

<b>CHAPTER IV</b>	<b>SAPIT IV</b>
<b>THE PRESIDENT AND THE VICE-PRESIDENT OF THE REPUBLIC OF MAURITIUS</b>	<b>PREZIDAN EK VIS-PREZIDAN REPIBLIK MORIS</b>
<p><b>Article 28. The President</b></p> <p>(1) There shall be a President who shall:</p> <ul style="list-style-type: none"> <li>(a) be the Head of State and Commander-in-Chief of the republic of Mauritius.</li> <li>(b) uphold and defend the Constitution and ensure that- <ul style="list-style-type: none"> <li>i) the institutions of democracy and the rule of law are protected;</li> <li>ii) the fundamental rights of all are respected; and</li> <li>iii) the unity of the diverse Mauritian nation is maintained and strengthened.</li> </ul> </li> </ul> <p>(1A) Subject to section 64, the President shall, in the exercise of his functions under this Constitution or any other law, act in accordance with the principles set out in subsection (1)(b).</p> <p>(2) (a) The President shall -</p> <ul style="list-style-type: none"> <li>(i) be elected by Assembly on a motion made by the Prime Minister and supported by the votes of a majority of all the members of the Assembly; and</li> <li>(ii) subject to this section and section 30, hold office for a term of 5 years and shall be eligible for re-election.</li> </ul> <p>(b) A motion under paragraph (a) shall not be the subject matter of a debate in the Assembly.</p> <p>(3) No person shall be eligible for election to the office of President unless he is a citizen of Mauritius who is not less than 40 years of age and has resided in Mauritius for a period of not less than 5 years immediately preceding the election.</p>	<p><b>Lartik 28. Prezidan Repiblik</b></p> <p>(1). Pou ena enn Prezidan Repiblik ki pou:</p> <ul style="list-style-type: none"> <li>(a) Sef Leta ek Komandan-an-Sef Repiblik Moris.</li> <li>(b) soutenir ek defann Konstitision ek asire ki - <ul style="list-style-type: none"> <li>(i) bann institision demokrasi ek leta-de-drwa proteze;</li> <li>(ii) bann drwa fondamantal tou dimounn respekte; ek</li> <li>(iii) linite Nasion Morisien dan so diversite pou mintenir ek konsolide.</li> </ul> </li> </ul> <p>(1A) Dapre lartik 64, Prezidan Repiblik bizin, dan kad so bann fonksion dapre Konstitision ouswa ninport ki lot lalwa, azir an-akor ek bann prinsip ki finn etabli dan sou-seksion (1)(b).</p> <p>(2) (a) Prezidan pou -</p> <ul style="list-style-type: none"> <li>(i) elir par Lasanble Nasional lor enn mosion ki finn depoze par Premie Minis e ki finn soutenir par vot mazorite bann manb lasanble; ek</li> <li>(ii) sou rezerv seki finn spesifie dan kad sa seksion-la ek seksion 30, okip sa pozision-la pou enn manda 5 an e li pou elizib pou enn re-eleksion.</li> </ul> <p>(b) Enn mosion dapre paragraf (a) pa gagn drwa vinn enn size deba dan Lasanble Nasional.</p> <p>(3) Personn pa pou elizib pou vinn Prezidan Repiblik si li pa enn sitwayin Moris ki ena omwin 40 an e ki finn res dan Moris pandan enn peryod omwin 5 an zis avan so eleksion.</p>

