

CHAPTER V – PARLIAMENT	SAPIT V-PARLMAN
PART I - THE NATIONAL ASSEMBLY	PREMIE PARTI – LASANBLE NASIONAL
<p>Article 31. Parliament of Mauritius</p> <p>(1) There shall be a Parliament for Mauritius, which shall consist of the President and a National Assembly.</p> <p>(2) The Assembly shall consist of persons elected in accordance with the First Schedule, which make provision for the election of 70 members.</p>	<p>Lartik 31. Parlman Moris</p> <p>(1) Pou ena enn Parlman dan Moris, ki pou konpoze par Prezidan Repiblik ek enn Lasanble Nasional.</p> <p>(2) Lasanble Nasional pou konpoze par bann dimounn ki finn elir an konformite ek Premie Sedil Konstitision, kot provizion fer pou eleksion 70 manb.</p>
<p>Article 32. Speaker and Deputy Speaker</p> <p>(1) The Assembly shall at its first sitting after any general election elect from among its members a Speaker and a Deputy Speaker.</p> <p>(2) A member of the Assembly shall not be qualified for election as Speaker or Deputy Speaker if he is a Minister.</p> <p>(3) The office of the Speaker or the Deputy Speaker shall become vacant-</p> <p style="padding-left: 40px;">(a) where –</p> <p style="padding-left: 80px;">(i) the Speaker, in the case of a Speaker who is a member of the Assembly; or</p> <p style="padding-left: 80px;">(ii) the Deputy Speaker, ceases to be a member of the Assembly otherwise than by reason of the dissolution of the Assembly;</p> <p style="padding-left: 40px;">(b) where he –</p> <p style="padding-left: 80px;">(i) is convicted of a criminal offence, punishable by imprisonment by a court in any part of the Commonwealth;</p> <p style="padding-left: 80px;">(ii) is adjudged or otherwise declared bankrupt in any part of the Commonwealth; or</p>	<p>32. Speaker ek Speaker-Adzwin</p> <p>(1) Lasanble Nasional, dan so premie seans apre enn eleksion zeneral, bizin elir, parmi so bann manb, enn Speaker ek enn Speaker-Adzwin.</p> <p>(2) Enn manb Lasanble Nasional pa pou elizib pou vinn Speaker ou Speaker-Adzwin si ki pe okip enn post Minis.</p> <p>(3) Post Speaker ou Speaker-Adzwin pou vinn vakan:-</p> <p style="padding-left: 40px;">(a) si -</p> <p style="padding-left: 80px;">(i) Speaker, dan ka enn Speaker ki enn manb Lasanble; ouswa</p> <p style="padding-left: 80px;">(ii) Speaker-Adzwin, nepli enn manb Lasanble, otreman ki alaswit enn disolision Lasanble;</p> <p style="padding-left: 40px;">(b) si li –</p> <p style="padding-left: 80px;">(i) finn kondane pou enn ofans kriminel, ki kapav debous lor enn anprizonnman par enn lakour ki trouv dan ninport ki parti Commonwealth;</p> <p style="padding-left: 80px;">(ii) finn zize ou deklare an fayit par enn lakour ki trouv dan ninport ki parti Commonwealth; ouswa</p> <p style="padding-left: 80px;">(iii) finn deklare kouma enn aliene mantal ouswa li an</p>

<p>(iii) is adjudged to be of unsound mind or is detained as a criminal lunatic under any law in force in Mauritius; and the Assembly passes a resolution supported by the votes of a majority of all the members requiring his removal from office;(c) where he becomes a Minister;</p> <p>(d) where the Assembly passes a resolution supported by the votes of two-thirds of all the members requiring his removal from office;</p> <p>(e) where the Assembly first sits after any general election;</p> <p>(f) in the case of the Deputy Speaker, when the Assembly first sits after being prorogued;</p> <p>(g) in the case of a Speaker who is not a member of the Assembly, where, without leave of the President previously being obtained, he is absent from the sittings of the Assembly for a continuous period of 3 months during any session for any reason other than his being in lawful custody in Mauritius;</p> <p>(h) where he becomes a party to any contract with the Government for or on account of the public service, or where any firm in which he is a partner or any company of which he is a director or manager becomes a party to any such contract, or where he becomes a partner in a firm or a director or manager of a company which is a party to any such contract, or where he becomes a trustee, manager or, with his consent, a beneficiary of a trust which is a party to any such contract.</p> <p>(4) Where the office of the Speaker or the Deputy Speaker becomes vacant at any time, the Assembly, in the manner specified in subsection (1), shall, unless it is sooner dissolved, elect -</p> <p>(a) from among its members or otherwise, a Speaker;</p> <p>(b) from among its members, a Deputy Speaker.</p>	<p>detansion antan ki enn kriminel mantalman dezekilibre sou ninport ki lalwa ki anviger dan Moris; ek Lasanble Nasional adopte enn rezolision ki vote par de-tier tou bann manb kot zot reklam so destitision depi so post;</p> <p>(c) si li vinn Minis</p> <p>(d) si Lasanble pas enn rezolision ki vote par de-tier tou bann manb kot zot pe reklam so destitision depi so post;</p> <p>(e) kan premie fwa Lasanble pe zwenn apre ninport ki eleksion zeneral ;</p> <p>(f) dan ka Speaker-Adzwin, kan Lasanble zwenn pou premie fwa apre enn prorogasion;</p> <p>(g) dan ka enn Speaker ki napa enn manb Lasanble, san otorizasion depi Prezidan Repiblik, li finn absan pandan bann seans Lasanble pou enn peryod 3 mwa kontinielman pandan enn mem sesion, pou niport ki rezon andeor lefet ki li ti an detansion legal dan Moris;</p> <p>(h) si li vinn enn parti-prenant dan enn kontra avek gouvernman ouswa lor kont servis piblik, oubien kan ninport ki lantrepriz kot li enn partner ouswa ninport ki konpagni kot li enn direkter ou enn manager vinn enn parti dan enn kontra parey, ouswa si li vinn enn trustee, enn manager ouswa, avek enn konsantman, enn benefisier dan enn trust ki enn parti-prenant dan enn kontra parey.</p> <p>(4) Si, ninport ki moman, post Speaker ou Speaker-Adzwin vinn vakan, Lasanble Nasional pou bizin, dan fason ki finn spesifie dan sou-seksion (1), amwin ki li disoud avan, elir: -</p> <p>(a) parmi so bann manb, ou otreman, enn Speaker ;</p> <p>(b) parmi so bann manb, enn Speaker-Adzwin.</p>
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(4A) No person shall be eligible for election as Speaker unless he is a citizen of Mauritius.

