

CHAPTER VI – THE EXECUTIVE	SAPIT VI. EXEKITIF.
<p>Article 58 Executive authority of Mauritius</p> <p>(1) The executive authority of Mauritius is vested in the President.</p> <p>(2) Except as otherwise provided in this Constitution, that authority may be exercised by the President either directly or through officers subordinate to him.</p> <p>(3) Nothing in this section shall preclude persons or authorities, other than the President, from exercising such functions as may be conferred upon them by any law.</p> <p>[Amended 48/91]</p>	<p>Lartik 58. Pouvwwar exekitif dan Moris</p> <p>(1). Se Prezidan Repiblik ki ena pouvwwar exekitif dan Moris.</p> <p>(2). Sof si Konstitisyon finn mansionn lekontrer, sa pouvwwar-la kapav exerse par Prezidan Repiblik, swa direktteman, swa indirekteman atraver bann ofisie ki travay sou so lotorite.</p> <p>(3). Nanye dan sa seksion-la pa kapav anpes bann dimounn ouswa bann otorite, andeor Prezidan Repiblik, exers bann fonksion ki lalwa finn konfer lor zot.</p> <p>[Amandman 48/91]</p>
<p>Article 59 Ministers</p> <p>(1) There shall be a Prime Minister and a Deputy Prime Minister who shall be appointed by the President.</p> <p>(2) There shall be, in addition to the offices of Prime Minister, Deputy Prime Minister and Attorney-General, such other offices of Minister of the Government as may be prescribed by Parliament or, subject to any law, established by the President, acting in accordance with the advice of the Prime Minister:</p> <p>Provided that the number of offices of Minister, other than the Prime Minister, shall not be more than 24.</p> <p>(3) The President, acting in his own deliberate judgment, shall appoint as Prime Minister the member of the Assembly who appears to him best able to command the support of the majority of the members of the Assembly, and shall, acting in accordance with the advice of the Prime Minister, appoint the Deputy Prime Minister, the Attorney-General and the other Ministers from among the members of the Assembly:</p>	<p>Lartik 59. Bann Minis</p> <p>(1). Pou ena enn Premie Minis ek enn Premie Minis Adzwin ki pou nome par Prezidan Repiblik.</p> <p>(2). Pou ena, andeor Premie Minis, Premie Minis Adzwin ek Attorney-General, bann lezot Minis ki pou nome par Prezidan Repiblik lor rekomandasion Premie Minis, konformeman ek seki finn preskrir par Parlman ouswa dan kad enn provizion legal:</p> <p>Lor kondisyon etabli ki nonb Minis, andeor Premie Minis, napa depas 24.</p> <p>(3). Prezidan Repiblik, lor baz so prop zizman delibere, pou deziñ antan ki Premie Minis, manb Lasanble ki, dapre li, paret plis an pozision pou gagn soutien mazorite bann manb Lasanble ek pou nomm, lor rekomandasion Premie Minis ek parmi bann manb Lasanble, Premie Minis-Adzwin, Attorney-General ek bann lezot Minis:</p>