<p>(4) Where a person is elected to the office of President, he shall not, whilst in office -</p> <ul style="list-style-type: none"> <li>(a) hold any other office of emolument, whether under the constitution or otherwise;</li> <li>(b) exercise any profession or calling or engage in any trade or business.</li> </ul> <p>(5) The President shall, at the expiry of his term, continue to hold office until another person assumes office as President.</p> <p>(6) The office of the President shall become vacant -</p> <ul style="list-style-type: none"> <li>(a) subject to subsection (5), at the expiry of his term of office;</li> <li>(b) where he dies or resigns his office by writing addressed to the Assembly and delivered to the Speaker; or</li> <li>(c) where he is removed or suspended from office under section 30.</li> </ul> <p>(7) Where the office of the President is vacant, or the President is absent from Mauritius or is for any other reason unable to perform the functions of his office, those functions shall be performed-</p> <ul style="list-style-type: none"> <li>(a) by the Vice-President; or</li> <li>(b) where there is no Vice-President - <ul style="list-style-type: none"> <li>(i) elected under section 29(2) or (7); and</li> <li>(ii) able to perform the functions of the office of President, by the Chief Justice.</li> </ul> </li> </ul> <p>(8) The person performing the functions of President under subsection (7) shall cease to perform those functions as soon as -</p> <ul style="list-style-type: none"> <li>(a) another person is elected as president or the President resumes his office, as the case may be; or</li> <li>(b) in the case of the Chief Justice, a Vice-President is elected under section 29(2) or (7); and assumes office or the Vice-President resumes his office, as the case may be.</li> </ul>	<p>(4) Kan enn dimounn finn elir pou okip fonksion Prezidan Repiblik , li pa gagn drwa, pandan so manda -</p> <ul style="list-style-type: none"> <li>(a) okip okenn post ki remineratif, ki li dapre Konstitisyon ouswa non;</li> <li>(b) exers okenn profesyon oubien enn lokipasion oubien mont enn komers ouswa enn biznes.</li> </ul> <p>(5) Prezidan Repiblik bizin, alafin so manda, res an-post ziska ki enn lot dimounn asim sa fonksion-la.</p> <p>(6) Post Prezidan Repiblik pou deklar vakan -</p> <ul style="list-style-type: none"> <li>(a) dapre sou-seksion (5), kan so manda expire;</li> <li>(b) si li mor oubien li prezant so demision depi so post atraver enn let ki adrese ek Lasanble Nasional e ki remet ek Speaker; ouswa</li> <li>(c) kan li finn revoke oubien sispann depi so post an fonksion dapre lartik 30.</li> </ul> <p>(7) Si post Prezidan Repiblik vinn vakan oubien si Prezidan Repiblik pa dan Moris ouswa si, pou ninport ki lot rezon, li pa kapav exers so bann fonksion, bann fonksion-la pou exerse:</p> <ul style="list-style-type: none"> <li>(a) par Vis-Prezidan; oubien</li> <li>(b) si pena Vis-Prezidan ki <ul style="list-style-type: none"> <li>(i) finn elir dapre seksion 29 (2) oubien (7); ek</li> <li>(ii) kapav exers bann fonksion prezidan, par Sef-Ziz.</li> </ul> </li> </ul> <p>(8) Dimounn ki pe exers fonksion Prezidan Repiblik dapre sou-seksion (7) bizin aret exers sa bann fonksion-la osito ki -</p> <ul style="list-style-type: none"> <li>(a) enn lot dimounn finn elir Prezidan Repiblik oubien ki Prezidan-la rebran so bann fonksion, depandan ka-la, oubien</li> <li>(b) dan ka Sef-Ziz, enn Vis-Prezidan eli dapre seksion 29 (2) oubien (7) ek rant an fonksion oubien Vis-Prezidan rebran so bann fonksion, depandan ka-la.</li> </ul>
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**Article 29. The Vice-President**

(1) Subject to subsection (7), there shall be a Vice-President of the Republic of Mauritius

(2) The Vice-President shall –

(a) be elected in the manner specified in section 28(2)(a)(i) and, subject to this section and section 30, hold office for a term of 5 years and shall be eligible for re-election;

(b) perform such functions as may be assigned to him by the President.

(3) No person shall be eligible for election to the office of Vice-President unless he satisfies the conditions specified in section 28(3).

(4) Where a person is elected to the office of Vice-President, he shall not, whilst in office, –

(a) hold any other office of emolument, whether under the constitution Deputy Speaker;

(b) exercise any profession or calling or engage in any trade or business.

(5) The Vice-President shall, at the expiry of his term, continue to hold office until another person assumes office as Vice-President.

(6) The office of the Vice-president shall become vacant –

(a) subject to subsection (5), at the expiry of his term of office;

(b) where he dies or resigns his office by writing addressed to the Assembly and delivered to the speaker; or

(c) where he is removed or suspended from office under section 30.