(4B) A person elected as Speaker shall not, whilst in office –

(a) hold any other office of emolument, whether under the Constitution or otherwise;

(b) exercise any profession or calling.

(5) A person holding the office of Speaker or Deputy Speaker may resign his office by writing under his hand addressed to the Assembly and the office shall become vacant when the writing is received by the Clerk to the Assembly.

(6) No business shall be transacted in the Assembly (other than the election of a Speaker) at any time when the office of Speaker is vacant.

(7) Where a motion is presented for the purposes of subsection (3)(b) or (d), the Speaker or the Deputy Speaker, as the case may be, shall not preside over the proceedings of the Assembly at that sitting.

(8) (a) Notwithstanding any pending judicial proceedings by or against the Speaker or the Deputy Speaker or anything contained in the Standing Orders of the Assembly, where a motion is presented to the Speaker by the Prime Minister for the purposes of subsection (3)(b) or (d), the motion shall –

(i) be required to specify the ground for such removal;

(ii) form part of the business of the Assembly when it first sits after presentation of the motion;

(iii) have priority over all other business of the Assembly;

(iv) be the subject matter of a debate in the Assembly;

(v) be put to the vote of members at that sitting.

(4A) Personn pa gagn drwa elir antan ki Speaker amwin ki li enn sitwayin Moris.

(4B) Enn dimounn ki finn elir antan ki Speaker pa pou gagn drwa, pandan so manda ;

(a) okip ninport ki post remineratif, ki li tom sou Konstitision ou non;

(b) exers ninport ki profesion ouswa metie.

(5) Enn dimounn ki pe okip post Speaker ouswa Speaker-Adzwin pou kapav demisione depi so post par enn let ki limem finn ekrir e ki adrese ek Lasanble; post-la pou deklare vakan osito ki Clerk Lasanble resevwar li.

(6) Okenn biznes pa pou gagn drwa trete dan Lasanble (apart kan ena eleksion Speaker) dan okenn moman, enn fwa ki post Speaker finn vinn vakan.

(7) Kan enn mosion finn prezante dapre sou-seksion (3) (b) ou (d), Speaker ou Speaker-Adzwin, depandan lor ka, pa gagn drwa prezid bann deba Lasanble pou sa seans-la.

(8) (a) San ki sa fer obstak ek okenn prosedir zidisier ki ankour par ouswa kont Speaker ou Speaker-Adzwin, ouswa ek ninport ki zafer ki kontenir dan bann *Standing Orders* Lasanble, enn fwa ki enn mosion finn prezante devan Speaker par Premie Minis dapre sou-seksion (3) (b) ou (d), mosion-la pou bizin:

(i) presiz bann rezon ki zistifie sa retre-la;

(ii) fer parti bann item ki lor azinda Lasanble kan li zwenn pou premie fwa apre prezantasion mosion-la ;

(iii) ena priorite lor tou lezot item lor azinda Lasanble ;

(iv) fer lobze enn deba dan Lasanble ;

(v) fer pas lor vot bann manb Lasanble dan sa seans-la.

<p>(b) Where a motion presented by the Prime Minister for the purposes of subsection (3)(b) or (d) does not form part of the business of the Assembly as provided under paragraph (a)(ii), the Prime Minister may, before the commencement of the business at the sitting, table the text of the motion in the Assembly, and the motion shall thereupon be dealt with in accordance with this subsection.</p> <p>[Amended 2/82; 36/90; 1/96]</p>	<p>(b) Kan ena enn mosion ki finn prezante par Premie Minis dapre sou-seksion (3) (b) ou (d) pa fer parti bann item lor azinda Lasanble tel ki li finn prevwar dan paragraf (a) (ii), Premie Minis kapav, avan koumansman bann travo seans-la, depoz lor latab Lasanble text mosion-la, ek mosion-la pou trete kouma bizin dapre sa sou-seksion-la.</p> <p>[Amandman 2/82; 36/90; 1/96]</p>
<p>Article 33. Qualifications for membership</p> <p>Subject to section 34, a person shall be qualified to be elected as a member of the Assembly if, and shall not be qualified unless -</p> <p>(a) is a Commonwealth citizen of not less than the age of 18 years;</p> <p>(b) has resided in Mauritius for a period of, or periods amounting in the aggregate to, not less than 2 years before the date of his nomination for election;</p> <p>(c) has resided in Mauritius for a period of not than less 6 months immediately before that date; and</p> <p>(d) is able to speak and, unless incapacitated by blindness or other physical cause, to read the English language with a degree of proficiency sufficient to enable him to take an active part in the proceedings of the Assembly.</p>	<p>Lartik 33. Kriter elizibilite pou vinn manb Lasanble</p> <p>Sou rezerv seksion 34, enn dimounn pou elizib pou vinn enn manb Lasanble si, ek li pa pou kalifie amwin ki: -</p> <p>(a) li enn sitwayin Commonwealth ki ena omwin 18 an;</p> <p>(b) li finn res Moris pandan enn peryod ki pa mwins ki 2 an, ou diferan peryod ki, kan met zot ansam, pa mwins ki 2 an, avan dat so nominasion pou eleksion;</p> <p>(c) li finn res Moris pandan enn peryod ki pa mwins ki 6 mwa zis avan sa dat-la, ek</p> <p>(d) li kapav koze ek, amwin ki li pa kapav fer li akoz li aveg ouswa li ena enn andikap fizik, lir Angle avek enn degre konpreansion ki permet li partisip aktivman dan bann travay Lasanble.</p>
<p>Article 34. Disqualifications for membership</p> <p>(1) No person shall be qualified to be elected as a member of the Assembly who -</p> <p>(a) is, by virtue of his own act, under any acknowledgement of allegiance, obedience or adherence to a power or state outside the Commonwealth;</p> <p>(b) is a public officer or a local government officer;</p>	<p>Lartik 34. Diskalifikasion pou vinn manb Lasanble Nasional</p> <p>(1) Enn dimounn pa pou elizib pou vinn enn manb lasanble si:-</p> <p>(a) li finn manifeste, par so prop akt, enn alezans, enn obedians ou enn adezion pou enn Leta andeor Commonwealth;</p> <p>(b) li enn fonksioner ou enn ofisie enn otorite lokal;</p>