<p>Provided that –</p> <p>(a) where occasion arises for making an appointment while Parliament is dissolved, a person who was a member of the Assembly immediately before the dissolution may be appointed; and</p> <p>(b) a person may be appointed Attorney-General, notwithstanding that he is not (or, as the case may be, was not) a member of the Assembly.</p> <p>[Amended 2/82; 37/91; 48/91]</p>	<p>Lor kondision etabli ki: -</p> <p>a) anka lokazion prezante pou prosed ek enn nominasion, alor ki Parlman finn disoud, enn dimounn ki ti enn manb Lasanble avan ki finn ena disolision, pou gagn drwa nome; ek</p> <p>b) enn dimounn pou gagn drwa nome antan ki Attorney-General, mem si li pa (ouswa li pa ti, depandan lor ka) enn manb Lasanble.</p> <p>[Amandman 2/82; 37/91; 48/91]</p>
<p>Article 60. Tenure of office of Ministers</p> <p>(1) Where a resolution of no confidence in the Government is passed by the Assembly and the Prime Minister does not within 3 days resign from his office, the President shall remove the Prime Minister from office unless, in pursuance of section 57(1), Parliament has been or is to be dissolved in consequence of such resolution.</p> <p>(2) Where at any time between the holding of a general election and the first sitting of the Assembly thereafter the President, acting in his own deliberate judgment, considers that, in consequence of changes in the membership of the Assembly resulting from that general election, the Prime Minister will not be able to command the support of a majority of the members of the Assembly, the President may remove the Prime Minister from office:</p> <p>Provided that the President shall not remove the Prime Minister from office within the period of 10 days immediately following the date prescribed for polling at that general election unless he is satisfied that a party or party alliance in opposition to the Government and registered for the purposes of that general election under paragraph 2 of the First Schedule has at that general election gained a majority of all seats in the Assembly.</p>	<p>Lartik 60. Dire manda bann Minis.</p> <p>(1). Si Parlman finn vot enn mosion sansir kont Gouvernman e ki Premie Minis napa demisione dan enn dele 3 zour, Prezidan Repiblik gagn drwa revok Premie Minis depi so fonksion sof si, dan kad aplikasion seksion 57(1) Konstitision, Parlman finn ouswa pre pou bizin disoud an konsekans enn tel mosion.</p> <p>(2). Si dan ninport ki moman ant eleksion zeneral ek premie seans Lasanble ki vinn zis apre, Prezidan Repiblik, lor baz so prop zizman delibere, estime ki etan-done bann sanzman ki finn ena dan konpozision Lasanble dan siyaz sa eleksion-la, Premie Minis pa pou kapav gagn soutien mazorite bann manb Lasanble, Prezidan Repiblik pou kapav revok Premie Minis depi so fonksion:</p> <p>Lor kondision etabli ki Prezidan Repiblik pa pou gagn drwa revok Premie Minis pandan enn dele 10 zour apre dat ki finn fixe pou eleksion, sof si li konvinki ki enn parti ou enn koalision ant diferan parti lopoizision ki finn anrezistre dan kad sa eleksion-la, konformeman ek deziem paragraf Premie Sedil Konstitision, finn gagn mazorite siez ki ena dan Lasanble.</p>

<p>(3) The office of Prime Minister or any other Minister shall become vacant –</p> <p>(a) where he ceases to be a member of the Assembly otherwise than by reason of a dissolution of Parliament; or</p> <p>(b) where, at the first sitting of the Assembly after any general election, he is not a member of the Assembly:</p> <p>Provided that paragraph (b) shall not apply to the office of Attorney-General where the holder thereof was not a member of the Assembly on the preceding dissolution of Parliament.</p> <p>(4) The office of a Minister (other than the Prime Minister) shall become vacant –</p> <p>(a) where the President, acting in accordance with the advice of the Prime Minister, so directs;</p> <p>(b) where the Prime Minister resigns from office within 3 days after the passage by the Assembly of a resolution of no confidence in the Government or is removed from office under subsection (1) or (2); or</p> <p>(c) upon the appointment of any person to the office of Prime Minister.</p> <p>(5) Where for any period the Prime Minister or any other Minister is unable by reason of section 36(1) to perform his functions as a member of the Assembly, he shall not during that period perform any of his functions as Prime Minister or Minister, as the case may be.</p> <p>[Amended 2/82; 48/91]</p>	<p>(3). Post Premie Minis ouswa ninport ki lot Minis pou deklar vakan:</p> <p>a) si li nepli enn manb Lasanble otreman ki alaswit enn disolision Parlman;</p> <p>(b) si, dan premie seans Lasanble ki ena apre eleksion zeneral, li napa enn manb Lasanble:</p> <p>Lor kondision etabli ki paragraf (b) napa pou aplike pou post Attorney-General, si li pa ti enn manb Lasanble kan ti ena dernie disolision Parlman.</p> <p>(4). Post Minis (andeor Premie Minis) pou vinn vakan:-</p> <p>(a) si Prezidan Repiblik, lor rekomandasion Premie Minis, desid dan enn lot fason;</p> <p>(b) si Premie Minis demisione dan enn dele 3 zour apre enn mosion sansir ouswa si li finn revoke depi so bann fonksion dan kad aplikasion sou-seksion (1) ou (2); ouswa</p> <p>(c) an konsekans nominasion enn lot dimounn dan post Premie Minis.</p> <p>(5). Si, dan ninport ki moman, Premie Minis ouswa ninport ki lot Minis, pa kapav, akoz bann provizion seksion 36(1), exers so bann fonksion antan ki enn manb Lasanble, li pa pou kapav exers okenn parmi so bann fonksion antan ki Premie Minis ouswa Minis, depandan lor ka.</p> <p>[Amandman 2/82; 48/91.]</p>
<p>Article 61 The Cabinet</p> <p>(1) There shall be a Cabinet for Mauritius consisting of the Prime Minister and the other Ministers.</p> <p>(2) The functions of the Cabinet shall be to advise the President in the government of Mauritius and the Cabinet shall be collectively responsible to the Assembly for any advice given to the President by or</p>	<p>Lartik 61. Konsej Minis</p> <p>(1). Pou bizin ena enn Konsej Minis pou Moris, ki pou konpoze par enn Premie Minis ek lezot Minis.</p> <p>(2). Konsej Minis ena pou fonksion fer bann rekomandasion ek Prezidan Repiblik dan fason pou govern Moris e li kolektivman responsab devan Lasanble Nasional pou pou ninport ki rekomandasion ki finn prezant</p>