(7)(a) where the office of Vice-President is vacant, or the Vice-President is absent from Mauritius or is for any other reason unable to perform the function of his office, those functions may be performed by such person as may be elected by the Assembly in the manner specified in section 28(2)(a)(i).

**Lartik 29. Vis-Prezidan**

(1) Dapre paragraf (7), bizin ena enn Vis-Prezidan Repiblik Moris.

(2) Vis-Prezidan bizin

(a) elir dapre seksion 28 (2) (a) (i) ek, dapre bann dispozision sa seksion-la ek seksion 30, bizin okip sa post-la pandan 5 an ek li pou elizib pou re-eleksion ;

(b) exekut bann fonksion ki Prezidan donn li.

(3) Personn pa pou elizib pou vinn Vis-Prezidan Repiblik si li pa ranpli bann kondision ki finn spesifie dan seksion 28(3).

(4) Kan enn dimounn finn elir pou fer travay Vis-Prezidan, li pa kapav, pandan so manda –

(a) okip okenn post remineratif, ki li dapre Konstitision oubien non;

(b) exers enn profesion oubien enn lokipasion oubien mont enn komers ouswa enn biznes.

(5) Vis-Prezidan pou kontign res an-post ziska ki enn lot dimounn asim bann fonksion Vis-Prezidan.

(6) Post Vis-Prezidan pou vinn vakan:

(a) sou rezerv sou-seksion (5), kan so manda expire;

(b) si li mor oubien li prezant so demision atraver enn let ki li finn adrese ek Lasanble e ki li remet ek Prezidan Lasanble; ouswa

(c) si li finn revoke oubien ki li finn sispann depi so bann fonksion dapre seksion 30.

(7) (a) Si post Vis-Prezidan vinn vakan oubien si Vis-Prezidan pa dan Moris ouswa si pou ninport ki lot rezon, li pa kapav exers so bann fonksion, bann fonksion-la pou exerse par enn dimounn ki finn elir par Lasanble dapre prosedir ki finn spesifie dan seksion 28(2)(a)(i).

<p>(b) No person may be elected under paragraph (a) unless he satisfies the conditions specified in section 28(3).</p> <p>(8) The person performing the functions of Vice-President under subsection (7) shall cease to perform those functions as soon as another person is elected and assumes office as Vice- President or the Vice-President resumes his office, as the case may be.</p>	<p>(b) Person pa kapav elir dapre paragraf (a) si li pa ranpli bann kondision ki finn spesifie dan seksion 28 (3).</p> <p>(8) Dimounn ki pe exers fonksion Vis-Prezidan dapre sou-seksion (7) bizin aret exers sa bann fonksion-la osito ki enn lot dimounn finn elir Vis-Prezidan oubien ki Vis-Prezidan rebran so bann fonksion, depandan lor ka.</p>
<p><b>Article 30. Removal of the President and the Vice-President</b></p> <p>(1) The President or the Vice-President may be removed from office in accordance with this section for</p> <ul style="list-style-type: none"> <li>(a) violation of the constitution or any other serious act of misconduct;</li> <li>(b) inability to perform his functions whether arising from infirmity of mind or body or from any other cause.</li> </ul> <p>(2) Where the President fails to comply with section 46(2), he may be removed from office on motion made by the Prime Minister in the Assembly and supported by the votes of a majority of all the members of the Assembly.</p> <p>(3) The President or the Vice-President shall not be removed from office for any other cause unless -</p> <ul style="list-style-type: none"> <li>(a) a motion that the circumstances requiring the removal of the President or the Vice-President be investigated by a tribunal is made in the Assembly by the Prime Minister;</li> <li>(b) the motion states with full particulars the ground on which the removal of the President or Vice-President is sought;</li> <li>(c) the motion is supported by the votes of not less than two-thirds of all the members of the Assembly;</li> <li>(d) the tribunal, after its investigation, forwards a written report on the investigation addressed to the Assembly and delivered to the speaker and recommends the removal of the President or the Vice-President; and</li> </ul>	<p><b>Lartik 30. Revokasyon Prezidan ek Vis-Prezidan Repiblik</b></p> <p>(1) Prezidan ou Vis-Prezidan Repiblik kapav revoke, an konformite ek sa seksion-la, pou -</p> <ul style="list-style-type: none"> <li>(a) violasyon Konstitisyon ouswa pou ninport ki lot move kondwit grav;</li> <li>(b) inkapasite pou asim so bann fonksion, swa akoz enn infirmite mantal ou fizik, swa pou ninport ki lot rezon.</li> </ul> <p>(2) Si Prezidan Repiblik pa respekte seksion 46 (2), li kapav revoke par enn mosion depi Premie Minis divan Lasanble Nasional e ki siporte par enn mazorite tou bann manb lasanble.</p> <p>(3) Prezidan ou Vis-Prezidan Repiblik pa gaegn drwa revoke pou ninport ki rezon sof si-</p> <ul style="list-style-type: none"> <li>(a) ena enn mosion ki depoze devan Lasanble par Premie Minis kot li demann enn lanket par enn tribinal lor bann sironstans ki zistifie revokasyon Prezidan ou Vis-Prezidan-la;</li> <li>(b) mosion-la donn tou bann detay ki explik bann rezon kifer pe demann revokasyon Prezidan ou Vis-Prezidan-la;</li> <li>(c) mosion-la soutenir par vot ki reini omwin de-tier Lasanble.</li> <li>(d) tribinal-la, apre so lanket, soumet enn rapor an-ekri lor so lanket ki adrese Lasanble e ki remet Speaker kot pe rekomann revokasyon Prezidan oubien Vis-Prezidan-la; ek</li> </ul>