(c) is a party to, or a partner in a firm or a director or manager of a company which is a party to, any contract with the Government for or on account of the public service, and has not, within 14 days after his nomination as a candidate for election, published in the English language in the Gazette and in a newspaper circulating in the constituency for which he is a candidate, a notice setting out the nature of such contract and his interest, or the interest of any such firm or company, therein;

(d) has been adjudged or otherwise declared bankrupt under any law in force in any part of the Commonwealth and has not been discharged or has obtained the benefit of a *cessio bonorum* in Mauritius;

(e) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in Mauritius;

(f) is under sentence of death imposed on him by a court in any part of the Commonwealth, or is serving a sentence of imprisonment (by whatever name called) exceeding 12 months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;

(g) is disqualified from election by any law in force in Mauritius by reason of his holding, or acting in, an office the functions of which involve –

(i) any responsibility for, or in connection with, the conduct of any election; or

(ii) any responsibility for the compilation or revision of any electoral register; or

(c) li enn asosie ouswa enn partner dan enn firm ouswa enn direkter ou manager dan enn konpagni ki ena enn lien ou enn kontra avek Gouvernman pou ou lor kont enn servis piblik, e ki li pa finn pibliye dan enn dele 14 zour apre so nominasion antan ki enn kandida dan eleksion, an Angle dan Government Gazette ek dan enn zournal ki sirkile dan sirkonsripsion kot li kandida, enn notis ki explik natir kontra-la ek so lintere ladan, ouswa lintere enn firm ou enn sosiete ki tom dan sa kategori-la;

(d) li finn zize ouswa konsidere otreman kouma finn fer fayit dapre enn lalwa ki anviger dan ninport ki parti Commonwealth e ki li pa finn reabilite ou finn gagn okenn benefis *cessio bonorum* dan Moris ;

(e) li finn zize kouma mantalman defisian ou kouma enn kriminel mantalman dezekilibre dapre enn lalwa ki anviger dan Moris;

(f) li finn kondane-a-mor par enn lakour dan ninport ki parti Commonwealth, oubien li pe fer fas enn lapenn anprizonman (sou ninport ki nom ki finn donn sa lapenn-la) ki depas 12 mwa, e ki finn inpoze lor li par enn tel lakour ou ki finn sibstitie par enn lot otorite konpetan pou enn lot lapenn ki finn inpoze par enn tel lakour, ouswa ki li lor enn lapenn anprizonman kot so exekision finn sispann

(g) li pa elizib pou eleksion dapre enn lalwa ki anviger dan Moris akoz li pe okip, ou pe azir dan, enn post kot so bann fonksion:-

(i) enn responsabilite pou, ou an lien avek, fason enn eleksion bizin deroule; ouswa

(ii) enn responsabilite kot ena konpilasion ouswa revizion enn rezis elektoral; ouswa

<p>(h) is disqualified for membership of the Assembly by any law in force in Mauritius relating to offences connected with elections.</p> <p>(2) Where it is prescribed by Parliament that any office in the public service or the service of a local authority is not to be regarded as such an office for the purposes of this section, a person shall not be regarded for the purposes of this section as a public officer or a local government officer, as the case may be, by reason only that he holds, or is acting in, that office.</p> <p>(3) For the purpose of this section –</p> <p>(a) 2 or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms; and</p> <p>(b) imprisonment in default of payment of a fine shall be disregarded.</p>	<p>(h) li finn diskalifie pou vinn enn manb Lasanble dapre enn lalwa ki anviger dan Moris konsernan bann infraksion ki ena lien ek eleksion.</p> <p>(2) Kan Parlman finn preskrir ki enn fonksion dan servis piblik ou dan servis enn otorite lokal bizin pa konsidere kouma enn fonksion dan kad sa seksion-la, enn dimounn pa konsidere kouma enn ofisie piblik ou enn ofisie enn otorite lokal, depandan lor ka, akoz li ena tel ou tel fonksion.</p> <p>(3) Dan lobzekif sa seksion-la -</p> <p>(a) 2 ouswa plizier lapenn anprizonman ki enn dimounn bizin pirze enn apre lot, pou konsidere kouma enn sel lapenn anprizonman pou totalite peryod letan ki sak lapenn reprezante; ek</p> <p>(b) anprizonman par-defo, anka pa kapav pey lamann pa pou konsidere.</p>
<p>Article 35. Tenure of office of members</p> <p>(1) The seat in the Assembly of a member shall become vacant –</p> <p>(a) upon a dissolution of Parliament;</p> <p>(b) where he ceases to be a Commonwealth citizen;</p> <p>(c) where he becomes a party to any contract with the Government for or on account of the public service, or where any firm in which he is a partner or any company of which he is director or manager becomes a party to any such contract, or where he becomes a partner in a firm or a director or manager of a company which he is a party to any such contract:</p> <p>Provided that, where in the circumstances it appears to him to be just to do so, the speaker (or, where the office of Speaker is vacant or he is for</p>	<p>Lartik 35. Dire manda bann manb Lasanble</p> <p>(1) Siez enn manb Lasanble-la pou vinn vakan:-</p> <p>(a) kan Parlman disoud;</p> <p>(b) kan li nepli enn sitwayin Commonwealth ;</p> <p>(c) kan li vinn enn parti-prenant dan enn kontra avek Gouvernman pou ouswa lor kont enn servis piblik, ouswa kan ninport ki firm kot li enn partner ouswa enn konpagni kot li enn direkter ou enn manager vinn enn parti-prenant dan sa kontra-la, ou kan li vinn enn partner dan enn firm ou enn manager dan enn konpagni ki ena enn lien avek sa kontra-la:</p> <p>Lor kondision etabli ki, dan bann sironstans ki dapre li, paret korek pou azir dan tel fason, Speaker Lasanble (ouswa, si post-la finn deklar vakan,</p>

any reason unable to perform the functions of his office, the deputy Speaker) may exempt any member from vacating his seat under this paragraph where such member, before becoming a party to such contract, or before or as soon as practicable after becoming otherwise interested in such contract (whether as a partner in a firm or as a director or manager of a company), discloses to the Speaker or, as the case may be, the Deputy Speaker the nature of such contract and his interest over interest of any such firm or company therein;

(d) where he ceases to be resident in Mauritius;

(e) where, without leave of the Speaker (or, where the office of Speaker is vacant or he is for any reason unable to perform the functions of his office, the Deputy Speaker) previously obtained, he is absent from the sittings of the Assembly for a continuous period of 3 months other than his being in lawful custody in Mauritius;

(f) where any of the circumstances arise that, if he were not a member of the Assembly, would cause him to be disqualified for election thereto by virtue of section 34(1)(a), (b), (d), (e), (g) or (h);

(g) in the circumstances mentioned in section 36.

