avek otorizasion lakour, dan bann ka swivan:-

(a) kan, dan lopinion lakour, kestion ki konserne dan apel-la, li dan enn fason tel ki, an rezon so gran linportans, ki li lor plan zeneral, piblik ou pou enn lot motif, ti bizin soumet li devan *Judicial Committee*;

(b) dan tou bann lezot ka ki preskrir par Parlman: -

Lor kondision etabli ki pa pou ena enn apel dan sa kategori-la kont bann desizion Lakour Siprem dan ninport ki ka kot enn apel finn deza loze devan Lakour Apel antan ki enn drwa an limem ouswa avek otorizasion Lakour Apel.

(3). Sou-seksion (1) ek (2) pou konsidere sou rezerv seksion 37(6) ek paragraf 2(5), 3(2) ek 4(4) Premie Sedil.

(4). Dan sa seksion-la, bann referans ki an lien avek bann desizion final enn lakour napa pou inklir desizion enn lakour lor lefet ki enn reket ki finn soumet devan li, li frivol ouswa imilian.

(5). Nanye dan sa seksion-la pa pou afekte okenn drwa *Judicial Committee*, pou akord enn otorizasion spesial pou fer enn apel kont desizion enn lakour dan enn zafer sivil ouswa penal.

[Amandman 48/91]

Article 82 Supreme Court and subordinate courts

(1) The Supreme Court shall have jurisdiction to supervise any civil or criminal proceedings before any subordinate court and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of ensuring that justice is duly administered by any such court.

(2) An appeal shall lie to the Supreme Court from decisions of subordinate courts in the following cases –

- (a) as of right from any final decision in any civil proceedings;
- (b) as of right from any final decision in criminal proceedings whereby any person is adjudged to pay a fine of or exceeding such amount as may be prescribed or to be imprisoned with or without the option of a fine;
- (c) by way of case stated, from any final decision in criminal proceedings on the ground that it is erroneous in point of law or in excess of jurisdiction; and
- (d) in such other cases as may be prescribed:

Provided that an appeal shall not lie to the Supreme Court from the decision given by a subordinate court in any case where, under any law–

- (i) an appeal lies as of right from that decision to the Court of Appeal;
- (ii) an appeal lies from that decision to the Court of Appeal with the leave of the court that gave the decision or of some other court and that leave has not been withheld;

Lartik 82. Lakour Siprem ek bann lakour inferyer.

(1). Lakour Siprem pou ena ziridiksion pou kontrol tou bann prosedir sivil ou penal devan ninport ki lakour inferyer e li pou gagn drwa fer bann ordonans, emet bann writ ek donn bann instriksion ki li konsidere neserer pou asire ki lazistis pe administre kouma bizin par sa bann lakour-la.

(2). Enn apel ki konteste desizyon ki vinn depi bann lakour inferyer pou kapav loze devan Lakour Siprem dan bann ka swivan:-

- (a) antan ki enn drwa an limem kont ninport ki desizyon final konsernan enn prosedir sivil;
- (b) antan ki enn drwa an limem kont ninport ki desizyon final konsernan ninport ki prosedir penal kan enn dimounn finn kondane pou pey enn lamann ki egal ouswa ki plis ki som ki finn preskrir ouswa ki li finn anprizone avek ou san opsyon pou pey enn lamann;
- (c) atraver enn *case stated*¹, kont ninport ki desizyon final konsernan ninport ki prosedir penal lor argiman ki li repoz lor enn erer legal ouswa akoz enn abi ziridiksion;
- (d) dan bann lezot ka kouma finn preskrir:

Lor kondision etabli ki okenn apel pa pou kapav loze devan Lakour Siprem kont ninport ki desizyon enn lakour inferyer, si, konformeman ek enn lalwa:

- i) enn apel finn deza loze antan ki enn drwa an limem kont sa desizyon-la devan Lakour Apel;
- ii) enn apel finn deza loze kont sa desizyon-la devan Lakour Apel avek otorizasyon lakour ki finn pran sa desizyon-la ouswa ninport ki lot lakour e ki sa otorizasyon-la pa finn refize;

¹ Enn prosedir kot enn lakour ouswa enn tribinal kapav demnn enn lot lakour so lopinion lor enn pwin legal