(e) subject to paragraph (f), a motion made by the Prime Minister and supported by the votes of a majority of all the members of the Assembly requires the removal of the President or the Vice-President on a recommendation to that effect by the tribunal;

(f) a motion under paragraph (e) is made -

(i) where the Assembly is sitting, within 20 days of the receipt of the report of the tribunal by the speaker;

(ii) where the Assembly is not sitting, within 20 days of the day on which the Assembly resumes its sitting.

(4) The President or the Vice-President shall have the right to appear and to be represented before the tribunal during its investigation.

(5) Where the Assembly supports a motion under subsection (3)(c), it may suspend the President or the Vice-President from performing the functions of his office.

(6) A suspension under subsection (5) shall cease to have effect where -

(a) a report under subsection (3)(d) does not recommend that the president or the Vice-president ought to be removed from office; or

(b) the Assembly does not support a motion under subsection (3)(e) requiring the removal of the president or the Vice-president.

(7) Where the Assembly supports a motion under subsection (3)(e) requiring the removal of the President or the Vice-President, the office of the President or the Vice-President, as the case may be, shall be vacant.

(8) In this section, "tribunal" means a tribunal consisting of chairman and 2 or 4 other members appointed by the Chief Justice from amongst persons who hold or have held office as Judge of a court having unlimited jurisdiction in civil or criminal matters in some part of the Commonwealth or a court having jurisdiction in appeals from such a court.

(e) sou rezerv paragaf (f), Premie Minis prezant enn mosion ki soutenir par enn mazorite tou bann manb Lasanble kot li demann revokasion Prezidan oubien Vis-Prezidan, baze lor rekomandasion tribinal-la.

(f) ena enn mosion dapre paragaf (e) -

(i) kan Lasanble pe sieze, dan enn dele maximal 20 zour apre ki Prezidan Lasanble finn resevwar rapor tribinal-la;

(ii) kan Lasanble pa pe sieze, dan enn dele maximal 20 zour apre ki bann seans Lasanble finn regran.

(4) Prezidan ou Vis-Prezidan Repiblik gagn drwa reprezantant zotmem ou fer zot reprezantant devan tribinal-la pandan lanket.

(5) Kan Lasanble pe soutenir enn mosion dapre sou-seksion (3)(c), li kapav sispansyon Prezidan ou Vis-Prezidan Repiblik depi zot post.