(2) A member of the Assembly may resign his seat by writing under his hand addressed to the Speaker and the seat shall become vacant when the writing is received by the Speaker or, if the office of the Speaker is vacant or the Speaker is for any reason unable to perform the functions of his office, by the Deputy Speaker or such other person as may be specified in the rules and orders of the Assembly.

(3) Where the seat in the Assembly of a member who, represents a constituency becomes vacant otherwise than by reason of a dissolution of Parliament, the writ for an election to fill the vacancy shall, unless Parliament is sooner dissolved, be issued within 90 days of the occurrence of the vacancy.

ouswa si Speaker finn gagn enn kelkonk anpesman pou exers so bann fonksion, Speaker-Adzwin) kapav exanpte ninport ki manb Lasanble depi so obligasion pou liber so siez dapre bann dispozision sa paragrafla, si manb-la, avan ki li vinn enn parti-prenant dan sa kontra-la, tel ki sa finn expoze pli lao, ouswa avan ou osito ki posib, apre ki li finn vinn enn personn interese dan enn lot manier dan sa kontra-la (swa antan ki enn partner dan enn firm ouswa, antan ki enn direkter ou manager dan enn konpagni), inform Speaker, ou depandan lor ka, Speaker-Adzwin lor natir kontra-la ek so lintere lor lintere ninport ki firm ou konpagni ki konserne ladan;

(d) si li nepli res dan Moris ;

(e) si, san otorizasion Speaker (ou, kan post Speaker vakan ouswa pou ninport ki rezon, li pa pe kapav asim so bann fonksion, Speaker-Adzwin), li finn absan depi bann seans Lasanble Nasional pandan enn peryod 3 mwa san interipsion pou enn lot rezon ki lefet ki li an detension legal dan Moris ;

(f) pou ninport ki sirkonstans ki, si li pa ti enn manb lasanble, ti pou fer ki li pa ti pou elizib pou eleksion seksion 34 (1) (a), (b), (d), (e), (g) ou (h) ;

(g) pou bann rezon ki mansione dan seksion 36.

(2) Enn manb lasanble kapav demisione depi so post atraver enn let ki limem li ekri ek li adrese ek Speaker ek lerla, post la pou vinn vakan osite ki Speaker resevwar let-la ouswa, si post Speaker-la vakan ouswa si Speaker-la, pou enn rezon kelkonk, pa kapav asim so bann fonksion, osito ki Speaker-Adzwin ou enn lot dimounn ki finn nome dapre bann regleman ek ordonans Lasanble, resevwar let-la.

(3) Kan siez enn manb ki reprezant enn sirkonskripsion dan Lasanble vinn vakan pou enn lot rezon ki disolision Parlman, writ pou eleksion ranplasman pou bizin, apart si Parlman disoud pli boner, emet dan enn dele 90 zour apre ki post-la finn vinn vakan.

Article 36. Vacation of seat on sentence

(1) Subject to this section, where a member of the Assembly is sentenced by a court in any part of the Commonwealth to death or to imprisonment (by whatever name called) for a term exceeding 12 months, he shall forthwith cease to perform his functions as a member of the Assembly and his seat in the Assembly shall become vacant at the expiration of a period of 30 days thereafter:

Provided that the Speaker (or, where the office of Speaker is vacant or he is for any reason unable to perform the functions of his office, the Deputy Speaker) may, at the request of the member, from time to time extend that period of 30 days to enable the member to pursue any appeal in respect of his conviction or sentence, so however that extensions of time exceeding in the aggregate 330 days shall not be given without the approval of the Assembly signified by resolution.

(2) Where at any time before the member vacates his seat he is granted a free pardon or his conviction is set aside or his sentence is reduced to a term of imprisonment of less than 12 months or a punishment, other than imprisonment is substituted, his seat in the Assembly shall not become vacant under subsection (1) and he may again perform his functions as a member of the Assembly.

(3) For the purpose of this section:

(a) 2 or more terms of imprisonment that are required to be served consecutively shall be regarded as a single term of imprisonment for the aggregate period of those terms; and

(b) imprisonment in default of payment of a fine shall be disregarded.

Lartik 36. Siez deklare vakan swivan enn kondanasion

(1) Sou rezerv bann provizion ki ena dan sa seksion-la, kan enn manb Lasanble finn gagn, depi enn lakour ki trouv dan ninport ki parti Commonwealth, enn kondanasion a-mor ou enn lapenn anprizonnman (sou ninport ki apelasion) pou enn dire ki plis ki 12 mwa, li pou bizin toutswit aret exsers so bann fonksion antan ki enn manb Lasanble ek so siez dan Lasanble pou deklar vakan apre 30 zour:

Lor kondision ki Speaker Lasanble-la (ouswa, si post Speaker vakan ouswa si, pou ninport ki rezon, li trouv limem dan inkapacite pou exers so bann fonksion, Speaker-Adzwin) kapav, lor enn reket depi manb-la, prolonz sa dire 30 zour-la pou permet manb-la fer apel ki li swete konsernan so kondanasion ou so lapenn. Selman, si bann extansion dele depas enn total 330 zour, zot pa pou kapav akorde san enn aprobasion depi Lasanble ki vote par enn rezolision.

(2) Si, dan ninport ki moman avan ki manb-la liber so siez, li benefisie enn gras, ouswa so kondanasion anile oubien ena enn rediksion dan so lapenn kot li gagn enn anprizonnman ki lor enn dire ki mwins ki 12 mwa ouswa si li finn gagn enn lot lapenn apar anprizonnman, so siez dan Lasanble pa pou vinn vakan an-akor avek sou-seksion (1) e li pou kapav rekoumans exers so bann fonksion antan ki enn manb Lasanble.

