

<p style="text-align: center;">CHAPTER II –</p>	<p style="text-align: center;">SAPIT II –</p>
<p style="text-align: center;">PROTECTION OF FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL</p>	<p style="text-align: center;">PROTEKSION BANN DRWA FONDAMANTAL EK LIBERTE INDIVIDIEL</p>
<p>Article 3. Fundamental rights and freedoms of the individual It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms: –</p> <ul style="list-style-type: none"> (a) the right of the individual to life, liberty, security of the person and the protection of the law; (b) freedom of conscience, of expression, of assembly and association and freedom to establish schools; and (c) the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation, and the provisions of this chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest. 	<p>Lartik 3. Drwa fondamantal ek liberte individiel Pe rekonet ek pe proklame isi, ki dan Moris, finn ena ek pou kontign ena, san diskriminasion baze lor ras, landrwa kot dimounn sorti, lopinion politik, kouler lapo, krwayans relizie ouswa apartenans sexiel, me sou rezerv ki respekte drwa ek liberte lezot dimounn ek lintere piblik, sakenn ek tou bann drwa imin ek liberte fondamantal swivan: -</p> <ul style="list-style-type: none"> a) drwa tou dimounn pou viv, pou zwir enn lavi lib, pou gagn sekirite personel ek proteksion par lalwa; b) liberte konsians, liberte expresion, liberte asanble ek asosiasion, ek liberte pou met anplas bann lekol; ek c) drwa sak individi pou gagn proteksion konsernan intimite so lakaz ek so lezot dibien ek kont tou form privasion konsernan so dibien san ki li gagn konpansasion. Bann provizion ki kontenir dan sa sapit-la ena pou obzektif asir proteksion sa bann drwa ek liberte-la, sou rezerv bann limitasion ki sa bann provizion-la prevwar e ki viz pou garanti ki zwisans bann drwa ek liberte enn dimounn napa port prezidis lor drwa ek liberte lezot dimounn ouswa lor lintere piblik.

Article 4. Protection of right to life

(1) No person shall be deprived of his life intentionally save in execution of the sentence of a court in respect of a criminal offence of which he has been convicted.

(2) A person shall not be regarded as having been deprived of his life in contravention of this section, if he dies as the result of the use, to such extent and in such circumstances as are permitted by law, of such force as is reasonably justifiable –

- (a) for the defence of any person from violence or for the defence of property;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- (c) for the purpose of suppressing a riot, insurrection or mutiny; or
- (d) in order to prevent the commission by that person of a criminal offence, or if he dies as the result of a lawful act of war.

Lartik 4. Proteksion drwa lavi

(1) Personn pa gagn drwa priv enn dimounn so lavi dan enn fason intansionel, sof kan pe exekit santans enn tribinal pou enn ofans kriminel kot dimounn-la finn rekonet koupab

(2) Lalwa pa pou konsidere ki finn priv enn dimounn so lavi an violasion ek sa seksion-la, si lamor dimounn-la, li rezilta itilizasion enn lafors, dan bann proporsion ek sironstans ki aksepte par lalwa, ki finn servi dan enn aksion ki rezonableman zistifiab, pou bann rezon swivan:

- (a) pou defans ninport ki dimounn kont violans ouswa pou defann so dibien;
- (b) kan ena pou prosed ek enn arestasyon legal ouswa pou anpes lafwit enn dimounn ki an detansyon legal;
- (c) dan lobzektif pou anpes enn emet, enn soulevman ouswa enn mitinnri; ouswa
- (d) pou anpes enn dimounn komet enn ofans kriminel, ouswa si li mor an konsekans enn akt lager legal.

Article 5. Protection of right to personal liberty

(1) No person shall be deprived of his personal liberty save as may be authorised by law:-

- a) in consequence of his unfitness to plead to a criminal charge or in execution of the sentence or order of a court, whether in Mauritius or elsewhere, in respect of a criminal offence of which he has been convicted;
- (b) in execution of the order of a court punishing him for contempt of that court or of another court;
- (c) in execution of the order of a court made to secure the fulfilment of any obligation imposed on him by law;

Lartik 5. Proteksion drwa pou liberte personel

(1) Personn pa gagn drwa priv enn dimounn so liberte personel, sof dan bann sironstans ki otorize par lalwa kouma: –

- (a) dan ka kot dimounn-la pa dan pozision pou defann limem kont enn akizasyon kriminel ouswa dan exekision enn santans, ouswa enn ordonans lakour, ki li dan Moris ouswa ayer, an lien avek enn ofans kriminel pou lekel li finn rekonet koupab.
- (b) dan kad exekision enn ordonans lakour kot pe pini li pou outraz kont lakour-la ouswa kont enn lot lakour.
- (c) dan kad exekision enn ordonans lakour ki viz pou garanti ki li pe ranpli tou bann obligasyon ki lalwa finn inpoz lor li;

(d) for the purpose of bringing him before a court in execution of the order of a court;

(e) upon reasonable suspicion of having committed, or being about to commit, a criminal offence;

(f) in the case of a person who has not attained the age of 18 years, for the purpose of his education or welfare;

(g) for the purpose of preventing the spread of an infectious or contagious disease;

(h) in the case of a person who is, or is reasonably suspected to be, of unsound mind or addicted to drugs or alcohol, for the purpose of his care or treatment or the protection of the community;

(i) for the purpose of preventing the unlawful entry of that person in Mauritius, or for the purpose of effecting the expulsion, extradition or other lawful removal of that person from Mauritius or the taking of proceedings relating thereto;

(j) upon reasonable suspicion of his being likely to commit breaches of the peace; or

(k) in execution of the order of the Commissioner of Police, upon reasonable suspicion of his having engaged in, or being about to engage in, activities likely to cause a serious threat to public safety or public order.

(2) Any person who is arrested or detained shall be informed as soon as is reasonably practicable, in a language that he understands, of the reasons for his arrest or detention.

(3) Any person who is arrested or detained

(d) dan lobzektif pou amenn li devan enn lakour dan kad exekision ordonans enn lakour;

(e) lor baz enn sispision rezonab ki li finn komet, ou ki ena posibilite ki li pou komet, enn ofans kriminel;

(f) dan ka kot ena enn dimounn ki pankor gagn 18 an, kan pe pran an-kont so ledikasion oubien so bien-et;

(g) dan lobzektif pou anpes propagasion enn maladi infeksiye ou kontazie;

(h) dan ka kot ena enn dimounn lor ki ena enn soupson rezonab ki li pena tou so lespri, ouswa ki li trouv limem sou depandans ladrog ou lalkol, dan lintere so prop proteksion, so tretman ouswa pou protez so lantouraz.

(i) dan lobzektif pou anpes dimounn-la rant ilegalman dan Moris, ouswa dan lobzektif pou rann posib so expilsion, so extradision ouswa lezot fason legal pou tir li depi Moris ouswa pou angaz bann pourswit ki an-lien avek tousala;

(j) lor baz bann sispision rezonab ki ena posibilite ki li pou komet bann ofans ki pou pertirb lord piblik;

(k) dan kad exekision enn lord depi Komiser Lapolis, ki baze lor bann sispision rezonab ki dimounn-la finn angaz li, ouswa ki ena posibilite ki li angaz li, dan bann aktivite ki kapav reprezant enn danze serye pou sekirite ouswa pou lord piblik.

(2) Tou dimounn ki finn arete ouswa ki an detansion bizin informe, pli vit ki posib, dan enn langaz ki li konpran, lor motif so aretasion ouswa so detansion.

(3) Tou dimounn ki finn arete ouswa ki an detansion: -

(a) for the purpose of bringing him before a court in execution of the order of a court;

(b) upon reasonable suspicion of his having committed, or being about to commit a criminal offence; or

(c) upon reasonable suspicion of his being likely to commit breaches of the peace;

and who is not released, shall be afforded reasonable facilities to consult a legal representative of his own choice and shall be brought without undue delay before a court; and if any person arrested or detained as mentioned in paragraph (b) is not tried within a reasonable time, then, without prejudice to any further proceedings that may be brought against him, he shall be released either unconditionally or upon reasonable conditions, including, in particular, such conditions as are reasonably necessary to ensure that he appears at a later date for trial or for proceedings preliminary to trial; and if any person arrested or detained as mentioned in paragraph (c) is not brought before a court within reasonable time in order that the court may decide whether to order him to give security for his good behaviour, then, without prejudice to any further proceedings that may be brought against him, he shall be released unconditionally.

(3A) (a) Notwithstanding subsection (3), where a person is arrested or detained for an offence related to terrorism or a drug offence, he shall not, in relation to such offences related to terrorism, or drug offences as may be prescribed by an Act of Parliament, be admitted to bail until the final determination of the proceedings brought against him, where –

(i) he has already been convicted of an offence related to terrorism or a drug offence; or

(ii) he is arrested or detained for an offence related to terrorism or a drug offence during the period that he has been

(a) dan lobzektif pou amenn li devan enn lakour dan kad exekision enn ordonans lakour;

(b) lor baz enn soupson rezonab ki li finn komet, ouswa ki ena posibilite ki li pou komet, enn ofans penal; ouswa

(c) lor baz enn soupson rezonab ki li dan enn dispozision pou al kree problem vizavi lord piblik;

e ki pa pe gagn so liberte, pou bizin kapav benefisie bann fasilite rezonab pou konsilte enn reprezantan legal ki limem pou swazir, pou reprezant li, san okenn dele exesif, devan enn lakour zistis; e si enn dimounn ki finn arete ouswa ki an detansyon dan fason ki finn dekrir dan paragraf (b) lao, napa zize dan enn dele rezonab, li pou bizin kapav, san ki sa port prezidis lor ninport ki prosedir ki pou kapav angaze kont li apre, large san kondisyon ouswa lor sartin kondisyon rezonab, ki inklir, an partikilie, bann kondisyon ki vmem neserer pou asir so konparisyon dan enn dat ilteryer, swa pou so prose lakour, swa pou bann prosedir preliminar konsernan so prose; e si enn dimounn ki finn arete ouswa ki an detansyon dan fason ki finn dekrir dan paragraf (c) lao, pa finn pas devan enn lakour zistis dan enn dele rezonab pou ki lakour-la decide si pou donn li kosyon pou so bonn kondwit ouswa non, lerla, san ki sa port prezidis kont bann prosedir ki pou kapav ena kont li apre, li pou bizin large san kondisyon.

(3A) San ki sa fer obstak ek sou-seksyon (3), kan enn dimounn finn arete ouswa an detansyon pou enn ofans ki ena lien ek terorism ouswa trafik ladrog, li pa pou gagn drwa, pou tou seki konsern bann ofans ki lie ek terorism ouswa trafik ladrog, tel ki finn preskrir dan enn Akt Parlman, sorti lor kosyon osi lontan ki so prose pa termine, si: -

(i) li finn deza zize koupab pou enn ofans ki ena lien ek terorism ouswa tradik ladrog; ouswa

(ii) li finn arete ouswa an detansyon pou enn ofans ki ena lien ek terorism ouswa trafik ladrog pandan peryod kot li ti an liberte sou

released on bail after he has been charged with having committed an offence related to terrorism or a drug offence.