<p>(iii) an appeal lies as of right from that decision to another subordinate court; or</p> <p>(iv) an appeal lies from that decision to another subordinate court with the leave of the court that gave the decision or of some other court and that leave has not been withheld.</p>	<p>iii) enn apel finn deza loze antan ki enn drwa an limem kont sa desizion-la devan enn lot lakour inferyer;</p> <p>iv) enn apel finn deza loze kont sa desizion-la devan enn lot lakour inferyer avek otorizasion lakour ki finn pran desizion-la ouswa ninport ki lot lakour e ki otorizasion-la pa finn refize.</p>
<p>Article 83 Original jurisdiction of Supreme Court in constitutional questions</p> <p>(1) Subject to sections 41(5), 64(5) and 101(1), where any person alleges that any provision of this Constitution (other than Chapter II) has been contravened and that his interests are being or are likely to be affected by such contravention, then, without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the Supreme Court for a declaration and for relief under this section.</p> <p>(2) The Supreme Court shall have jurisdiction, in any application made by any person in pursuance of subsection (1) or in any other proceedings lawfully brought before the court, to determine whether any provision of this Constitution (other than Chapter II) has been contravened and to make a declaration accordingly:</p> <p>Provided that the Supreme Court shall not make a declaration in pursuance of the jurisdiction conferred by this subsection unless it is satisfied that the interests of the person by whom the application under subsection (1) is made or, in the case of other proceedings before the court, a party to these proceedings, are being or are likely to be affected.</p> <p>(3) Where the Supreme Court makes a declaration in pursuance of subsection (2) that any provision of the Constitution has been contravened and the person by whom the application under subsection (1) was made or, in the case of other proceedings before the court, the party in those proceedings in respect of whom declaration is made, seeks relief, the Supreme Court may grant to that person such remedy, being a</p>	<p>Lartik 83. Ziridikсион orizinal Lakour Siprem lor bann kestion konstitisionel</p> <p>(1). Sou rezerv seksion 41(5), 64(5) ek 101(1), kan enn dimounn finn fer enn afirmasion lor lefet ki finn ena enn violasion dan enn provizion Kontitision (andeor Sapit II) e ki so bann lintere finn, ouswa ena posibilite ki zot pou, afekte par sa violasion-la, li kapav, san prezidis lor okenn lot aksion ki legalman disponib konsernan sa mem size-la, fer enn reket Lakour Siprem pou gagn enn deklarasion ek enn reparasion dan kad sa seksion-la.</p> <p>(2). Lakour Siprem ena ziridikсион, dan ninport ki reket ki enn dimounn finn fer dan kad aplikasion sou-seksion (1) ouswa dan ninport ki prosedir ki finn inisie legalman devan li, pou determine si finn ena violasion enn provizion Konstitision (andeor Sapit II) ek pou fer enn deklarasion dan sa sans-la.</p> <p>Lor kondision etabli ki Lakour Siprem napa pou fer okenn deklarasion dan kad pouvwar ziridikсион ki sa sou-seksion-la donn li, sof si li satisfie ki bann lintere dimounn ki finn fer enn reket dan sa sans-la, an konformite ek sou-seksion (1) ouswa, dan ka lezot prosedir ki finn inisie devan Lakour, bann lintere enn parti ki angaze dan prosedir-la, finn, ouswa ena posibilite ki zot pou, afekte.</p> <p>(3). Kan, dan kad aplikasion sou-seksion (2), Lakour Siprem fer enn deklarasion lor lefet ki finn ena violasion enn provizion Konstitision e ki dimounn ki finn fer enn reket dan sa sans-la, an konformite ek sou-seksion (1), ouswa dan ka lezot prosedir ki finn inisie devan lakour, enn parti ki angaze dan prosedir-la demann reparasion, Lakour Siprem pou kapav akord li reparasion atraver bann mwayin ki li konsidere kouma</p>

<p>remedy available against any person in any proceedings in the Supreme Court under any law for the time being in force in Mauritius, as the court considers appropriate.</p> <p>(4) The Chief Justice may make rules with respect to the practice and procedure of the Supreme Court in relation to the jurisdiction and powers conferred on it by this section (including rules with respect to the time within which applications shall be made under subsection (1)).</p> <p>(5) Nothing in this section shall confer jurisdiction on the Supreme Court to hear or determine any such question as is referred to in section 37 or paragraph 2(5), 3(2) or 4(4) of the First Schedule otherwise than upon an application made in accordance with that section or that paragraph, as the case may be.</p> <p>[Amended 48/91]</p>	<p>apropriye parmi bann mwayin ki disponib kont ninport ki dimounn, dan ninport ki prosedir devan Lakour Siprem, dan kad ninport ki lalwa ki anviger dan Moris.</p> <p>(4). Sef-Ziz kapav etabli bann regleman konsernan pratik ek prosedir Lakour Siprem ki an lien ek ziridiksion ek pouvwwar ki sa seksion-la donn li (inklian regleman konsernan bann dele ki bizin respekte kan pe depoz bann reket dan kad aplikasion sou-seksion (1)).</p> <p>(5). Nanye ki kontenir dan sa seksion-la pa donn Lakour Siprem ziridiksion pou ekout ouswa pou desid lor bann kestion ki konserne par seksion 37 ouswa paragraf 2(5), 3(2) ouswa 4(4) Premie Sedil, andeor enn reket ki finn fer dan kad aplikasion sa seksion ouswa sa paragraf-la, depandan lor ka.</p> <p>[Amandman 48/91]</p>
<p>Article 84 Reference of constitutional questions to Supreme Court</p> <p>(1) Where any question as to the interpretation of this Constitution arises in any court of law established for Mauritius (other than the Court of Appeal, the Supreme Court or a court martial) and the court is of opinion that the question involves a substantial question of law, the court shall refer the question to the Supreme Court.</p> <p>(2) Where any question is referred to the Supreme Court in pursuance of this section, the Supreme Court shall give its decision upon the question and the court in which the question arose shall dispose of the case in accordance with that decision or, where the decision is the subject of an appeal to the Court of Appeal or the Judicial Committee, in accordance with the decision of the Court of Appeal or, as the case may be, of the Judicial Committee.</p> <p>[Amended 48/91]</p>	<p>Lartik 84. Ranvwa bann kestion konstitisionel devan Lakour Siprem</p> <p>(1). Kan enn kestion konsernan interpretasion Konstitision souleve dan enn lakour zistis (andeor Lakour Apel, Lakour Siprem ouswa enn lakour marsial), e ki lakour-la estime ki kestion-la tous enn pwin legal inportan, lakour-la pou bizin ranvway kestion-la Lakour Siprem.</p> <p>(2). Kan enn kestion finn ranvwaye Lakour Siprem dan kad aplikasion sa seksion-la, Lakour Siprem pou bizin rann so desizion lor kestion-la ek lakour kot kestion-la ti souleve pou bizin ziz ka ki finn prezant devan li dapre sa desizion-la, ouswa si desizion-la finn fer lobze enn apel devan Lakour Apel ou devan <i>Judicial Committee</i>, lakour-la pou bizin tenir kont desizion Lakour Apel ouswa <i>Judicial Committee</i>, depandan lor ka.</p> <p>[Amandman 48/91.]</p>