(3) Dan lobzektif sa lartik-la:-

(a) 2 ouswa plizier lapenn anprizonnman ki bizin pirze, enn apre lot, pou konsidere kouma enn sel peryod anprizonnman ki kouver dire total bann diferan lapenn-la; ek

(b) enn anprizonnman par defo, kan pa pe kapav pey enn lamann, pa pou pran an konsiderasion.

<p>Article 36A. Validity of previous elections</p> <p>Notwithstanding any provision of this Constitution relating to the election of members of the Assembly or to their tenure of office as members of the Assembly, where, in relation to any general election held between 1 January 1967 and 30 September 1991, any person has committed an offence against an electoral law by reason of any act or omission in relation to the printing, publishing or posting of any bill, placard or poster, that act or omission shall not be held –</p> <p>(a) to have affected or to affect the validity of the election of that person to the Assembly or of anything done by the Assembly or that member;</p> <p>(b) to have disqualified or to disqualify that person from membership of the Assembly.</p>	<p>Laerik 36A. Validite bann eleksion presedan</p> <p>San ki sa fer obstak ek okenn dispozision sa Konstitision-la konsernan eleksion bann manb Lasanble ouswa zot manda antan ki manb Lasanble, kan, dan kad enn eleksion zeneral ki finn fer ant le 1^e Zanvie 1967 ek 30 Septam 1991, enn dimounn finn komet enn infraksion kont enn lalwa elektoral an-konsekans enn aksion ouswa enn omision konsernan inpresion, publikasion ouswa afisaz enn proze lalwa, enn pankart ouswa enn lafis, sa aksion ouswa sa omision-la pa pou konsidere kouma enn infraksion ki: -</p> <p>(a) finn afekte ouswa ki pou afekte validite eleksion sa dimounn-la dan Lasanble ouswa validite ninport ki zafer ki finn fer par Lasanble ouswa par sa manb-la;</p> <p>(b) finn diskalifie ouswa pou diskalifie sa dimounn-la depi pozision kouma enn manb Lasanble.</p>
<p>Article 37. Determination of questions as to membership</p> <p>(1) The Supreme Court shall have jurisdiction to hear and determine any question whether –</p> <p>(a) any person has been validly elected as a member of the Assembly;</p> <p>(b) any person who has been elected as Speaker or Deputy Speaker was qualified to be so elected or has vacated the office of Speaker or Deputy Speaker as the case may be; or</p> <p>(c) any member of the Assembly has vacated his seat or is required, under section 36, to cease to perform his functions as a member of the Assembly.</p> <p>(2) An application to the Supreme Court for the determination of any question under subsection (1)(a) may be made by any person entitled to vote in the election to which the application relates or by any person who was a candidate at that election or by the Attorney-General and, where it</p>	<p>Lartik 37. Determinasion bann kestion konsernan membership</p> <p>(1) Lakour Siprem pou ena ziridiksion pou ekout ninport ki kestion ki viz pou determine si: —</p> <p>(a) enn dimounn finn elir legalman antan ki enn manb Lasanble;</p> <p>(b) enn dimounn ki finn elir antan ki Speaker ouswa Speaker-Adzwin ti elizib pou sa eleksion-la ouswa si li finn kit post Speaker ouswa Speaker-Adzwin, depandan lor ka; ouswa</p> <p>(c) enn manb Lasanble finn liber so siez ouswa, si dapre seksion 36, li bizin aret so bann fonksion antan ki manb Lasanble.</p> <p>(2) Enn reket ki adrese Lakour Siprem pou examinn ninport ki kestion ki vize par sou-seksion (1)(a) kapav fer par ninport ki dimounn ki ena drwa vote dan eleksion ki konserne par reket-la ouswa par ninport ki kandida ki finn partisip dan eleksion-la ouswa par Attorney-General ek, kan</p>

<p>is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear or to be represented in the proceedings.</p> <p>(3) An application to the Supreme Court for the determination of any question under subsection (1)(b) may be made by any member of the Assembly or by the Attorney-General, and, where it is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear or to be represented in the proceedings.</p> <p>(4) An application to the Supreme Court for the determination of any question under subsection (1)(c) may be made -</p> <p style="padding-left: 40px;">(a) by any member of the Assembly or by the Attorney-General; or</p> <p style="padding-left: 40px;">(b) by any person registered in some constituency as an elector, and, where it is made by a person other than the Attorney-General, the Attorney-General may intervene and may then appear or be represented in the proceedings.</p> <p>(5) Parliament may make provision with respect to -</p> <p style="padding-left: 40px;">(a) the circumstances and manner in which and the imposition of conditions upon which any application may be made to the Supreme Court for the determination of any question under this section; and</p> <p style="padding-left: 40px;">(b) the powers, practice and procedure of the Supreme Court in relation to any such application.</p> <p>(6) A determination by the Supreme Court in proceedings under this section shall no be subject to an appeal:</p> <p>Provided that an appeal shall lie to the Judicial Committee in such cases as may be prescribed by Parliament.</p> <p>(7) In the exercise of his functions under this section, the Attorney-General shall not be subject to the direction or control of any other person or authority.</p>	<p>demann-la finn fer par enn lot dimounn ki Attorney-General, Attorney-General kapav intervenir ek konparet ouswa fer limem reprezante dan prose-la.</p> <p>(3) Enn reket ki adrese ek Lakour Siprem pou examinn ninport ki kestion ki vize par sou-seksion (1)(b) kapav fer par ninport ki manb Lasanble ouswa par Attorney-General ek, kan reket-la fer par enn lot dimounn ki Attorney-General, Attorney-General kapav intervenir ek konparet ouswa fer limem reprezante dan prose-la.</p> <p>(4) Enn reket ki adrese Lakour Siprem pou examinn ninport ki kestion ki vize par sou-seksion (1)(c) kapav fer: —</p> <p style="padding-left: 40px;">(a) par ninport ki manb Lasanble ouswa par Attorney-General; ouswa</p> <p style="padding-left: 40px;">(b) par ninport ki dimounn ki finn anrezistre dan enn sirkonskripsion antan ki enn elekter, ek, kan li fer par enn lot dimounn ki Attorney-General, Attorney-General kapav intervenir ouswa ek konparet ouswa kapav fer limem reprezante dan prose-la.</p> <p>(5) Parlman ena drwa fer provizion konsernan -</p> <p style="padding-left: 40px;">(a) bann sirkonstans ek manier dan lekel , ek kondision lor lekel, ninport ki reket kapav adrese ek Lakour Siprem pou examinn enn kestion ki vize par sa seksion-la; ek</p> <p style="padding-left: 40px;">(b) bann pouvwar, pratik ek prosedir Lakour Siprem ki konserne par sa tip reket-la.</p> <p>(6) Enn desizion Lakour Siprem dan kad enn prose ki konserne par sa seksion-la pa pou kapav fer lobze enn apel:</p> <p>Lor kondision ki li posib fer apel divan enn <i>Judicial Committee</i> dan bann ka ki preskrir par Parlman.</p> <p>(7) Dan lexersis so bann fonksion an lien avek sa seksion-la, Attorney-General pa kapav fer lobze direksion ouswa kontrol okenn lot dimounn ou lotorite.</p>
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Article 38. Electoral Commissions