<p>under the general authority of the Cabinet and for all things done by or under the authority of any Minister in execution of his office.</p> <p>(3) Subsection (2) shall not apply in relation to –</p> <p>(a) the appointment and removal from office of Ministers and Junior Ministers, the assigning of responsibility to any Minister under section 62, or the authorisation of another Minister to perform the functions of the Prime Minister during absence or illness;</p> <p>(b) the dissolution of Parliament; or</p> <p>(c) the matters referred to in section 75.</p> <p>[Amended 2/82; 48/91; 3/96]</p>	<p>Prezidan Repiblik sou lotorite zeneral Konsey Minis ek pou ninport ki aksion ki finn fer par, ou sou lotorite, enn Minis dan lexis so fonksion.</p> <p>(3). Bann provizion sou-seksion (2) napa aplikab dan ka kot ena:-</p> <p>(a) nominasion ek revokasion bann Minis ek <i>Junior Minister</i>, atribision responsabilite pou ninport ki Minis dapre seksion 62 ouswa otorizasion ki donn enn lot Minis pou ki li ranpli bann fonksion Premie Minis anka absans ou maladi;</p> <p>b) disolision Parlman; ouswa</p> <p>c) bann zafer ki mansione dan seksion 75.</p> <p>[Amandman 2/82; 48/91; 3/96.]</p>
<p>Article 62 Assignment of responsibilities to Ministers</p> <p>The President, acting in accordance with the advice of the Prime Minister, may, by directions in writing, assign to the Prime Minister or any other Minister responsibility for the conduct (subject to this Constitution and any other law) of any business of the Government, including responsibility for the administration of any department of Government.</p> <p>[Amended 48/91; 3/96]</p>	<p>Lartik 62. Distribision responsabilite pou bann Minis.</p> <p>Prezidan Repiblik, lor rekomandasion Premie Minis, kapav, atraver bann instriksion ekri (sou rezerv bann provizion ki ena dan Konstitisyon ouswa dan ninport ki lalwa), donn Premie Minis ouswa ninport ki lot Minis, responsabilite pou zer bann zafer Gouvernman, inklian responsabilite pou administre ninport ki Departman ki konsern Gouvernman.</p> <p>[Amandman 48/91; 3/96]</p>
<p>Article 63 Performance of functions of Prime Minister during absence or illness</p> <p>(1) Where the Prime Minister is absent from Mauritius or is by reason of illness or of section 60(5) unable to perform the functions conferred on him by this Constitution, the President may, by directions in writing, authorise the Deputy Prime Minister or, in his absence, some other Minister to perform those functions (other than the functions conferred by this section) and that Minister may perform those functions until his authority is revoked by the President.</p>	<p>Lartik 63. Ranplasman Premie Minis anka absans ou maladi</p> <p>(1). Anka Premie Minis absan depi Moris ouswa li malad, ouswa li pa kapav, akoz seksion 60(5), exers bann fonksion ki Konstitisyon donn li, Prezidan Repiblik kapav, atraver bann instriksion ekri, otoriz Premie Minis Adzwin ouswa, dan so absans, enn lot Minis, pou exers sa bann fonksion-la (andeor bann fonksion ki stipile dan sa seksion-la) e sa Minis-la pou gagn drwa exers sa bann fonksion-la ziska ki Prezidan retir sa lotorite-la.</p>