[Amended 4/02]

(b) A Bill for an Act of Parliament to prescribe the offences related to terrorism or drug offences under paragraph (a) or to amend or repeal such an Act shall not be passed by the Assembly unless it is supported at the final voting in the Assembly by the votes of not less than three quarters of all the members of the Assembly.

[Amended 4/02]

(4) Where a person is detained in pursuance of any such provision of law as is referred to in subsection (1)(k) –

(a) he shall, as soon as is reasonably practicable and, in any case not more than 7 days after the commencement of his detention, be furnished with a statement in writing in a language that he understands specifying in detail the grounds upon which he is detained;

(b) not more than 7 days after the commencement of his detention, a notification shall be published in the Gazette stating that he has been detained and giving particulars of the provision of law under which his detention is authorised;

(c) not more than 14 days after the commencement of his detention and thereafter during his detention at intervals of not more than 30 days, his case shall be reviewed by an independent and impartial tribunal consisting of a chairman and 2 other members appointed by the Judicial and Legal Service Commission, the chairman being appointed from among persons who are entitled to practise as a barrister or as an attorney in Mauritius;

kosion apre ki ti finn ena enn sarz kont li pou enn ofans ki ena lien ek terorism ouswa trafik ladrog.

[Amandman 4/02]

(b) Enn Bill ki viz pou vinn enn Akt Parlman kot pe preskrir bann ofans ki ena lien ek terorism ouswa trafik ladrog dan kad paragraf (a) sa seksion-la, ouswa pou amand ou pou revok enn Akt Parlman ki tom dan sa kategori-la, pa pou gagn drwa aprouve par Lasanble sof avek enn mazorite ki depas trwa-kar bann vot tou bann manb Lasanble.

[Amandman 4/02]

(4) Kan enn dimounn finn plase an detansyon par rapor ek bann provizion lalwa ki ena dan sou-seksyon (1)(k) sa lartik-la:-

(a) li pou bizin, osi vit ki li pratikman posib e, dan ninport ki ka, dan enn dele ki pa depas 7 zour apre koumansman so detansyon, gagn enn deklarasyon ekri dan enn langaz ki li konpran, lor bann detay konsernan bann rezon ki explik so detansyon;

(b) dan enn dele ki pa depas 7 zour apre koumansman so detansyon, bizin pibliy enn notifikasyon dan Government Gazette kot pe indike ki li an detansyon e kot pe donn detay lor ki provizion lalwa so detansyon finn otorize.

(c) dan enn dele ki pa depas 14 zour apre koumansman so detansyon, ek apre sa, pandan so detansyon, dan enn interval 30 zour maximum, so ka pou examine par enn tribinal inparsial ek indepanndan kot pou ena enn prezidan ek de lezot manb ki finn nome par *Judicial and Legal Service Commission*, e kot prezidan-la nome parmi bann dimounn ki ena abilite exers kouma avoka ouswa avwe dan Moris;

<p>(d) he shall be afforded reasonable facilities to consult a legal representative of his own choice who shall be permitted to make representations to the tribunal appointed for the review of his case;</p> <p>(e) at the hearing of his case by the tribunal, he shall be permitted to appear in person or by a legal representative of his own choice and, unless the tribunal otherwise directs, the hearing shall be held in public;</p> <p>(f) at the conclusion of any review by a tribunal in pursuance of this subsection in any case, the tribunal shall announce its decision in public, stating whether or not there is, in its opinion, sufficient cause for the detention, and if, in its opinion, there is not sufficient cause, the detained person shall forthwith be released and if during period of six months from his release he is again detained the tribunal established for the review of his case shall not decide that, in its opinion, there is sufficient cause for the further detention unless it is satisfied that new and reasonable grounds for the detention exist.</p> <p>(5) Any person who is unlawfully arrested or detained by any other person shall be entitled to compensation from that other person.</p> <p>(6) In the exercise of any functions conferred upon him for the purposes of subsection (1)(k), the Commissioner of Police shall not be subject to the direction or the control of any other person or authority.</p>	<p>(d) li pou gagn bann fasilite rezonab pou konsilte enn reprezantan legal ki limem pou swazir pou reprezant li devan tribinal ki pou ziz so ka;</p> <p>(e) pandan ki so ka pe odisione par enn tribinal, li pou gagn drwa konparet swa an-personn, swa par enn reprezantan legal ki limem pou swazir e, amwin ki lakour desid otreman, odision-la pou piblik;</p> <p>(f) apre ki enn tribinal finn examinn ninport ki ka dan kad exekision sa sou-seksion-la, tribinal-la pou bizin anons so desizyon an piblik, kot li pou dir si wi ouswa non, ena ase eleman, dapre li, pou zistifie detansyon-la, e si dan so lopinion, tribinal-la trouve ki pena ase eleman, dimounn ki an detansyon la, pou libere toutswit, e si pandan enn peryod 6 mwa apartir so liberasyon, dimounn-la retrouv li ankor enn fwa an detansyon, tribinal ki pou sieze pou re-examinn so ka, pa pou gagn drwa decide ki, dan so lopinion, ena ase eleman pou mintenir li an detansyon, sof si li arive etabli ki ena bann eleman nouvo ek rezonab pou zistifie detansyon-la.</p> <p>(5) Ninport ki dimounn ki finn arete ouswa ki trouv li an detansyon ilegal par enn lot dimounn gagn drwa demann enn konpansasyon depi sa dimounn-la.</p> <p>(6) Dan lexisis ninport ki fonksion pou lekel li finn gagn enn manda an konformite avek sou-seksion (1)(k), Komiser Lapolis napa ena pou soumet li ek direktiv ouswa kontrol okenn lezot dimounn ou lotorite.</p>
<p>Article 6. Protection from slavery and forced labour</p> <p>(1) No person shall be held in slavery or servitude.</p> <p>(2) No person shall be required to perform forced labour.</p> <p>(3) For the purposes of this section, the expression “forced labour” does not include –</p>	<p>Lartik 6. Proteksion kont lesklavaz ek travay forse.</p> <p>(1) Personn pa gagn drwa mintenir enn dimounn dan kondision lesklavaz ou servitid.</p> <p>(2) Personn pa gagn drwa obliz enn dimounn fer bann travay forse.</p> <p>(3) Dan sa seksion-la, lexpresion “travay forse” napa inklir:-</p>

<p>(a) any labour required in consequence of the sentence or order of a court;</p> <p>(b) labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place at which he is detained;</p> <p>(c) any labour required of a member of a disciplined force in pursuance of his duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, any labour that that person is required by law to perform in place of such service; or</p> <p>(d) any labour required during a period of public emergency or in the event of any other emergency or calamity that threatens the life or well-being of the community, to the extent that the requiring of such labour is reasonably justifiable, in the circumstances of any situation arising or existing during that period or as a result of that other emergency or calamity, for the purpose of dealing with that situation.</p>	<p>(a) enn travay ki finn exize dan kad exekision enn zizman ouswa enn ordonans lakour;</p> <p>(b) enn travay ki pe exiz enn dimounn fer kan li an detansion legal, e ki, mem si li pa indike dan so santans ouswa dan enn ordonans lakour, konsidere kouma nesaser pou lizienn ek lantretien plas kot dimounn-la pe inkarsere.</p> <p>(c) enn travay ki exize depi enn manb lafors disipliner dan lexisis so fonksion ouswa enn travay ki exize par lalwa depi enn dimounn ki ena bann obzekision konsians pou servi dan lafors naval, larme ou lafors aeryin, an ranplasman bann servis ki li ti bizin fer; ouswa</p> <p>(d) enn travay ki exize pandan enn leta-irzans ouswa dan evantialite kot ena ninport ki lezot irzans ou kalamite ki pe menas lavi ouswa bien-et lakominote, dan mezir kot exizans sa travay-la li rezonableman zistifiab, an konsekans bann sitiasion ki finn emerze ou ki ti deza prezan pandan sa peryod-la, oubien ki finn vinn kouma enn konsekans sa lot irzans ou kalamite la, ek dan lobzektif pou fer fas ek sa sitiasion-la</p>
<p>Article 7. Protection from inhuman treatment</p> <p>(1) No person shall be subjected to torture or to inhuman or degrading punishment or other such treatment.</p> <p>(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorises the infliction of any description of punishment that was lawful in Mauritius on 11 March 1964.</p>	<p>Lartik 7. Proteksion kont bann tretman inimin</p> <p>(1) Personn pa gagn drwa servi tortir ouswa enn lot pinision ou tretman ki degradan ouswa inimin kont enn lot dimounn.</p> <p>(2) Okenn provizion dan enn lalwa, ou okenn aksion ki tom sou lotorite enn lalwa, pa pou konsidere kouma inkonpatib ou an violasion avek sa lartik-la, dan limit kot lalwa-la permet ki infliz ninport ki form sanksion ki ti legal dan Moris le 11 Mars 1964.</p>

Article 8. Protection from deprivation of property

(1) No property of any description shall be compulsorily taken possession of, and no interest in or right over property of any description shall be compulsorily acquired, except where: -

(a) the taking of possession or acquisition is necessary or expedient in the interests of the defence, public safety, public morality, public health, town and country planning, the development or utilisation of any property in such a manner as to promote the public benefit or the social and economic well-being of the people of Mauritius; and

(b) there is reasonable justifications for the causing of any hardship that may result to any person having an interest in or right over the property; and

(c) provision is made by a law applicable to that taking of possession or acquisition: -

(i) for the payment of adequate compensations; and

(ii) securing to any person having an interest in or right over the property a right of access to the Supreme Court, whether direct or on appeal from any other authority, for the determination of his interest or right, the legality of the taking of possession or acquisition of the property, interest or right, and the amount of any compensation to which he is entitled, and for the purpose of obtaining payment of that compensation

(2) No person who is entitled to compensation under this section, other than a resident of Mauritius, shall be prevented from remitting, within a reasonable time after he has received any amount of that compensation, the whole of that amount (free from any deduction,

Lartik 8. Proteksion kont deposion propriete

(1) Person pa gagn drwa deposed enn dimounn depi so dibien sou ninport ki form, e person pa gagn drwa benefisie, par lafors, okenn lintere ou drwa lor enn propriete, sof dan bann ka kot: -

(a) expropriasion ou akizision la, li neserer ouswa itil dan lintere defans, sekirite piblik, lord piblik, moralite piblik, lasante piblik, amenazman teritwar, devlopman ouswa kot itilizasion propriete-la pe fer dan lintere piblik ouswa pou promovwar bien-et sosial ek ekonomik popilasyon Moris; ek .

(b) ena bann zistifikasion rezonab ki explik bann domaz ki kapav finn provoke lor ninport ki dimounn ki ena enn lintere ouswa enn drwa lor dibien-la; ek

(c) provizion finn fer dan enn lalwa ki aplikab ek sa expropriasion ou sa akizision-la:-

(i) konsernan peyman enn konpansasion rezonab; ek

(ii) pou garanti ki ninport ki dimounn ki ena enn lintere ouswa enn drwa lor propriete-la, gagn posibilite met enn prose devan Lakour Siprem, swa dan enn fason direk, swa atraver enn apel ki vinn depi enn lot otorite, pou ki li evalie so lintere ouswa so drwa ek ousi degre legalite expropriasion ou akizision so propriete, lintere ou drwa, ek ousi montan ninport ki konpansasion ki li gagn drwa benefisie, ek dan lobzektif pou ki li gagn peyman konpansasion-la.