(1) There shall be an Electoral Boundaries Commission which shall consist of a chairman and not less than two nor more than seven other members appointed by the President, acting after consultation with the Prime Minister, the Leader of the Opposition and such other persons as appear to the President, acting in his own deliberate judgement, to be leaders of parties in the Assembly.

(2) There shall be an Electoral Supervisory Commission which shall consist of a chairman and not less than 2 nor more than seven other members appointed by the President, acting after consultation with the Prime Minister, the Leader of the Opposition and such other persons as appear to the President, acting in his own deliberate judgement, to be leaders of parties in the Assembly.

(3) No person shall be qualified for appointment as a member of the Electoral Boundaries Commission or the Electoral Supervisory Commission if he is a member of, or a candidate for election to, the Assembly or any local authority or a public officer or a local government officer.

(4) Subject to this section, a member of the Electoral Boundaries Commission or the Electoral Supervisory Commission shall vacate his office-

(a) at the expiration of 5 years from the date of his appointment;
or

(b) where any circumstances arise that, if he were not a member of the Commission, would cause him to be disqualified for appointment as such.

(5) The provisions of section 92(2) to (5) shall apply to a member of the Electoral Boundaries Commission or the Electoral Supervisory Commission as they apply to a Commissioner within the meaning of section 92.

Lartik 38. Komision Elektoral

(1) Bizin ena enn *Electoral Boundaries Commission* ki pou konpoze par enn prezidan ek pa mwins ki 2 ni plis ki 7 lezot manb ki pou nome par Prezidan Repiblik, apre konsiltasion avek Premie Minis, Leader Lopozision ek lezot dimounn ki dapre Prezidan Rpublik lor baz so prop zizman, pou konsidere kouma bann leader bann diferan parti ki ena dan Lasanble Nasional.

(2) Bizin ena enn *Electoral Supervisory Commission* ki pou konpoze par enn prezidan ek pa mwins ki 2 ni plis ki 7 lezot manb ki pou nome par Prezidan Repiblik, apre konsiltasion avek Premie Minis, Leader Lopozision ek lezot dimounn ki dapre Prezidan Rpublik lor baz so prop zizman, pou konsidere kouma bann leader bann diferan parti ki ena dan Lasanble Nasional.

(3) Enn dimounn pa pou elizib pou vinn enn manb *Electoral Boundaries Commission* ouswa *Electoral Supervisory Commission* si li enn manb, ouswa enn kandida dan eleksion pou vinn manb, Lasanble ouswa enn otorite lokal ouswa enn ofisie piblik ouswa ofisie enn otorite lokal.

(4) Sou rezerv bann provizion ki ena dan sa seksion-la, enn manb *Electoral Boundaries Commission* ouswa *Electoral Supervisory Commission* bizin demksionn depi so post: —

(a) apre enn peryod 5 an depi so nominasion; ouswa

(b) kan ena bann sirkonstans ki arive kot, si li pa ti enn manb enn sa Komision-la, li ti pou diskalfie ki pou nome antan ki tel.

(5) Bann dispozision ki ena dan seksion 92(2) ziska (5) pou aplikab lor enn manb *Electoral Boundaries Commission* ouswa *Electoral Supervisory Commission* dan fason kot aplik zot pou enn Komiser dapre Seksion 92.

Article 39. Constituencies

(1) There shall be 21 constituencies and accordingly -

- (a) the island of Mauritius shall be divided into 20 constituencies;
- (b) Rodrigues shall form one constituency:

Provided that the Assembly may by resolution provide that any island forming part of Mauritius that is not comprised in the Island of Mauritius or Rodrigues shall be included in such one of the constituencies as the Electoral Boundaries Commission may determine and with effect from the next dissolution of Parliament after the passing of any such resolution, this section shall have effect accordingly.

(2) The Electoral Boundaries Commission shall review the boundaries of the constituencies at such times as will enable them to present a report to the Assembly 10 years, as near as may be after 12 August 1966 and, thereafter 10 years after presentation of their last report:

Provided that the Commission may at any time carry out a review and present a report if it considers it desirable to do so by reason of the holding of an official census of the population of Mauritius and shall do so if a resolution is passed by the Assembly in pursuance of subsection (1).

(3) The report of the Electoral Boundaries Commission shall make recommendations for any alterations to the boundaries of the constituencies as appear to the Commission to be required so that number of inhabitants of each constituency is as nearly equal as is reasonably practicable to the population quota:

Provided that the number of inhabitants of a constituency may be greater or less than the population quota in order to take account of means of communication, geographical features, density of population and the boundaries of administrative areas.

Lartik 39. Sirkonskripsion

(1) Pou ena 21 sirkonskripsion elektoral ek an konsekans: —

- (a) Lil Moris pou divize an 20 sirkonskripsion;
- (b) Rodrig pou reprezant enn sirkonskripsion:

Lor kondision etabli ki Lasanble Nasional pou kapav, par rezolision, fer provizion pou ki ninport ki zil ki form parti Repiblik Moris me ki pa trouv ni dan Lil Moris, ni dan Rodrig, pou trouv li inklir dan enn bann sirkonskripsion ki *Electoral Boudaries Commission* pou kapav determine e ki pou pran efe apartir prosin disolision Parlman. Apre ki enn tel rezolision pou vote, sa seksion-la pou aplike an konsekans.