(6) Enn sispansyon ki tom dapre sou-seksion (5) nepli pou anviger kan:-

(a) enn rapor dapre sou-seksion (3)(d) pa pe rekomande ki revok Prezidan ou Vis-Prezidan Repiblik depi zot fonksion ; oubien

(b) Lasanble pa pe soutenir mosion ki finn depoze dapre sou-seksion (3)(e) kot pe demann revokasion Prezidan ou Vis-Prezidan.

(7) Kan Lasanble pe soutenir enn mosion dapre sou-seksion (3)(e) kot pe demann revokasion Prezidan ou Vis-Prezidan, post Prezidan ou Vis-Prezidan, depandan ka-la, pou vinn vakan.

(8) Dan sa seksion-la, "tribinal" vadir enn tribinal kot ena enn Prezidan ek 2 ouwa 4 lot manb ki finn nome par Sef-Ziz parmi bann dimounn ki exers ou ki finn exers fonksion Ziz dan enn lakour ki ena pouvwar ilimite dan bann zafer sivil ouwa penal dan enn rezion Commonwealth oubien enn tribinal ki ena pouvwar ekout lapel depi sa lakour-la.

<p><b>Article 30A Privileges and immunities</b></p> <p>(1) Subject to section 64(5), no civil or criminal proceedings shall lie against the President or the Vice-President in respect of the performance by him of the functions of his office or in respect of any act done or purported to be done by him in the performance of those functions.</p> <p>(2) Subject to section 64(5), no process, warrant or summons shall be issued or executed against the President or the Vice-President during his term of office.</p> <p>(3) The president or the Vice-President shall be entitled –</p> <p style="padding-left: 40px;">(a) without payment of any rent or tax to the use of his official residence;</p> <p style="padding-left: 40px;">(b) to such emoluments, allowances and privileges, exempt from any tax thereon, as may be prescribed.</p> <p>(4) No alteration to any of the entitlements specified in subsection (3) which is to the disadvantage of the President or the Vice-President shall have effect without his consent.</p>	<p><b>Lartik 30A. Privilez ek iminite</b></p> <p>(1) Sou rezerv seksion 64(5), pena okenn prosedir sivil ou penal ki kapav servi kont Prezidan ou Vis-Prezidan Repiblik konsernan bann aksion ki zot fer dan lexisis zot fonksion ou konsernan ninport ki akt ki zot fer ou ki zot sipoze finn fer dan kad zot bann fonksion.</p> <p>(2) Sou rezerv seksion 64(5), okenn prosedir, warant ou <i>summons</i> pa kapav emet ouswa exekite kont Prezidan ou Vis-Prezidan Repiblik pandan zot manda.</p> <p>(3) Prezidan ou Vis-Prezidan Repiblik ena drwa: -</p> <p style="padding-left: 40px;">(a) servi zot rezidans ofisiel, san ki zot bizin pey lwaye ou tax; ek</p> <p style="padding-left: 40px;">(b) gagn bann <i>emolument, allowance</i> ek privilez, ki exanpte depi ninport ki tax ki kapav finn preskrir</p> <p>(4) Okenn modifikasyon dan bann drwa ki spesifie dan sou-seksion (3) e ki kapav port predizis Prezidan ou Vis-Prezidan Repiblik pa kapav met an ekikasyon san zot konsantman.</p>
<p><b>Article 30B. Oaths to be taken by the President and the Vice-President</b></p> <p>(1) A person elected to the office of President or Vice-President or who assumes the functions of any of those offices shall, before assuming his functions, take and subscribe the appropriate oath as set out in the Third Schedule.</p> <p>(2) An oath under this section shall be administered by the Chief Justice.</p>	<p><b>Lartik 30B. Bann serman ki Prezidan ek Vis-Prezidan Repiblik bizin fer</b></p> <p>(1) Tou dimounn ki finn eli pou okip post fonksion Prezidan ou Vis-Prezidan Repiblik ou ki asim bann fonksion ki ena lien avek enn sa bann post-la, bizin, avan ki zot asim zot fonksion, fer ek sign serman ki bizin tel ki li enonse dan Trwaziem Sedil.</p> <p>(2) Enn serman ki tom sou sa seksion-la bizin administre par Sef-Ziz.</p>