(2) Tou dimounn ki ena drwa gagn enn konpansasion sou sa seksion-la, andeor bann dimounn ki res Moris, ena drwa transfer, dan enn dele rezonab apre ki li finn gagn enn parti sa konpansasion-la, totalite montan-

<p>charge or tax made or levied in respect of its remission) to any country of his choice outside Mauritius.</p> <p>(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (2) to the extent that the law in question authorises: –</p> <p>(a) the attachment, by order of a court, of any amount of compensation to which a person is entitled in satisfaction of the judgement of a court or pending the determination of civil proceedings to which he is a party;</p> <p>(b) the imposition of reasonable restrictions on the manner in which any amount of compensation is to be remitted; or</p> <p>(c) the imposition of any reduction, charge or tax that is made or levied generally in respect of the remission of money from Mauritius and that is not discriminatory within the meaning of section 16(3).</p> <p>(4) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of subsection (1):-</p> <p>(a) to the extent that the law in question makes provision for the taking of possession or acquisition of property: –</p> <p>(i) in satisfaction of any tax, rate or due;</p> <p>(ii) by way of penalty for breach of the law or forfeiture in consequence of the inability of a drug-trafficker or a person who has enriched himself by fraudulent and/or corrupt means to show that he has acquired the property by lawful means;</p> <p>(iii) as an incident of a lease, tenancy, mortgage, charge, sale, pledge or contract;</p>	<p>la (exanpte depi tou dediksyon, sarz ou tax ki preleve lor sa montan-la) ver enn pei andeor Moris ki li finn swazir.</p> <p>(3) Okenn provizion ki ena dan enn lalwa, ou okenn aksion ki tom sou so lotorite, pa pou konsidere kouma inkonpatib ou an violasyon avek sou-seksyon (2) dan limit kot lalwa-la otoriz: –</p> <p>(a) enn sezi, baze lor enn ordonans lakour, lor ninport ki montan konpansasyon ki enn dimounn ena drwa gagne an-konsekans exekision enn zizman lakour ouswa pandan ki li pe atann enn konklizyon dan enn prose sivil kot li konserne;</p> <p>(b) inpozision bann restriksyon rezonab konsernan fason pou vers ninport ki montan konpansasyon-la;</p> <p>(c) inpozision ninport ki dediksyon, sarz ouswa tax ki ena normalman lor tranfer kas andeor Moris e ki pa diskriminatwar dapre seksyon 16 (3).</p> <p>(4) Nanye ki kontenir dan enn lalwa, ou okenn aksion ki tom sou so lotorite, pa pou konsidere kouma inkonpatib ou an violasyon avek sou-seksyon (1): -</p> <p>(a) dan limit kot lalwa-la fer provizion konsernan expropriasyon ou pou akizision enn dibien: –</p> <p>(i) dan lobzektif pou pey ninport ki tax; lintere ousa det;</p> <p>(ii) sou form enn sanksion kont enn violasyon lalwa ouswa enn konfiskasyon ki fer swit inkapasite enn trafikan ladrog ouswa enn dimounn ki finn gagn kas par bann mwayin sipe pou montre ki li finn gagn sa dibien-la par bann mwayin legal;</p> <p>(iii) an konsekans enn bay, enn lokasyon, enn ipotek, enn lavant, enn gaz ouswa enn kontra;</p>
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(iv) in the execution of judgements or orders of courts;

(v) by reason of its being in a dangerous state or injurious to the health of human beings, animals, trees or plants;

(vi) in consequence of any law with respect to the limitations of actions or acquisitive prescription;

(vii) for so long only as may be necessary for the purposes of any examination, investigation, trial or inquiry or, in the case of land, the carrying out on it: -

(A) of work of soil conservation or the conservation of other natural resources; or

(B) of agricultural development or improvement that the owner or occupier of the land has been required, and has, without reasonable and lawful excuse, refused or failed to carry out, except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society; or

(b) to the extent that the law in question makes provision for the taking of possession or acquisition of -

(i) enemy property;

(ii) property of a person who has died or is unable, by reason of legal incapacity, to administer himself, for the purpose of its administration for the benefit of the persons entitled to the beneficial interest in it;

(iii) property of a person adjudged bankrupt or a body corporate in liquidation, for the purpose of its

(iv) atraver exekision bann zizman ouswa ordonans lakour;

(v) an konsekans lefet ki so leta reprezant enn danze ouswa enn menas pou lasante bann dimounn, bann zamino, bann zarb ouswa lezot plant;

(vi) an konsekans aplikasion enn lalwa relatif ek limitasion aksion ou akizision par preskripsion;

(vii) pou enn dire osi lontan ki neserer dan lobzektif pou permet ninport ki lexame, lanket, prose ou instruksion, ouswa dan ka later, bann amenazman neserer ki pou permet:

(A) enn travay konservasion later-la ouswa konservasion bann lezot resours natirel ki lor later-la; ouswa

(B) enn devlopman agrikol oubien enn ameliorasion ki proprieter ouswa okipan later-la ti bizin fer, e ki, san okenn exkiz rezonab ou legal, li finn refiz fer ouswa li pa finn oule fer, sof dan limit kot kapav demontre ki sa provizion-la ouswa, depandan ka-la, so aplikasion, pena okenn zistifikasion rezonab dan enn sosiete demokratik;

(b) dan limit kot lalwa-la fer provizion pou priz posesion ouswa akizision:-

(i) dibien enn lenmi,

(ii) dibien enn dimounn ki finn desede ouswa ki pa kapav, akoz enn inkapasite legal, administre dibien-la limem, dan lobzektif pou administre li dan benefis bann dimounn ki ena enn lintere dan dibien-la;

(iii) dibien enn dimounn ki finn deklar fayit ouswa enn sosiete ki an likidasion, dan lobzektif pou administre li,

administration for the benefit of the creditors of the bankrupt or body corporate and, subject thereto, for the benefit of other persons entitled to the beneficial interest in the property; or

(iv) property subject to a trust, for the purpose of vesting the property in persons appointed as trustees under the instrument creating the trust or by a court or, by order of a court, for the purpose of giving effect to the trust; or

(c) to the extent that the law in question –

(i) makes provision for the payment of the amount for which the property is to be compulsorily taken possession of, together with interest at the legal rate in equal yearly instalments, within a period not exceeding 10 years;

(ii) fixes the amount for which the property is to be compulsorily taken possession of or acquired or makes provision for the determination of that amount in accordance with such principles as may be prescribed.

(4A) (a) Notwithstanding subsection (1)(c), section 17 or any other provision of the Constitution, no law relating to the compulsory acquisition or taking of possession of any property shall be called in question in any court if it has been supported at the final voting in the Assembly by the votes of not less than three quarters of all members of the Assembly.

(b) No law under paragraph (a) shall be amended or repealed otherwise than by a Bill which has been supported at the final voting in the Assembly by the votes of not less than three quarters of all the members of the Assembly.

dabor dan benefis bann kreansie dimounn ki finn deklar fayit ouswa sosiete ki an likidasion la, e enn fwa ki sa fini, dan benefis bann lezot dimounn ki ena enn lintere dan dibien-la;

(iv) dibien ki finn verse dan enn trust, dan lobzektif ki sa dibien-la pou al ver bann dimounn ki finn nome kouma bann trustees sou provizion legal ki finn kree trust-la ouswa par enn lakour ou enn ordonans lakour ki finn permet trust-la rant an operasion; ouswa

(c) dan mezir kot lalwa-la:

(i) fer provizion pou pey montan dibien ki finn expropriye, avek lintere ki bizin azoute lor to ki finn fixe par lalwa lor bann trans aniel egal pou enn peryod ki pa depas 10 an;

(ii) fixe montan dibien ki finn expropriye ou ki finn fer akizision ouswa fer provizion pou determinn montan ki konform avek bann prinsip ki finn preskrir.

(4) (A) (a) Toutfwa, san ki sa fer obstak ek sou-seksion (1)(c) seksion 17, ou ninport ki lezot provizion ki ena dan Konstitision, okenn lalwa ki ena lien avek expropriasion ou akizision forse enn dibien pa kapav remet an kestion par okenn tribinal si li finn pas par enn vot final Lasanble Nasional e ki li finn soutenir par omwin trwa-kar totalite manb ki ena.

(b) Okenn lalwa ki vize dan paragraf (a) pa kapav amande ou revoke amwin ki li pas par enn Bill dan Lasanble e ki li vote par omwin trwa-kar totalite bann manb ki ena.

(5) Nothing in this section shall affect the making or the operation of any law so far as it provides for the vesting in the state of the ownership of underground water or unextracted minerals.

(6) Nothing in this section shall affect the making or operation of any law for the compulsory taking of possession in the public interest of any property, or the compulsory acquisition in the public interest of any property, or the compulsory acquisition in the public interest of any interest in or right over property, where that property, interest or right is held by a body corporate established by law for public purposes, in which no money has been invested other than money provided from public funds.

Article 9. Protection of privacy of home and other property

(1) Except with his own consent, no person shall be subjected to the search of his own person or his property or the entry by others on his premises.

(2) Nothing contained in or done under the authority of any law shall be held to be consistent with or in contravention of this section to the extent that the law in question makes provision –

(a) in the interests of defence, public safety, public order, public morality, public health, town and country planning, the development or utilisation of mineral resources or the development or utilisation of any other property in such a manner as to promote the public benefit;

(b) for the purpose of protecting the rights or freedoms of other persons;

(c) to enable an officer or agent of the government or a local authority, or a body corporate established by law for public purpose, to enter on the premises of any person in order to value those premises for the purpose of any tax, rate or due, or in order to carry out work connected with any property that is lawfully on those premises and that belongs to the

(5) Nanye dan sa seksion-la pa pou kapav anpes adopsion ou exekision enn lalwa dan mezir kot lalwa-la permet Leta fer akizision bann propriete kot ena nap souterin ouswa bann mineral ki pankor extrer.

(6) Nanye dan sa seksion-la pa pou afekte adopsion ou exekision enn lalwa ki pe permet expropriasion ou akizision forse enn dibien dan lintere piblik ou akizision forse dan lintere piblik lor tou lintere ek drwa ki atase ek enn dibien, kan dibien, lintere ek drwa-la, zot detenir par enn institision ki finn etabli par lalwa pou bann izaz piblik kot tou larzan ki finn investi sorti inikman depi bann fon piblik.

Lartik 9. Proteksion domisil prive ek lezot dibien.

(1) Sof avek so prop konsantman, personn pa gagn drwa fer lafouy lor enn dimounn ouswa lor so dibien, ouswa rant lor so propriete.