<p>(2) The powers of the President under this section shall be exercised by him in accordance with the advice of the Prime Minister:</p> <p>Provided that where the President, acting in his own deliberate judgment, considers that it is impracticable to obtain the advice of the Prime Minister owing to the Prime Minister's absence or illness, or where the Prime Minister is unable to tender advice by reason of section 60(5), the President may exercise those powers without that advice and in his own deliberate judgment.</p> <p>[Amended 2/82; 48/91]</p>	<p>(2). Bann pouvwar Prezidan Repiblik sou sa seksion-la, pou exerse lor rekomandasyon Premie Minis:</p> <p>Lor kondision etabli ki si Prezidan Repiblik, lor baz so prop zizman deliberate, estime ki li inposib pou gagn rekomandasyon Premie Minis akoz so absans ou so maladi, ouswa si Premie Minis napa dan enn pozision pou donn enn rekomandasyon, akoz seksion 60(5), Prezidan pou kapav exers sa bann pouvwar-la san sa rekomandasyon-la ek lor baz so prop zizman.</p> <p>[Amandman 2/82; 48/91.]</p>
<p>Article 64 Exercise of President's functions</p> <p>(1) In the exercise of his functions under this Constitution or any other law, the President shall act in accordance with the advice of the Cabinet or of a Minister acting under the general authority of the Cabinet except in cases where he is required by this Constitution to act in accordance with the advice of, or after consultation with, any person or authority other than the Cabinet or in his own deliberate judgment.</p> <p>(2) The President may request the Cabinet to reconsider any advice tendered by it and shall act in accordance with such advice as may be tendered by the Cabinet after such reconsideration.</p> <p>(3) Where the President so requests, the Prime Minister shall submit for the consideration of the Cabinet any matter on which a policy decision has been taken by a Minister but which has not been considered by the Cabinet.</p> <p>(4) Where the President is directed by this Constitution to exercise any function after consultation with any person or authority other than the Cabinet, he shall not be obliged to exercise that function in accordance with the advice of that person or authority.</p> <p>(5) (a) Subject to paragraphs (b) and (c), where the President is required by this Constitution to act in accordance with the advice of or after</p>	<p>Lartik 64. Bann fonksyon Prezidan.</p> <p>(1). Dan lexersis so bann fonksyon tel ki li stipile dan Konstitisyon ouswa dan ninport ki lot lalwa, Prezidan Repiblik pou azir lor rekomandasyon Konsey Minis ouswa lor rekomandasyon enn Minis ki limem li azir sou lotorite zeneral Konsey Minis, sof dan bann ka kot Konstitisyon dir ki li bizin azir lor rekomandasyon, ouswa apre konsiltasyon avek, enn dimounn ouswa enn lot otorite ki Konsey Minis ouswa lor baz so prop zizman delibere.</p> <p>(2). Prezidan Repiblik gagn drwa demann Konsey Minis rekonsidere enn rekomandasyon ki li finn fer, e li pou azir konformeman ek rekomandasyon ki Konsey Minis pou done apre rekonsiderasyon rekomandasyon-la.</p> <p>(3). Anka ena enn reket depi Prezidan Repiblik dan sa sans-la, Premie Minis pou bizin demann Konsey Minis pronons li lor ninport ki desizyon politik ki enn Minis finn pran ek lor lekel Konsey Minis pa ti pronons li.</p> <p>(4). Si konformeman ek Konstitisyon, Prezidan Repiblik ena pou exers enn fonksyon apre konsiltasyon avek enn dimounn ouswa enn lot otorite ki Konsey Minis, li pa pou oblize exers fonksyon-la konformeman ek rekomandasyon sa dimounn ou otorite-la.</p> <p>(5). (a) Sou rezerv paragraf (b) ek (c), anka Prezidan Repiblik bizin, konformeman ek Konstitisyon, azir lor rekomandasyon, ou apre</p>