(2) *Electoral Boundaries Commission* pou fer revizion delimitasion bann sirkonskripsion elektoral dan bann dele ki neserer pou permet li prezant enn rapor Lasanble Nasional 10 an, osi pre ki posib, apre le 12 Out 1966 ek, apartir la, sak 10 an apre so dernie rapor:

Lor kondision etabli ki Komision-la kapav, dan ninport ki moman, prosed ek enn revizion ek prezant enn rapor, si li estime ki li swetab pou fer li aköz finn ena enn resansman ofisiel popilasion Moris e li pou gagn drwa fer li si enn rezolizion dan sa sans-la adopte par Lasanble Nasional dapre sou-seksion (1).

(3) Rapor *Electoral Boundaries Commission* pou fer bann rekomandasion konsernan ninport ki modifikasion ki li estime neserer dan delimitasion bann sirkonskripsion desort ki li permet ki nonb abitan sak sirkonskripsion vinn osi egal ki posib par rapor ek kota popilasion:

Lor kondision etabli ki nonb abitan enn sirkonskripsion kapav siperyer ouswa inferyer avek kota popilasion kan pran kont bann diferan mwayin kominikasion, bann karakteristik zeografik, dansite popilasion ek delimitasion bann zonn administratif.

<p>(4) The Assembly may, by resolution, approve or reject the recommendations of the Electoral Boundaries Commission but may not vary them; and, if so approved, the recommendations shall have effect as from the next dissolution of Parliament.</p> <p>(5) In this section, "population quota" means the number obtained by dividing the number of inhabitants of the Island of Mauritius (including any island included in any constituency in the Island of Mauritius by virtue of any resolution under subsection (1) according to the latest official census of the population of Mauritius by 20.</p>	<p>(4) Lasanble Nasional pou ena drwa, par rezolision, aprouv ouswa rezet bann rekomandasion <i>Electoral Boundaries Commission</i>, me ki pa pou ena drwa modifie zot; ek, si zot aprouve, bann rekomandasion-la pou pran zot lefe apartir prosenn disolision Parlman.</p> <p>(5) Dan sa seksion-la, 'kota popilasyon' vedir nonb ki gagne kan diviz par 20 nonb abitan Lil Moris (ansam avek tou bann zil ki finn inklir dan enn sirkonskripsion Lil Moris selon enn rezolision ki pou finn adopte pou sa rezon-la dapre sou-seksion (1)) dapre bann sif dernie resansman ofisiel popilasyon Moris).</p>
<p>Article 40. Electoral Commissioner</p> <p>(1) There shall be an Electoral Commissioner, whose office shall be a public office and who shall be appointed by the Judicial and Legal Service Commission.</p> <p>(2) No person shall be qualified to hold or act in the office of Electoral Commissioner unless he is qualified to practise as a barrister in Mauritius.</p> <p>(3) Without prejudice to section 41, in the exercise of his functions under this Constitution, the Electoral Commissioner shall not be subject to the direction or control of any other person or authority.</p>	<p>Lartik 40. Komiser Elektoral</p> <p>(1) Pou bzin ena enn komiser elektoral, ki pou ena enn fonksion ki piblik ek ki pou nome par <i>Judicial and Legal Service Commission</i>.</p> <p>(2) Personn pa pou elizib pou okip ou pou exers fonksion Komiser Elektoral, si li pa kalifie pou exers profesion avoka dan Moris.</p> <p>(3) San okenn prezidis lor seksion 41, kan Komiser Elektoral pe exers so bann fonksion dapre Konstitisyon, li pa pou soumet li sou direksion ou sou kontrol okenn lot dimounn ouswa lotorite.</p>
<p>Article 41. Functions of Electoral Supervisory Commission and Electoral Commissioner</p> <p>(1) The Electoral Supervisory Commission shall have general responsibility for, and shall supervise, the registration of electors for the election of members of the Assembly and the conduct of elections of such members and the commission shall have such powers and other functions relating to such registration and such elections as may be prescribed.</p>	<p>Lartik 41. Fonksion <i>Electoral Supervisory Commission</i> ek Komiser Elektoral</p> <p>(1) <i>Electoral Supervisory Commission</i> pou ena responsabilite zeneral pou kontrol ek siperviz anrezistremman bann elekter pou eleksion bann manb Lasanble ek organizasion eleksion bann manb-la. Li pou ena ouisi, dapre seki finn preskrir, bann pouvwar ek lezot fonksion ki ena lien avek sa bann anrezistremman ek eleksion-la.</p>