(2) Okenn provizionion ki ena dan enn lalwa, ou okenn aksion ki tom sou so lotorite, pa pou konsidere kouma inkonpatib ou an violasion avek sa seksion-la dan limit kot lalwa-la finn fer bann provizion:-

(a) ki dan lintere ladefans, sekirite piblik, lord piblik, moralite piblik, lasante piblik, amenazman teritwar, ki li dan lavil ou vilaz, devlopman ou itilizasion bann resours mineral, devlopman ou itilizasion ninport ki lezot dibien dan enn fason kot li promouvwar lintere piblik;

(b) dan lobzektif pou protez bann drwa ek liberte lezot dimounn;

(c) pou permet enn ofisie ou enn azan Leta ou enn Lotorite Lokal, ouswa enn sosiete ki finn etabli par enn akt legal pou ranpli bann obzektif piblik, rant lor propriete enn dimounn pou evalie propriete-la pou bann obzektif fiskal, ouswa pou fer bann travay ki lie avek ninport ki dibien ki trouv legalman lor propriete-la, me

<p>government, the local authority or that body corporate, as the case may be; or</p> <p>(d) to authorise, for the purpose of enforcing the judgement or order of a court in any civil proceedings, the search of any person or property by order of a court or the entry upon any premises by such order,</p> <p>Except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.</p>	<p>ki propriete gouvèrnman, enn Lotokite Lokal ouswa enn sosiete, selon bann ka;</p> <p>(d) pou otoriz, dan kad exekision enn zizman ouswa enn ordonans lakour dan enn prosedir sivil, lafouy lor enn dimounn ouswa lor enn propriete dan exekision enn ordonans lakour, ouswa pou gagn akse dan ninport ki batiman dapre sa mem ordonans-la,</p> <p>Sof dan limit kot finn demontre ki provizion-la, ouswa, depandan lor ka, aksion ki tom sou so lotorite pena okenn zistifikasion rezonab dan enn sosiete demokratik.</p>
<p>Article 10. Provisions to secure protection of law</p> <p>(1) Where any person is charged with a criminal offence, then unless the charge is withdrawn, the case shall be afforded a fair hearing within a reasonable time by an independent and impartial court established by law.</p> <p>(2) Every person who is charged with a criminal offence –</p> <p>(a) shall be presumed to be innocent until he is proved or has pleaded guilty</p> <p>(b) shall be informed as soon as reasonably practical, in a language that he understands and, in detail, of the nature of the offence;</p> <p>(c) shall be given adequate time and facilities for the preparation of his defence;</p> <p>(d) shall be permitted to defend himself in person or, at his own expense, by a legal representative of his own choice or, where so described, by a legal representative provided at the public expense;</p>	<p>Lartik 10. Provizion pou donn garanti konsènan proteksion par lalwa</p> <p>(1) Kan enn dimounn finn gagn enn sarz kriminel kont li, si akizasion-la pa retire, li ena drwa gagn enn prose zis ek ekitab dan enn dele rezonab, devan enn lakour zistis indepanndan ek inparsial ki finn etabli par lalwa.</p> <p>(2) Tou dimounn ki finn gagn enn sarz kriminel kont li:-</p> <p>a) bizin konsidere kouma inosan osi lontan ki so kilpabilite pa finn prouve ouswa ki limem li finn pled koupab;</p> <p>b) bizin gagn bann linformasion pli vit ki posib, dan enn langaz ki li konpran ek dan enn fason detaye, lor natir ofans-la;</p> <p>c) bizin gagn letan ek fasilite nesese pou prepar so defans;</p> <p>d) bizin kapav defann li par limem, ouswa, lor so prop fre, par enn reprezantan legal ki limem pou swazir, ouswa dan kad ki preskrir par lalwa, par enn reprezantan legal ki peye par fon piblik;</p>

(e) shall be afforded facilities to examine, in person or by his legal representative, the witnesses called by the prosecution before any court and to obtain the attendance and carry out the examination of witnesses to testify on his behalf before that court on the same conditions as those applying to witnesses called by the prosecution; and

(f) shall be permitted to have without payment the assistance of an interpreter if he cannot understand the language used at the trial of the offence, and, except with his own consent, the trial shall not take place in his absence unless he so conducts himself as to render the continuance of the proceedings in his presence impracticable and the court has ordered him to be removed and the trial to proceed in his absence.

(3) Where a person is tried for any criminal offence, the accused person or any person authorised by him in that behalf shall, if he so requires and subject to payment of such a reasonable fee as may be specified by or under any law, be given within a reasonable time after judgement a copy for the use of the accused person of any record of the proceedings made by or on behalf of the court;

(4) No person shall be held to be guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence that is severer in degree or description than the maximum penalty that might have imposed for that offence at the time when it was committed.

(5) No person who shows that he has been tried by a competent court for a criminal offence and either convicted or acquitted shall again be tried for that offence or for any other criminal offence of which he could have been convicted at the trial of that offence, except upon the order of a superior court in the course of appeal or review proceedings relating to the conviction or acquittal.

e) bizin gagn bann fasilite ki pou permet li interoz, ouswa fer so reprezantan legal interoz, bann temwin ki finn site par parti akizasion devan ninport ki lakour ek obtenir drwa pou konvok ek pou interoz, devan sa mem lakour-la, bann temwin dan so faver, dan mem kondision ki finn aplike pou bann temwin parti akizasion;

f) bizin kapav benefisie gratwitman led enn interpret si li pa konpran langaz ki servi pandan so prose, ek, sof avek so prop konsantman, prose-la pa pou gagn drwa fer dan so labsans, amwin ki li konport li dan enn tel fason kot li finn rann deroulman so prose dan so prezans inpratikab, e ki lakour finn ordonn so expilsion e ki so prose kontigne dan so labsans.

(3) Kan enn dimounn pe prezant lakour pou enn ofans kriminel, li, ouswa ninport ki dimounn ki li finn donn permission pou azir dan sa fonksion-la, gagn drwa, si li demande ek sou reserv ki li pey redevans ki bizin an konformite ek lalwa, gagn dan enn dele rezonab apre zizman, enn kopi bann prosedir ki finn servi par, ouswa lor nom, lakour, pou so izaz personel.

(4) Personn pa gagn drwa konsidere kouma koupab pou enn ofans konsernan enn aksion ouswa enn omision ki, dan moman kot li finn komet, pa ti konsidere legalman kouma enn tel infraksion, e okenn penalite pa gagn drwa inpoze pou enn ofans kriminel ki pli sever an-degre ouswa an-deskripsion, ki penalite maximal ki ti pou kapav inpoze pou sa infraksion-la dan moman kot li finn komet.

(5) Enn dimounn ki kapav demontre ki li finn zize par enn ziridiksion konpetan pou enn infraksion e ki li finn akite ouswa kondane, pa pou bizin pas par enn nouvo prose pou mem infraksion ouswa pou ninport ki infraksion pou lekel li ti pou kapav finn kondane pandan so prose, sof si ena enn ordonans depi enn lakour siperyer ki al da sa sans-la, dan kad enn prosedir apel ouswa revizion pou enn kondanasion ouswa enn akitman.

(6) No person shall be tried for a criminal offence if he shows that he has been granted a pardon, by competent authority, for that offence.

(7) No person who is tried for a criminal offence shall be compelled to give evidence at the trial.

(8) Any court or other authority required or empowered by law to determine the existence or extent of any civil right or obligation shall be established by law and shall be independent and impartial, and where proceedings for such a determination are instituted by any person before such a court or other authority, the case shall be given a fair hearing within a reasonable time.

(9) Except with the agreement of all the parties, all proceedings of every court and proceedings for the determination of the existence or extent of any civil right or obligation before any other authority, including the announcement of the decision of the court or other authority, shall be held in public.

(10) Nothing in subsection (9) shall prevent the court or other authority from excluding from the proceedings (except the announcement of the decision of the court or other authority) persons other than the parties and their legal representatives, to such extent as the court or other authority –

(a) may by law be empowered so to do and may consider necessary or expedient in circumstances where publicity would prejudice the interests of justice, or in interlocutory proceedings, or in the interest of public morality, the welfare of persons under the age of 18 years or the protection of the privacy of persons concerned in the proceedings; or

(b) may by law be empowered or required to do so in the interests of defence, public safety or public order.

(11) Nothing contained in or done under the authority of any law shall be held inconsistent with or in contravention to –

(6) Ninport ki dimounn ki kapav demontre ki li finn grasie par enn otorite konpetan pou enn ofans, pa pou bizin pas par enn lot prose pou sa mem ofans-la.

(7) Ninport ki dimounn ki pe zize pou enn ofans bizin fourni tou evidans ki neserer dan so prose.

(8) Ninport ki lakour zistis ouswa otorite konpetan ou ki abilite par lalwa pou determinn lexisans ouswa letandi enn drwa ouswa enn obligasion sivil pou bizin met anplas atraver enn lalwa e li pou ena enn rol indepanndan ek inparsial, e kan enn dimounn rant enn case devan enn tel lakour ouswa enn tel lotorite, case-la pou bizin benefisie enn odians zis ek ekitab dan enn dele rezonab.

(9) Sof si tou bann parti tom dakor, tou bann prosedir ki ena dan sak lakour zistis ek bann prosedir ki viz pou determinn lexisans ouswa letandi enn drwa ouswa enn obligasion sivil devan ninport ki lezot lotorite, inklian proklamasion desizion lakour-la ouswa enn lot otorite, pou deroule an piblik.

(10) Okenn provizion dan sou-sekson (9) pa pou kapav anpes lakour ouswa enn lot otorite (sof pou proklamasion desizion lakour-la ouswa enn lot otorite) exklir bann dimounn apart bann parti ek zot reprezantan legal, dan limit kot lakour-la ouswa enn lot lotorite kapav: -

(a) trouv li abilite par lalwa pou fer li ek kapav konsidere ki li neserer ouswa aproprie dan sirkonstans kot piblisite kapav port prezidis lor lintere lazistis, ouswa dan bann prosedir provizwar, ouswa dan lintere moralite piblik, bien-et bann dimounn anba 18 an ouswa dan lobzektif pou protez lavi prive bann dimounn konserne par prosedir-la, ouswa

(b) trouv li abilite, ouswa oblize par lalwa, pou azir dan sa direksion-la dan lintere ladefans, sekirite ouswa lord piblik.