<p>consultation with any person or authority, the question whether in fact he has so acted shall not be called in question in any court of law.</p> <p>(b) Where the President dissolves Parliament otherwise than under the proviso to section 57, the Prime Minister, may by motion, request the Supreme Court to enquire into the decision.</p> <p>(c) Upon the hearing of a motion under paragraph (b), the Supreme Court shall determine whether or not the President has acted in accordance with the advice of the Prime Minister and where the Supreme Court declares that the President has not acted in accordance with such advice the dissolution of the Parliament shall, subject to section 57(2), have no effect.</p> <p>(6) During any period in which the office of Leader of the Opposition is vacant by reason that there is no such opposition party as is referred to in section 73(2)(a) and the President, acting in his own deliberate judgment, is of the opinion that no member of the Assembly would be acceptable to the leaders of the opposition parties for the purposes of section 73(2)(b) or by reason that there are no opposition parties for the purposes of that section, the operation of any provision of this Constitution shall, to the extent that it requires the President, the Prime Minister or the Public Service Commission to consult the Leader of the Opposition, be suspended.</p> <p>[Amended 48/91]</p>	<p>konsiltasyon avek, enn dimounn ouswa enn otorite, kestion ki poze pou kone si li finn vremem azir dan sa sans-la, napa pou gagn drwa souleve devan enn lakour zistis.</p> <p>(b) Anka Prezidan disoud Parlman, dan bann kondision ki diferan ek seki spesifie dan seksion 57, Premie Minis pou kapav atraver enn mosion, fer enn reket Lakour Siprem pou ki li fer enn lanket lor legalite sa desizion-la.</p> <p>c) Anka Lakour Siprem, apre ki li finn ekout enn mosion ki tom dan kad ki spesifie dan paragraf (b), estime ki Prezidan Repiblik napa finn azir an konformite ek rekomandasyon Premie Minis, disolision Parlman ki finn dekrete pou, sou rezerv seksion 57(b), konsidere kouma non-valid.</p> <p>(6). Dan ninport ki peryod kot post Leader Lopoziyon finn vinn vakan parski pena enn parti lopoziyon, dan sans ki finn definir li dan seksion 73(2) e ki Prezidan Repiblik, lor baz so prop zizman delibere, estime ki okenn manb Lasanble pa pou konsidere kouma akseptab par bann leader bann diferan parti lopoziyon tel ki li spesifie dan seksion 73(3)(b), ouswa parski pena okenn parti lopoziyon dan kad sa seksion-la, aplikasyon ninport ki provizion Konstitisyon pou bizin, dan limit kot li exize ki Prezidan Repiblik, Premie Minis ouswa <i>Public Service Commission</i> bizin konsilte Leader Lopoziyon, sispann.</p> <p>[Amandman 48/91.]</p>
<p>Article 65 President to be kept informed</p> <p>The Prime Minister shall keep the President fully informed concerning the general conduct of the government of Mauritius and shall furnish the President with such information as he may request with respect to any particular matter relating to the government of Mauritius.</p> <p>[Amended 48/91]</p>	<p>Lartik 65. Prezidan Repiblik bizin res informe</p> <p>Premie Minis pou bizin tini Prezidan Repiblik plennman informe lor tou seki konsern zestion zeneral Gouvernman Moris ek li pou bizin donn Prezidan Repiblik ninport ki presizyon ki li pou kapav demande lor ninport ki kestion spesifik ki ena tre ek Gouvernman Moris.</p> <p>[Amandman 48/91.]</p>

Article 66 Junior Ministers

(1) Subject to this section, the President, acting in accordance with the advice of the Prime Minister, may appoint Junior Ministers from among the members of the Assembly to assist Ministers in the performance of their duties.