<p>(2) The Electoral Commissioner shall have such powers and other functions relating to such registration and elections as may be prescribed, and he shall keep the Electoral Supervisory Commission fully informed concerning the exercise of his functions and shall have the right to attend meetings of the Commission and to refer to the Commission for their advice or decision on any question relating to his functions.</p> <p>(3) Every proposed Bill and every proposed regulation or other instrument having the force of law relating to the registration of electors for the election of members of the Assembly or to the election of such members shall be referred to the Electoral Supervisory Commission and to the Electoral Commissioner at such time as shall give them sufficient opportunity to make comments thereon before the Bill is introduced in the Assembly or, as the case may be, the regulation or other instrument is made.</p> <p>(4) The Electoral Supervisory Commission may make such reports to the President concerning the matters under their supervision, or any draft bill or instrument that is referred to them, as they may think fit and if the Commission so requests in any such report, other than a report on a draft Bill or instrument, that report shall be laid before the Assembly.</p> <p>(5) The question whether the Electoral Commissioner has acted in accordance with the advice of or a decision of the Electoral Supervisory Commission shall not be enquired into in any court of law.</p>	<p>(2) Komiser Elektoral ena bann pouvwar ek lezot fonksion ki ena lien avek bann anrezistremen ek eleksion tel ki zot finn finn preskrir, ek li pou bizin tini <i>Electoral Supervisory Commission</i> totalman informe lor exersis so bann fonksion ek li pou ena drwa asiste bann renion Komision-la ek konsilte Komision-la pou gagn zot konsey ouswazot desizion konsernan ninport ki kestion ki ena lien avek so bann fonksion.</p> <p>(3) Ninport ki Bill ou regleman ou lot instriman ki ena enn lafors legal e ki an lien avek anrezistremen bann elekter konsernan eleksion bann manb Lasanble ouswa eleksion bann manb-la, pou bizin soumet ek <i>Electoral Supervisory Commission</i> ek Komiser Elektoral, dan enn dele neserer pou ki zot gagn sifizaman letan pou fer zot komanter lor proze lalwa-la, ouswa depandan lor ka, lor regleman ou ninport ki lot instriman konserne, avan ki li prezante devan Lasanble.</p> <p>(4) <i>Electoral Supervisory Commission</i> pou kapav soumet ek Prezidan Repiblik bann rapor ki li zize itil lor bann size ki tom sou sou sipervizion, ouswa lor ninport ki proze lalwa ou regleman ki li finn gagne, ek si Komision-la fer enn reket dan enn rapor, ki pa enn rapor ki port lor version provizwar enn Bill ou enn regleman, rapor-la pou bizin depoze devan Lasanble.</p> <p>(5) Kestion pou kone si Komiser Elektoral finn azir konformeman ek konsey ouswa desizion <i>Electoral Supervisory Commission</i> pa pou kapav souleve devan enn lakour zistis.</p>
<p>Article 42. Qualifications of electors</p> <p>(1) Subject to section 43, a person shall be entitled to be registered as an elector if, and shall not be so entitled unless -</p> <p style="padding-left: 40px;">(a) he is a Commonwealth citizen of not less than the age of 18 years; and</p>	<p>Lartik 42. Kondision elizibilite bann elekter</p> <p>(1) Sou rezerv seksion 43, enn dimounn gagn drwa anrezistre kouma enn elekter inikman si: —</p> <p style="padding-left: 40px;">(a) li enn sitwayin Commonwealth ki ena mwins ki 18 an; ek</p>

<p>(b) either he has resided in Mauritius for a period of not less than 2 years immediately before such date as may be prescribed by Parliament or he is domiciled in Mauritius and is resident there on the prescribed date.</p> <p>(2) No person shall be entitled to be registered as an elector –</p> <p>(a) in more than one constituency; or</p> <p>(b) in any constituency in which he is not resident on the prescribed date.</p>	<p>(b) li finn res Moris pandan enn peryod ki mwins ki 2 an zis avan dat ki finn preskrir par Parlman ouswa li ena enn rezidans Moris e li pe rezid isi sa dat-la.</p> <p>(2) Personn pa gagn drwa anrezistre kouma elekter: —</p> <p>(a) dan plis ki enn sirkonskripsion; ouswa</p> <p>(b) dan enn sirkonskripsion kot li pa pe reste dat ki finn preskrir pou eleksion.</p>
<p>Article 43. Disqualifications of electors</p> <p>No person shall be entitled to be registered as an elector who –</p> <p>(a) in under sentence of death imposed on him by a court in any part of the Commonwealth, or is serving a sentence of imprisonment (by whatever name called) exceeding 12 months imposed on him by such a court or substituted by competent authority for some other sentence imposed on him by such a court, or is under such a sentence of imprisonment the execution of which has been suspended;</p> <p>(b) is a person adjudged to be of unsound mind or detained as a criminal lunatic under any law in force in Mauritius; or</p> <p>(c) is disqualified for registration as an elector by any law in force in Mauritius relating to offences connected with elections.</p>	<p>Lartik 43. Diskalifikasion bann elekter</p> <p>Personn pa gagn drwa anrezistre kouma elekter si:</p> <p>(a) ena enn kondanasion a-mor ki finn prononse kont li par enn lakour dan ninport ki parti Commonwealth, ouswa si li pe pirz enn lapenn anprizonnman (sou ninport ki nom ki apel li) lor enn peryod ki plis ki 12 mwa e ki finn prononse par enn tel lakour ouswa ki finn ena enn sibstitision par enn otorite konpetan pou enn lot lapenn ki seki finn prononse par enn lakour, ouswa si li finn kondane pou enn lapenn anprizonnman ki finn sispann;</p> <p>(b) li enn dimounn ki finn zize kouma mantalman malad ouswa si li an detansion antan ki enn kriminel mantalman dezekilibre dapre enn lalwa anviger Moris; ouswa</p> <p>(c) li enn dimounn ki pena elizibilite pou anrezistre kouma elekter dapre enn lalwa ki anviger dan Moris e ki relatif avek bann infraksion ki an lien avek eleksion.</p>
<p>Article 44. Right to vote at elections</p> <p>(1) Any person who is registered as an elector in a constituency shall be entitled to vote in such a manner as may be prescribed at any election for</p>	<p>44. Lartik 44. Drwa vot dan eleksion</p> <p>(1) Tou dimounn ki finn anrezistre kouma elekter dan enn sirkonskripsion pou gagn drwa vote dan manier ki finn preskrir dan</p>

<p>that constituency unless he is prohibited from so voting by any law in force in Mauritius because -</p> <p>(a) he is a returning officer; or</p> <p>(b) he has been concerned in any offence connected with elections:</p> <p>Provided that no such person shall be entitled so to vote if on the date prescribed for polling he is in lawful custody or (except in so far as may otherwise be prescribed) he is for any other reason unable to attend in person at the place and time prescribed for polling.</p> <p>(2) No person shall vote at any election for any constituency who is not registered as an elector in that constituency.</p>	<p>ninport ki eleksion konsernan sa sirkonskripsion-la, amwin ki li pa gagn drwa vote, dan kad enn lalwa ki anviger Moris pou enn sa bann rezon-la:-</p> <p>(a) li enn <i>returning officer</i>; ouswa</p> <p>(b) li finn inplike dan enn infraksion ki lie ek eleksion:</p> <p>Lor kondision etabli ki enn tel dimounn pa pou gagn drwa vote si, lor dat ki finn preskrir pou eleksion, li an detansion legal ouswa (sof dan mezir kot finn kapav preskrir otreman) si, pou ninport ki lot rezon, li dan inkapasite pou prezant limem dan landrwa ouswa dan ler ki finn preskrir pou eleksion.</p> <p>(2) Personn pa gagn drwa vote dan enn eleksion dan ninport ki sirkonskripsion si li pa finn anrezistre kouma elekter dan sirkonskripsion-la.</p>
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