(11) Nanye ki kontenir dan enn lalwa, ou okenn aksion ki tom sou lotorite enn lalwa, pa pou konsidere kouma inkonpatib ou an violasion avek:

<p>(a) subsection (2)(a), to the extent that the law in question imposes upon any person charged with a criminal offence the burden of proving particular facts;</p> <p>(b) subsection (2)(e), to the extent that the law in question imposes conditions that must be satisfied if witnesses called to testify on behalf of an accused person are to be paid their expenses out of public funds;</p> <p>(c) subsection (5), to the extent that the law in question authorises a court to try a member of a disciplined force for a criminal offence, notwithstanding any trial and conviction or acquittal of that member under the disciplinary law of that force, so, however, that any court so trying such a member and convicting him shall, in sentencing him, to any punishment, take into account any punishment awarded him under that disciplinary law.</p> <p>(12) In this section “criminal offence” means a crime, misdemeanour or contravention punishable under the law of Mauritius.</p>	<p>(a) sou-seksion (2)(a), dan limit kot lalwa-la inpoz lor ninport ki dimounn lor ki ena enn sarz kriminel, responsabilite pou prouv sartin fe partikilie;</p> <p>(b) sou-seksion (2)(e) dan limit kot lalwa-la inpoz bann kondision ki bizin satisfere pou ki bann temwin ki pe depoz an faver enn akize gagn dedomazman depi fon piblik pou zot depans;</p> <p>(c) sou-seksion (5), dan limit kot lalwa-la otoriz enn lakour pou ziz enn manb lafors disipliner pou enn infraksion penal, mem si dimounn-la kapav finn zize ek kondane dan kad lalwa disipliner ki ena dan lafors-la, desort ki malgre tou, ninport ki tribinal ki pou ziz enn tel manb ek pou kondann li pou asim ninport ki sanksion, pou bizin tenir kont ninport ki pinision ki li finn deza gagne dan kad sa lalwa disipliner la.</p> <p>(12) Dan sa seksion-la, “infraksion penal” ou “ofans kriminel” vedir enn krim, enn ofans ouswa enn kontravansion ki pinisab par lalwa Moris.</p>
<p>Article 11. Protection of freedom of conscience</p> <p>(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section, that freedom includes freedom of thought and of religion, freedom to change his religion or belief, and freedom, either alone or in community with others and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.</p> <p>(2) Except with his own consent (or, if he is minor, the consent of his guardian), no person attending any place of education shall be required to receive religious instruction or to take part in or attend</p>	<p>Lartik 11. Proteksion liberte konsians</p> <p>(1) Sof avek so prop konsantman, okenn dimounn pa gagn drwa bloke dan lexersis so liberte konsians, ek dan kad sa seksion-la, sa liberte-la inklir libertepanse ek relizyon, liberte pou sanz relizyon ouswa pou sanz krwayans, ek tou form liberte, ki li personel ou kolektif, an piblik ou an prive, pou manifeste ouswa pou propaz so relizyon ouswa so krwayans atraver so bann kilt ou seremoni, so bann lansegnman, so bann pratik ek observans.</p> <p>(2) Sof avek so prop konsantman (ek, si li miner, avek konsantman so titer legal), okenn dimounn ki pe frekant enn etablisman edikatif, pa gagn drwa forse pou swiv enn instruksion relizie, ouswa pran par dan, ouswa asiste, enn seremoni ouswa enn pratik relizie, si sa instruksion, sa seremoni</p>

<p>any religious ceremony or observance if that instruction, ceremony or observance relates to a religion that he does not profess.</p> <p>(3) No religious community or denomination shall be prevented from making provision for the giving, by persons lawfully in Mauritius, of religious instruction to persons of that community or denomination in the course of any education provided by that community or denomination</p> <p>(4) No person shall be compelled to take any oath that is contrary to his religion or belief or to take oath in a manner that is contrary to his religion or belief.</p> <p>(5) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision –</p> <p style="padding-left: 40px;">(a) in the interests of defence, public safety, public order, public morality or public health; or</p> <p style="padding-left: 40px;">(b) for the purpose of protecting the rights and freedom of other persons, including the right to observe and practise any religion or belief without the unsolicited intervention of persons professing any other religion or belief, except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.</p>	<p>ouswa sa observans-la, zot lie avek enn relizion ki dimounn-la napa pratike.</p> <p>(3) Pa gagn drwa anpes enn kominote ouswa enn konfesyon relizie fer provizion dan kad ledikasion zeneral ki li ofer, pou organiz instriksion relizie so bann manb par bann dimounn ki pe res legalman dan Moris.</p> <p>(4) Pa gagn drwa obliz enn dimounn pret enn serman ki an kontradiksion avek so relizion ouswa so krwayans, ouswa pret serman dan enn manier ki an kontradiksion avek so relizion ouswa so krwayans.</p> <p>(5) Nanye ki kontenir dan enn lalwa ouswa aksion ki finn fer sou so lotorite pa pou konsidere kouma non konform ouswa an violasion ek sa seksion-la, dan mezir kot lalwa-la finn fer bann provizion: –</p> <p style="padding-left: 40px;">(a) ki dan lintere ladefans, sekirite piblik, lord piblik, moralite piblik, lasante piblik ; ouswa</p> <p style="padding-left: 40px;">(b) pou protez drwa ek liberte lezot dimounn, inklian drwa pou observ ek pratik enn relizion ouswa enn krwayans san ki ena interferans depi bann dimounn ki dan lezot relizion ou lezot krwayans, sof dan mezir kot finn demontre ki provizion-la, ouswa depandan lor ka, aksion ki tom sou so lotorite, pena okenn zistifikasion rezonab dan enn sosiete demokratik.</p>
<p>Article 12. Protection of freedom of expression</p> <p>1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, that is to say, freedom to hold opinions and to receive and impart ideas and information without interference, and freedom from interference with his correspondence.</p>	<p>12. Proteksion drwa liberte expression</p> <p>(1) Sof avek so prop konsantman, okenn dimounn pa gagn drwa bloke dan lexisis so liberte expresion, setadir so liberte pou ena enn lopinion, so liberte pou resevwar ouswa pou kominik bann lide ou linformasion san okenn inzerans, ek san ki ena inzerans dan so bann korespondans.</p>

<p>(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision -</p> <p>(a) in the interest of defence, public safety, public order, public morality or public health;</p> <p>(b) for the purpose of protecting the reputations, rights or freedoms of other persons or the private lives of persons concerned in legal proceedings, preventing the disclosure of information received in confidence, maintaining the authority and independence of the courts, or regulating the technical administration or the technical operation of telephony, telegraphy, posts, wireless broadcasting, television, public exhibitions or public entertainment; or</p> <p>(c) for the imposition of restriction upon public officers, except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.</p>	<p>(2) Nanye ki kontenir dan enn lalwa ou aksion ki tom sou so lotorite pa pou konsidere kouma non konform ouswa an violasion ek sa seksion-la, dan mezir kot lalwa-la finn fer bann provizion:-</p> <p>(a) ki dan lintere la ladefans, sekirite piblik, lord piblik, moralite piblik ouswa lasante piblik;</p> <p>(b) dan lobzektif pou protez repitasion, drwa ek liberte lezot dimounn ouswa lavi prive bann dimounn ki konserne par enn prose, pou anpes divilgasion bann linformasion konfidansiel, pou mintenir lotorite ek lindependans lakour, ouswa pou reglemant administrasion teknik ouswa fonksionnman teknik bann telefonn, telegraf, radio san fil, pbann post, radio sa fil, televizyon, expozision piblik ouswa divertisman piblik;</p> <p>(c) dan lobzektif pou inpoz bann restriksion lor bann fonksioner; sof dan mezir kot finn demontre ki provizion-la, ouswa, depandan lor ka, aksion ki tom sou so lotorite, pena okenn zistifikasion rezonab dan enn sosiete demokratik.</p>
<p>Article 13. Protection of freedom of assembly and association</p> <p>(1) Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons and, in particular, to form or to belong to trade unions or other associations for the protection of his interests.</p> <p>(2) Nothing contained in or done under the authority of any law shall be held inconsistent with or in contravention of this section to the extent that the law in question makes provision -</p> <p>(a) in the interests of defence, public safety, public order, public morality or public health;</p> <p>(b) for the purpose of protecting the rights or freedoms of other persons; or</p>	<p>Lartik 13. Proteksion liberte rasanbleman ek asosiasion</p> <p>(1) Sof avek so prop konsantman, okenn dimounn pa gagn drwa bloke dan lexersis so liberte asanble ek asosiasion, setadir so drwa pou zwenn ek pou asosie avek lezot dimounn dan enn fason lib, ek an partikilie, so drwa pou kree ouswa pou fer parti bann sindika ouswa bann lezot form asosiasion dan lobzektif pou defann so lintere.</p> <p>(2) Okenn provision ki kontenir dan enn lalwa ou aksion ki tom sou so lotorite pa pou konsidere kouma non-konform ouswa an violasion ek sa seksion-la, dan mezir kot lalwa-la finn fer bann provizion -</p> <p>(a) ki dan lintere ladefans, sekirite piblik, lord piblik ouswa lasante piblik ;</p> <p>(b) dan lobzektif pou protez drwa ek liberte lezot dimounn; ouswa</p>

<p>(c) for the imposition of restrictions upon public officers, except so far that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.</p>	<p>(c) dan lobzektif pou inpoz bann restriksion lor bann ofisie piblik, sof dan mezir kot finn demontre ki provizion-la ouswa, depandan lor ka, aksion ki tom sou so lotorite, pena okenn zistifikasion rezonab dan enn sosiete demokratik.</p>
<p>Article 14. Protection of freedom to establish schools</p> <p>(1) No religious denomination and no religious, social, ethnic or cultural association or group shall be prevented from establishing and maintaining schools at its own expense.</p> <p>(2) Nothing contained in or done under the authority of any law shall be held inconsistent with or in contravention of subsection (1) to the extent that the law makes provision -</p> <p style="padding-left: 40px;">(a) in the interests of defence, public safety, public order, public morality or public health; or</p> <p style="padding-left: 40px;">(b) for regulating such schools in the interests of persons receiving instruction in them, except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.</p> <p>(3) No person shall be prevented from sending to any such school a child of whom that person is parent or guardian by reason only that the school is not a school established or maintained by the Government.</p> <p>(4) In subsection (3), the "child" includes a stepchild and a child adopted in a manner recognised by law, and "parent" shall be construed accordingly.</p>	<p>Lartik 14. Proteksion liberte pou met anplas bann lekol</p> <p>(1) Pa gagn drwa anpes okenn denominasion relizie, okenn asosiasion oubien group relizie, sosial, etnik ouswa kiltirel met anplas ek asir mintien so bann lekol lor so prop fre.</p> <p>(2) Nanye ki kontenir dan enn lalwa ou aksion ki tom sou so lotorite pa pou konsidere kouma non-konform ouswa an violasion ek sou-seksion (1), dan mezir kot lalwa-la finn fer provizion:</p> <p style="padding-left: 40px;">(a) ki dan lintere ladefans, sekirite piblik, lord piblik, moralite piblik ouswa lasante piblik; ouswa</p> <p style="padding-left: 40px;">(b) pou reglemant sa bann lekol-la dan lintere bann dimounn ki pe aprann ladan, sof dan mezir kot finn demontre ki provizion-la, ouswa, depandan lor ka, aksion ki tom sou so lotorite pena okenn zistifikasion rezonab dan enn sosiete demokratik.</p> <p>(3) Pa gagn drwa anpes enn paran ouswa enn titer avoy enn zanfan ki sou so responsabilite dan enn sa bann lekol-la zis lor argiman ki lekol-la pa finn fonde ouswa zere par Gouvernman.</p> <p>(4) Dan sou-seksion (3), "zanfan" vedir ousi enn bofis ouswa enn belfi ouswa enn zanfan ki finn adopte legalman, ek term "paran" pou interprete dan mem lozik.</p>
<p>Article 15. Protection of freedom of movement</p> <p>(1) No person shall be deprived of his freedom of movement, and for the purposes of this section, that freedom means the right to move freely throughout Mauritius, the right to reside in any part of</p>	<p>Lartik 15. Proteksion liberte sirkilasion</p> <p>(1) Personn pa gagn drwa priv enn dimounn so liberte sirkilasion, ek dan kad sa seksion-la, sa liberte-la vedir drwa pou deplase dan enn fason lib</p>

<p>Mauritius, the right to enter Mauritius, the right to leave Mauritius and immunity from expulsion from Mauritius.</p> <p>(2) Any restriction on a person's freedom of movement that is involved in his lawful detention shall not be held inconsistent with or in contravention of this section.</p> <p>(3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision –</p> <p>(a) for the imposition of restrictions on the movement or residence within Mauritius of any person in the interests of defence, public safety, public order, public morality or public health;</p> <p>(b) for the imposition of restrictions on the right of any person to leave Mauritius in the interest of defence, public safety, public order, public morality or public health or of securing compliance with any international obligation of the government, particulars of which have been laid before the Assembly;</p> <p>(c) for the imposition of restrictions, by order of a court, on the movement or residence within Mauritius of any person either in consequence of his having been found guilty of a criminal offence under the law of Mauritius or for the purpose of ensuring that he appears before court at a later date in respect of such a criminal offence or for proceedings preliminary to trial or for proceedings relating to his extradition or other lawful removal from Mauritius;</p> <p>(d) for the imposition of restrictions on the movement or residence within Mauritius of any person who is not a citizen of Mauritius or the exclusion or the expulsion from Mauritius of any such person;</p>	<p>atraver Moris, drwa pou abit dan ninport ki parti Moris, drwa pou rant dan Moris, drwa pou kit Moris ek iminite kont expilsion depi Moris.</p> <p>(2) Ninport ki restriksion lor liberte sirkilasion enn dimounn dan kad so detansion legal pa pou konsidere kouma non-konform ouswa an violasion ek sa seksion-la.</p> <p>(3) Nanye ki kontenir dan enn lalwa ou aksion ki tom sou so lotorite pa pou konsidere kouma non-konform ouswa an violasion ek sa seksion-la, dan mezir kot lalwa-la finn fer bann provizion:</p> <p>(a) pou inpoz lor enn dimounn bann restriksion lor so liberte sirkilasion ouswa so liberte rezidans dan Moris dan lintere ladefans, sekirite piblik, lord piblik, moralite piblik ouswa lasante piblik ;</p> <p>(b) pou inpoz lor enn dimounn bann restriksion lor so drwa pou kit Moris dan lintere ladefans, sekirite piblik, lord piblik, moralite piblik ouswa lasante piblik, ouswa pou asire ki dep lasman-la an konformite avek bann obligasion internasional ki gouvènmman ena, kot bann detay finn depeze divan Lasanble ;</p> <p>(c) pou inpoz lor enn dimounn bann restriksion, swivan ordonans enn lakour, lor so liberte sirkilasion ouswa lor so liberte rezidans dan Moris, swa parski li finn rekonet koupab pou enn ofans kriminel dapre lalwa Moris, ouswa pou asire ki li pou konparet plitar divan enn lakour dan kad enn ofans kriminel, ouswa pou bann prosedir preliminar dan enn prose, ouswa pou bann prosedir ki ena lien avek so extradision ouswa lot form deportasion legal depi Moris;</p> <p>(d) pou inpoz lor enn dimounn ki pa enn sitwayin Moris bann restriksion lor so liberte sirkilasion ouswa lor so liberte rezidans ouswa so exklizion ou expilsion depi Moris;</p>
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(e) for the imposition of restrictions on the acquisition or use by any person of land or other property in Mauritius;

(f) for the removal of a person from Mauritius to be tried outside Mauritius for a criminal offence or to undergo imprisonment outside Mauritius in execution of the sentence of a court in respect of a criminal offence of which he has been convicted; or

(g) for the imposition of restrictions on the right of any person to leave Mauritius in order to secure the fulfilment of any obligations imposed upon that person by law,

Except so far as that provision or, as the case may be, the thing done under its authority is shown not to be reasonably justifiable in a democratic society.

(4) where any person whose freedom of movement has been restricted in pursuance of subsection (3)(a) or (b) so requests –

(a) he shall, as soon as is reasonably practicable and in any case not more than 7 days after the making of the request, be furnished with a statement in writing in a language that he understands, specifying the grounds for the imposition of the restriction;

(b) not more than 14 days after the making of the request, and thereafter during the continuance of the restriction at intervals of not more than 6 months, his case shall be reviewed by an independent and impartial tribunal consisting of a chairman and 2 other members appointed by the Judicial and Legal Service Commission, the chairman being appointed from among persons who are entitled to practise as a barrister or as an attorney in Mauritius;

(c) he or a legal representative of his own choice shall be permitted to make representations to the tribunal appointed for the review of his case;

(e) pou inpoz lor enn dimounn bann restriksion lor so drwa akizision ou itilizasion later ouswa lezot dibien dan Moris;

(f) pou permet extradision enn dimounn depi Moris pou ki li gagn enn prose andeor Moris dan kad enn ofans kriminel ouswa pou ki li sibir enn anprizonman andeor Moris dan kad exekision santans enn tribinal pou enn ofans kriminel kot li finn rekonet koupab; ouswa

(g) pou inpoz lor enn dimounn bann restriksion lor so drwa pou kit Moris dan kad respe bann obligasion ki dimounn-la bizin ranpli dapre lalwa,

Sof dan mezir kot finn demontre ki sa provizion-la, ouswa, depandan lor ka, aksion ki tom sou so lotorite pena okenn zistifikasion rezonab dan enn sosiete demokratik.

(4) Kan enn dimounn ki so liberte sirkilasion finn restrenn dan kad exekision sou-seksion (3) (a) ouswa (b) fer enn reket dan sa sans-la:

(a) li pou, gagn, pli vit ki posib ek an prinsip dan enn dele ki pa depas 7 zour apre so reket, enn deklarasion an ekri dan enn langaz ki li konpran, lor bann rezon ki explik sa restriksion-la;

(b) dan enn dele ki pa depas 14 zour apartir reket-la ek apre sa, pandan dire restriksion-la lor bann interval ki pa depas 6 mwa, so ka pou re-examine par enn tribinal inparsial ek independan ek 2 lezot manb ki pou nome par *Judicial and Legal Service Commission*, e kot prezidan-la pou figir parmi bann dimounn ki ena drwa pou exers profesion avoka ou avwe dan Moris.

(c) li ouswa enn reprezantan legal ki limem pou swazir pou otorize pou reprezant li devan tribinal ki finn nome pou examinn so ka ;

<p>(d) on any review by a tribunal in pursuance of this subsection in any case, the tribunal may make recommendations concerning the necessity or expediency of continuing the restriction in question to the authority by which it was ordered and that authority shall act in accordance with any recommendation from the removal or relaxation of the restriction:</p> <p>Provided that the person whose freedom of movement has been restricted by virtue of a restriction that is applicable to persons generally or to general classes of persons shall not make a request under this subsection unless he has first obtained the consent of the Supreme Court.</p>	<p>(d) apre ki ka-la finn re-examine par enn lakour an konformite avek sa sou-seksion-la, lakour-la kapav fer bann rekomandasion konsernan nesosite ouswa pertinans pou mintenir restriksion-la, avek otorite ki finn ordonn li, e otorite-la pou bizin azir an fonksion rekomandasion tribinal-la pou anlev ouswa pou asouplir sa restriksion-la:</p> <p>Lor kondision etabli ki enn dimounn ki finn gagn enn restriksion lor so liberte sirkilasion an fonksion enn desizion ki aplikab lor tou dimounn an zeneral ouswa lor tou bann kategori dimounn an zeneral pa pou kapav fer enn demann sou sa sou-seksion-la, sof si li finn gagn konsantman Lakour Siprem dabor.</p>
<p>Article 16. Protection from discrimination</p> <p>(1) Subject to subsection (4), (5) and (7), no law shall make any provision that is discriminatory either of itself or in its effect.</p> <p>(2) Subject to subsections (6), (7) and (8), no person shall be treated in a discriminatory manner by any person acting in the performance of any public function conferred by any law or otherwise in the performance of the functions of any public office or any public authority.</p> <p>(3) In this section, "discriminatory" means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such description.</p> <p>(4) Subsection (1) shall not apply to any law so far as that law makes provision –</p>	<p>16. Proteksion kont diskriminasion</p> <p>(1) Sou rezerv provizion ki ena dan sou-seksion (4), (5) ek (7) sa lartik-la, okenn lalwa pa pou fer provizion ki diskriminatwar an limem ouswa dan so bann lefe.</p> <p>(2) Sou rezerv bann provision ki ena dan sou-seksion (6), (7) ek (8) sa lartik-la, okenn dimounn ki pe azir dan kad exekision enn fonksion piblik ki finn konfere par lalwa ouswa dan kad exekision ninport ki fonksion dan enn lanplwa piblik ouswa enn otorite piblik, pa gagn drwa tret enn dimounn dan enn fason diskritminatwar</p> <p>(3) Dan sa seksion-la, "diskriminatwar" vadir akord bann tretman diferan bann dimounn diferan, kot bann diferans-la baze prinsipalman lor kriter ras, kast, landrwa kot zot sorti, bann lopinion politik, kouler lapo, krwayans ouswa apartenans sexiel, e kot bann dimounn ki koresponn ek enn sertin profil, trouv zot pe sibir bann anpesman ouswa bann restriksion ki bann dimounn ki koresponn ek lezot profil pa pe sibir ouswa ki pe akord bann dimounn ki koresponn ek sertin profil bann privelez ek bann lavantaz ki bann dimounn ki koresponn ek lezot profil pa pe gagne.</p> <p>(4) Sou-seksion (1) sa lartik-la pa aplikab lor okenn lalwa dan mezir kot lalwa-la fer bann provizion konsernan:-</p>

(a) for the appropriation of revenues or other funds of Mauritius

(b) with respect to persons who are not citizens of Mauritius; or

(c) for the application, in the case of persons of any such description as is mentioned in subsection (3) (or of persons connected with such persons), of the law with respect to adoption, marriage, divorce, burial, devolution of property on death or other like matters that is the personal law applicable to persons of that description.

(5) Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) to the extent that it makes provision with respect to standards or qualifications (not being standards or qualifications specifically relating to race, caste, place of origin, political opinions, colour or creed) to be required by any person who is appointed to any office in the public service, any office in the disciplined force, any office in the service of a local authority or any office in a body corporate established directly by any law for public purposes.

(6) Subsection (2) shall not apply to anything which is expressly or by necessary implication authorised to be done by any such provision of law as is referred to in subsection (4) or (5).

(7) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision whereby persons of any such description as is mentioned in subsection (3) may be subjected to any restriction on the rights and freedoms guaranteed by sections 9, 11, 12, 13, 14 and 15, being such a restriction as is authorised by section 9(2), 11(5), 12(2), 13(2), 14(2) or 15(3), as the case may be.

(a) afektasion bann reveni ek bann lezot fon depi Moris.

(b) bann dimounn ki pa bann sitwayin morisien; ouswa

(c) aplikasion, dan ka bann dimounn ki koresponn ek enn bann kriter ki mansione dan sou-seksion (3) sa lartik-la (ouswa bann dimounn ki ena enn lien avek sa kategori dimounn-la), lalwa konsernan adopsion, maryaz, divors, lanterman, devolision siksesion ouswa ninport ki lezot kestion similer ki rant dan kad lalwa personnel ki aplikab ek bann dimounn ki koresponn ek sa bann profil-la.

(5) Nanye ki kontenir dan enn lalwa pa pou konsidere kouma non-konform ouswa an violasion ek sou-seksion (1) sa lartik-la, dan mezir kot li fer provizion par rapor ek bann norm ouswa bann kalifikasion (ki pa bann norm ouswa bann kalifikasion ki spesifikman lie ek ras, kast, landrwa kot sorti, lopinion politik, kouler lapo, krwayans ouswa apartenans sexiel) ki exize depi bann dimounn ki finn nome pou exers enn travay dan fonksion piblik, dan lafors disipliner, dan enn otorite lokal ouswa enn sosiete ki finn etabli direkteman par enn lalwa dan enn obzektif piblik.

(6) Seksion (2) sa lartik-la pa aplikab ek tou seki explicitman ou inplisitman otorize par enn provizion lalwa tel ki li mansione dan seksion (4) ou (5) sa lartik-la.

(7) Okenn provizion ki kontenir dan enn lalwa ou aksion ki tom sou so lotorite pa pou konsidere kouma non-konform ouswa an violasion ek sa lartik-la, dan mezir kot lalwa-la fer provizion lor lefet ki bann dimounn ki koresponn ek enn parmi bann profil ki mansione dan sou-seksion (3) kapav sibir bann restriksion kot zot bann drwa ek liberte ki garanti par seksion 9, 11, 12, 13, 14 ek 15, tel ki sa restriksion-la otorize par seksion 9 (2), 11 (5), 12 (2), 13 (2), 14 (2) ouswa 15(3), depandan lor ka.

<p>(8) Subsection (2) shall not affect any discretion relating to the institution, conduct or discontinuance of civil or criminal proceedings in any court that is vested in any person by or under this Constitution or any other law.</p>	<p>(8) Sou-seksion (2) sa lartik-la pa pou afekte okenn pouvwar diskresioner ki Konstitisyon ouswa enn lot lalwa konfere lor enn dimounn konsernan institisyon, kondwit ouswa abandon enn prosedir sivil ouswa kriminel devan enn tribinal.</p>
<p>Article 17. Enforcement of protective provisions</p> <p>(1) Where any person alleges that any of sections 3 to 16 has been, is being likely to be contravened in relation to him, then, without prejudice to any other action with respect to the same matter that is lawfully available, that person may apply to the Supreme Court for redress.</p> <p>(2) The Supreme Court shall have original jurisdiction to hear and determine any application made by any person in pursuance of subsection (1), and may make such orders, issue such writs and give such directions as it may consider appropriate for the purpose of enforcing, or securing the enforcement of, any of sections 3 to 16 to the protection of which the person concerned is entitled:</p> <p>Provided that the Supreme Court shall not exercise its powers under this subsection if it is satisfied that adequate means of redress for the contravention alleged are or have been available to the person concerned under any other law.</p> <p>(3) The Supreme Court shall have such powers in addition to those conferred by this section as may be prescribed for the purpose of enabling that court more effectively to exercise the jurisdiction conferred upon it by this section.</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 upon it by or under this section (including rules with respect to the time within which applications to that court may be made).</p>	<p>Lartik 17. Aplikasion bann provizion proteksion</p> <p>(1) Kan enn dimounn fer enn afirmasion lor lefet ki finn ena, ou ki ena enn risk ki pou ena, violasion enn provizion ki trouv ant seksion 3 ek 16 kont li, lerala indepandan ek tou lezot rekour legal posib, li pou ena posibilite pou adres li ek Lakour Siprem pou fer so drwa respekte.</p> <p>(2) Lakour Siprem, antan ki ziridiksion premie instans, pou ena ziridiksion pou tret ek pou statie lor ninport ki aplikasion ki enn dimounn finn fer dan kad sou-seksion (1) sa lartik-la, ek fer bann inzonksion ek delivre bann ordonans ki li trouv aproprye pou fer, dan perspektiv pou asir respe bann provizion ki ena ant seksion 13 ek seksion 16 pou lekel dimounn konserne la ena drwa gagn proteksion.</p> <p>Lor kondisyon etabli ki Lakour Siprem napa pou exers so pouvwar sou sa sou-seksion-la, si li satisfi ki dimounn ki konserne-la ti ena ou ena dan so dispozision bann mwayin legal adekwa pou anpes sa violasion-la.</p> <p>(3) Andeor bann pouvwar ki sa lartik-la konfere lor li, Lakour Siprem pou ena ziridiksion pou exers bann lezot pouvwar adisionel ki finn preskrir e ki permet li exers dan enn fason pli efikas so ziridiksion tel ki sa lartik-la finn konfere lor li.</p> <p>(4) Sef-Ziz pou gagn drwa dekret bann regleman ki konsern bann prosedir ki ena dan Lakour Siprem dan kad ziridiksion ek pouvwar ki sa lartik-la finn konfere lor li (inklian bann regleman ki konsern dele ki pou bizin respekte kan pe fer enn reket divan Lakour)</p>

<p>Article 17A Payment of retiring allowances to Members</p> <p>(1) Nothing contained in and nothing done under the authority of a law shall be held to be inconsistent with or in contravention of any provision of this Constitution –</p> <p style="padding-left: 40px;">(a) to the extent that the law in question makes provision for reducing, limiting, modifying, or withholding the payment of any retiring allowances to any serving or former Member of the National Assembly; and</p> <p style="padding-left: 40px;">(b) to the extent that the law in question makes provision for its coming into operation with retrospective effect.</p> <p>(2) References in this section to the law relating to the payment of retiring allowances include (without prejudice to their generality) references to the law regulating the circumstances in which such retiring allowances may be paid or in which the grant of such retiring allowances may be refused, the law regulating the circumstances in which any such retiring allowances that have been granted may be reduced in amount, limited, modified or withheld and the law regulating the amount of any such retiring allowances.</p> <p>[Added 4/96]</p>	<p>Article 17 A. Peyman bann alokasion retret pou bann manb Lasanble</p> <p>(1). Nanye ki kontenir dan enn lalwa ou ki tom sou so lotorite pa pou konsidere kouma non-konform ouswa kontrer ek okenn provizion Konstitision:</p> <p style="padding-left: 40px;">a) dan limit kot lalwa-la prevwar pou diminie, limite, modifie, ouswa refiz peyman bann alokasion retret pou enn manb ou enn ansien manb Lasanble ; ek</p> <p style="padding-left: 40px;">b) dan limit kot sa lalwa-la fer provizion pou ki li rant an operasion avek efe retroaktif.</p> <p>(2). Bann referans dan sa seksion-la, lor lalwa ki konsern peyman bann alokasion retret, inklir (san prezidis kor zot zeneralite) bann referans lor lalwa ki reglemant bann sirkonstans kot bann alokasion retret la kapav peye ouswa kot atribision bann alokasion retret la kapav refize, lor lalwa ki reglemant bann sirkonstans kot bann alokasion retret ki finn akorde kapav diminie, modifie ouswa retenir onivo zot montan, ek lor lalwa ki determinn montan sa bann alokasion retret la.</p> <p>[Adision 4/96].</p>
<p>Article 18. Derogations from fundamental rights and freedoms under emergency powers</p> <p>(1) Nothing contained in or done under the authority of a law shall be held to be inconsistent with or in contravention of section 5 or section 16 to the extent that the law authorises the taking during any period of public emergency of measures that are reasonably justifiable for dealing with the situation that exists in Mauritius during that period:</p> <p>Provided that no law, to the extent that it authorises the taking during a period of public emergency, other than a period during which Mauritius is at war, of measures that would be inconsistent with or in contravention of section 5 or section 16 if taken otherwise than</p>	<p>Lartik 18. Violasion bann drwa ek liberte fondamantal pandan enn leta-irzans</p> <p>(1). Okenn provizion ki kontenir dan enn lalwa ou okenn aksion ki tom sou so lotorite napa pou konsidere kouma inkonpatib ou an violasion avek seksion 5 ouswa seksion 16 dan mezir kot sa lalwa-la otoriz, pandan enn peryod leta-irzans, lefet ki pran bann mezir ki rezonableman zistifiab pou fer fas ek sitiasion ki existe dan Moris pandan sa peryod-la:</p> <p>Lor kondision etabli ki okenn lalwa, dan mezir kot li otoriz, pandan enn peryod leta-irzans, sof dan enn peryod kot Moris dan enn sitiasion lager, lefet ki pran bann mezir ki ti pou inkonpatib ouswa an violasion ek seksion 5 ek ou seksion 16, si ti pran zot dan enn lot moman ki dan enn peryod</p>

during a period of emergency, shall have effect unless there is in force a Proclamation of the President declaring that, because of the situation existing at the time, the measures authorised by the law are required in the interests of peace, order and good government.

(2) A Proclamation made by the President for the purposes of this section—

(a) shall, when the Assembly is sitting or when arrangements have already been made for it to meet within 7 days of the date of the Proclamation, lapse unless within 7 days the assembly by resolution approves the Proclamation;

(b) shall, when the Assembly is not sitting and no arrangements have been made for it to meet within 7 days, lapse unless within 21 days it meets and approves the Proclamation by resolution;

(c) shall, if approved by resolution, remain in force for such period, not exceeding 6 months, as the Assembly may specify in the resolution;

(d) may be extended in operation for further periods not exceeding 6 months at a time by resolution of the assembly;

(e) may be revoked at any time by the President, or by resolution of the Assembly;

Provided that no resolution for the purposes of paragraph (a), (b), (c) or (d) shall be passed unless it is supported by the votes of at least two-thirds of all the members of the Assembly.

(3) Where a person is detained by virtue of any such law as is referred to in subsection (1) (not being a person who is detained because he is a person who, not being a citizen of Mauritius, is a citizen of a country with which Mauritius is at war, or has been engaged in hostilities against Mauritius in association with or on behalf of such a country or otherwise assisting or adhering to such a country)-

leta-irzans, pou anviger inikman si ena enn Proklamasion par Prezidan Repiblik ki dir ki, akoz sitiasion ki ti prevalwar sa moman-la, bann mezir ki finn otorize par lalwa ena zot neseseite dan lintere lape, lord ek bon fonksionman gouvèrnman.

(2) Enn proklamasion ki Prezidan Repiblik finn fer dan kad sa lartik-la:

(a) pou nepli anviger kan Lasanble zwenn ouswa kan finn pran bann dispozision pou ki Lasanble zwenn dan enn dele 7 zour apartir dat Proklamasion, sof si dan enn dele 7 zour Lasanble aprouv Proklamasion-la par enn rezolision;

(b) pou nepli anviger kan Lasanble pa pe zwenn e ki pa finn pran okenn provizion pou ki li zwenn dan enn dele 7 zour, sof si dan enn dele 21 zour Lasanble zwenn ek vot Proklamasion-la par enn rezolision ;

(c) pou, si li finn aprouve par enn rezolision, kontign res anviger pandan enn sartin peryod ki pa depas 6 mwa, an fonksion seki finn spesifie dan rezolision-la;

(d) pou kapav kontign res anviger par enn rezolision Lasanble pou sartin peryod letan ki pa depas 6 mwa sak fwa;

(e) pou kapav revoke ninport kan par Prezidan Repiblik, ouswa par enn rezolision Lasanble:

Lor kondision ki okenn provizion ki tom sou paragraf (a), (b), (c) ouswa (d) sa lartik-la pa vote, sof si li aprouve par owinn de-tier vot tou bann manb Lasanble.

(3) Kan enn dimounn trouv li an detansion dan kad aplikasion enn lalwa ki tom sou sou-seksion (1) sa lartik-la (sof si li enn dimounn ki an detansion parski li pena nasionalite morisien e ki li ena enn nasionalite enn pei avek ki Moris dan enn sitiasion lager, ouswa parski li finn angaz li dan bann akt ostil kont Moris, an asosiasion avek ouswa lor nom enn tel pei, ouswa ki li pe donn koudme ou pe ader ek enn tel pei):

(a) he shall, as soon as is reasonable practicable and in any case not more than 7 days after the commencement of his detention, be furnished with a statement in writing in a language that he understands, specified in detail the grounds upon which he is detained;

(b) not more than 14 days after the commencement of his detention, a notification shall be published in the Gazette stating that he has been detained and giving particulars of the provision of law under which his detention is authorized;

(c) not more than one month after the commencement of his detention at intervals of not more than 6 months, his case shall be reviewed by an independent and impartial tribunal consisting of a chairman and 2 other members appointed by the Judicial and Legal Service Commission, the chairman being appointed from among persons who are entitled to practise as barrister or as an attorney in Mauritius;

(d) he shall be afforded reasonable facilities to consult a legal representative of his own choice who shall be permitted to make representations to the tribunal appointed for the review of the case of the detained person; and

(e) at the hearing of his case by the tribunal appointed for the review of his case, he shall be permitted to appear in person or by a legal representative of his own choice.

(4) On any review by a tribunal in pursuance of this section of the case of a detained person, the tribunal may make recommendations concerning the necessity or expediency of continuing his detention to the authority by which it was ordered but, unless it is otherwise provided by the law, that authority shall not be obliged to act in accordance with any such recommendations.

(a) li pou, osito ki li rezonableman posib e antouka pa plis ki 7 zour apre koumansman so detansion, gagn enn statement an ekri dan enn langaz ki li konpran, kot pe spesifie an detay tou bann motif ki explike kifer li an detansion;

(b) dan enn dele ki pa depas 14 zour apre koumansman so detansion, enn notis pou pibliye dan Gouvernement Gazette kot pe dir ki li an detansion e kot pe donn bann prezision lor bann provizion legal ki finn otoriz so detansion;

(c) dan enn dele ki pa depas enn mwa apre koumansman so detansion ek answit dan bann interval ki pa depas 6 mwa, so ka pou re-examine par enn lakour indepandan ek inparsial konpoze par enn prezidan ek 2 manb ki finn nome par *Judicial and Legal Service Commission*, e kot prezidan-la bizin nome parmi bann dimounn ki ena drwa exerse antan ki avoka ou avwe dan Moris;

d) li pou gagn bann fasilite rezonab pou ki li kapav konsilte enn reprezantan legal ki limem pou swazir e reprezantan-la pou gagn drwa fer bann reprezantasion dan lakour ki ena responsabilite pou re-examinn so ka;

(e) pandan odision so ka par lakour ki finn gagn sa responsabilite-la, li pou gagn drwa reprezant limem ouswa fer li reprezante par enn reprezantan legal ki limem finn swazir.

(4) Kan enn tribinal pe re-examinn ka enn dimounn ki an detansion, konformeman ek sa lartik-la, tribinal-la kapav fer bann rekomandasion ek otorite ki finn nomm li konsernan nesesite ou pertinans pou gard dimounn-la an detansion, me amwin ki lalwa otoriz lekotrer, otorite-la pa pou oblize azir an fonksion sa bann rekomandasion-la.

Article 19. Interpretation and savings

(1) In this chapter –

"contravention", in relation to any requirement, includes a failure to comply with that requirement, and cognate expressions shall be construed accordingly;

"court", means any court of law having the jurisdiction in Mauritius, including the Judicial Committee, but excepting, save in sections 4 and 6 and this section, a court established by a disciplinary law;

"legal representative", means a person lawfully in or entitled to barrister or, except in relation to proceedings before a court in which an attorney has no right of audience, as an attorney.

"member", in relation to a disciplined force, includes any person who, under the law regulating the discipline of that force, is subject to that discipline.

(2) Nothing contained in section 5(4), 15(4) or 18(3) shall be construed as entitling a person to legal representation at public expense.

(3) Nothing contained in section 12, 13 or 15 shall be construed as precluding the inclusion in the terms and conditions of service of public officers of reasonable requirements as to their communication or association with other persons or as to their movements or residence.

(4) In relation to any person who is member of a disciplined force in Mauritius, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of any of the provisions of this Chapter, other than sections 4, 6 and 7.

Lartik 19. Interpretasion ek rezerv

(1). Dan sa sapit-la :

“Violasion”, an relasion avek enn obligasion, inklir non-respe sa obligasion-la, ek tou bann expresion ki lie ek li bizin interprete dan mem fason;

“Lakour” vedir tou bann lakour ki ena ziridiksion dan Moris, inkliran *Judicial Committee*, me pa enn lakour ki finn etabli par enn lalwa disipliner, sof dan kad lartik 4 ek 6 ek sa lartik-la;

“Reprezantan Legal” vedir enn dimounn ki legalman ena drwa ouswa ena tit pou exers kouma avoka ouswa kouma avwe, sof dan ka bann prose devan enn lakour kot enn avwe pena drwa prezant li;

“Manb”, an relasion avek lafors disipliner, inklir tou dimounn ki, dapre lalwa ki reglemant disiplinn sa lafors-la, bizin soumet limem ek sa disiplinn-la.

(2) Nanye ki kontenir dan seksion 5(4), 15(4) ouswa 18(3) pa pou interprete koumadir pe donn enn dimounn drwa pou enn asistans zidisier ki peye avek fon piblik.

(3) Nanye ki kontenir dan seksion 12, 13 ou 15 pa pou interprete koumadir pe anpes inklizion, dan bann term ek kondision travay ki aplike ek bann ofisie piblik, bann bezwin rezonab konsernan zot komunikasion ouswa zot asosiasion avek bann lezot dimounn ouswa avek zot liberte sirkilasion ou rezidans.

(4) An lien avek ninport ki dimounn ki form parti enn lafors disipliner dan Moris, nanye ki kontenir dan lalwa disipliner sa lafors-la ou okenn aksion ki tom sou lotorite napa pou konsidere kouma inkonpatib ouswa an violasion ek okenn parti sa sapit-la, sof andeor seksion 4, 6 ek 7.

(5) In relation to any person who is a member of a disciplined force that is not a disciplined force of Mauritius and who is present in Mauritius in pursuance of arrangements made between the Government of Mauritius and another government or an international organisation, nothing contained in or done under the authority of the disciplinary law of that force shall be held to be inconsistent with or in contravention of this Chapter.

(6) No measures taken in relation to a person who is a member of a disciplined force of a country with which Mauritius is at war and no law, to the extent that it authorises the taking of any such measures, shall be held to be inconsistent with or in contravention of this Chapter.

(7) In this Chapter "period of public emergency" means any period during which –

- (a) Mauritius is engaged in any war;
- (b) There is in force a Proclamation by the President declaring that a state of public emergency exists; or
- (c) There is in force a resolution of the Assembly supported by the votes of a majority of all the members of the Assembly declaring that democratic institutions in Mauritius are threatened by subversion.

(8) A Proclamation made by the President for the purposes of subsection (7) –

- (a) shall, when the Assembly is sitting or when arrangements have already been made for it to meet within 7 days of the date of the proclamation, lapse unless within 7 days the Assembly by resolution approves the proclamation;
- (b) shall, when the Assembly is not sitting and no arrangements have been made for it to meet within 7 days,

(5) An lien avek ninport ki dimounn ki form parti enn lafors disipliner ki napa enn lafors disipliner dan Moris e ki prezan dan Moris dan kad bann lakor ki finn konklir ant Gouvernman Moris ek enn lot gouvernman ouswa enn organizasion internasiona, nanye ki kontenir dan lalwa disipliner ki govern sa lafors-la ou ki tom sou so lotorite pa pou konsidere kouma inkonpatib ouswa an violasion ek sa Sapit-la.

(6) Okenn mezir ki finn pran konsernan enn manb dan lafors disipliner enn pei avek ki Moris dan enn sitiasion lager ek okenn lalwa, dan mezir kot li otoriz sa bann mezir-la, pa pou konsidere kouma inkonpatib ouswa an violasion ek bann provizion ki ena dan sa Sapit-la.

(7) Dan sa Sapit-la, "Peryod leta-irzans" vadir enn peryod kot:

- (a) Moris angaze dan enn lager;
- (b) Ena enn proklamasion par Prezidan Repiblik kot pe dekrete ki enn leta-irzans ki anviger dan pei;
- (c) Ena enn rezolision Lasanble Nasional ki finn adopte par mazorite so bann manb e kot pe deklare ki bann institisyon demokratik dan Moris menase par enn risk sibversion.

(8). Enn proklamasion ki finn fer par Prezidan Repiblik dan kad sou-seksion (7):

- (a) pou nepli anviger, enn fwa ki Lasanble zwenn ouswa kan finn ena bann dispozision ki finn pran pou ki Lasanble zwenn dan enn dele 7 zour apartir dat proklamasion-la, sof si Lasanble apouv Proklamasion-la dan enn dele 7 zour;
- (b) pou nepli anviger, kan Lasanble pa pe zwenn e ki pa finn pran okenn dispozision pou ki li zwenn dan enn dele 7 zour apartir dat

<p>lapse unless within 21 days it meets and approves the Proclamation by resolution;</p> <p>(c) may be revoked at any time by the president, or by resolution of the Assembly:</p> <p>Provided that no resolution for the purposes of paragraph (a) or (b) shall be passed unless it is supported by the votes of a majority of all members of the Assembly.</p> <p>(9) A resolution passed by the Assembly for the purposes of subsection (7)(c) -</p> <p>(a) shall remain in force for such period, not exceeding months, as the Assembly may specify in the resolution.</p> <p>(b) may be extended in operation for further periods, not exceeding 12 months at a time by a further resolution supported by the votes of a majority of all the members of the Assembly;</p> <p>(c) may be revoked at any time by resolution of the Assembly.</p>	<p>proklamasion-la, sof si Lasanble zwenn dan enn dele 21 zour ek otoriz proklamasion-la par enn rezolision ;</p> <p>(c) pou kapav revoke ninport ki moman par Prezidan Repiblik, ouswa par enn rezolision Lasanble ;</p> <p>Lor kondision etabli ki okenn rezolision ki tom dan kad paragraf (a) ouswa (b) napa adopte sof si li gagn vot mazorite tou bann manb Lasanble</p> <p>(9) Enn rezolision ki adopte par Lasanble Nasional dan kad finn sou-seksion (7)(c):-</p> <p>(a) pou res anviger pandan enn peryod ki pa depas 12 mwa, tel ki Lassanble pou spesifie dan so rezolision;</p> <p>(b) pou kapav prolonze lor enn peryod pli long, ki pa pou depas 12 mwa sak fwa, par enn lot rezolision ki pou vote par mazorite tou bann manb Lasanble;</p> <p>(c) pou kapav revoke ninport ki moman par enn rezolision Lasanble.</p>
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