(2) The number of Junior Ministers shall not exceed 10.

(3) Where occasion arises for making appointments while the Assembly is dissolved, a person who was a member of the Assembly immediately before the dissolution may be appointed as a Junior Minister.

(4) The office of a Junior Minister shall become vacant –

(a) where the President, acting in accordance with the advice of the Prime Minister, so directs;

(b) where the Prime Minister resigns from office within 3 days after the passage by the Assembly of a resolution of no confidence in the Government or is removed from office under section 60(1) or (2);

(c) upon the appointment of a person to the office of Prime Minister;

(d) where the holder of the office ceases to be a member of the Assembly otherwise than by reason of a dissolution of Parliament; or

(e) where at the first sitting of the Assembly after any election, the holder of the office is not a member of the Assembly.

(5) Where for any period a Junior Minister is unable by reason of section 36(1) to perform his functions as a Member of the Assembly, he shall not during that period perform any of his functions as a Junior Minister.

[Amended 3/96]

Lartik 66. Bann Junior Minister

(1). Sou rezerv sa seksion-la, Prezidan Repiblik, lor rekomandasion Premie Minis, kapav nomm bann Junior Minister parmi bann manb Lasanble pou ed bann Minis dan lexisis zot fonksion.

(2). Nonb Junior Minister pa kapav plis ki 10.

(3). Kan so moman vini pou fer bann nominasion, alor ki Lasanble finn disoud, enn dimounn ki ti manb Lasanble zis avan disolision, kapav nome antan ki Junior Minister.

(4). Post enn Junior Minister pou vinn vakan:-

a) kan Prezidan Repiblik, lor baz rekomandasion Premie Minis, pou dir ki li koumsa;

b) kan Premie Minis demisione depi so post dan enn dele 3 zour apre ki Lasanble finn aprouv enn mosion sansir kont Gouvernman ouswa ki li revoke depi so fonksion dan kad aplikasion seksion 60(1) ou 60(2);

c) swit ek nominason enn dimounn dan post Premie Minis;

d) kan dimounn ki okip post-la nepli enn manb Lasanble pou enn lot rezon ki disolision Parlman; ouswa

e) kan, dan premie seans Lasanble apre enn eleksion, dimounn ki okip post-la nepli manb Lasanble.

(5) Kan, pou enn sertin peryod letan, enn Junior Minister napa kapav, an rezon seksion 36(1), exers so bann fonksion antan ki enn manb Lasanble, li pa pou gagn drwa, pandan sa peryod-la, exers so bann konksion antan ki Junior Minister.

[Amandman 3/96.]

<p>Article 67 Oaths to be taken by Ministers and Junior Ministers</p> <p>A Minister or a Junior Minister shall not enter upon the duties of his office unless he has taken and subscribed the oath of allegiance and such oath for the due execution of his office as is prescribed by the Third Schedule.</p> <p>[Amended 2/82; 3/96]</p>	<p>Lartik 67. Bann serman ki bizin prononse par bann Minis ek bann Junior Minister</p> <p>Enn Minis ouswa enn Junior Minister pa pou gagn drwa exers so bann fonksion si li pa finn pronons enn serman alezans ouswa ninport ki lot serman ki finn preskrir dan Trwaziem Sedil avan ki li kapav ranpli so bann fonksion.</p> <p>[Amandman 2/82; 3/96.]</p>
<p>Article 68 Direction of Government departments</p> <p>Where any Minister has been charged with responsibility for the administration of any department of Government, he shall exercise general direction and control over that department and, subject to such direction and control, any department in the charge of a Minister (including the office of the Prime Minister or any other Minister) shall be under the supervision of a Permanent Secretary or of some other supervising officer whose office shall be a public office:</p> <p>Provided that –</p> <p>(a) any such department may be under the joint supervision of 2 or more supervising officers; and</p> <p>(b) different parts of any such department may respectively be under the supervision of different supervising officers.</p>	<p>Lartik 68. Direksion bann departman gouvènmantal</p> <p>Kan enn Minis finn gagn responsabilite pou zer enn Departman ministeryel, li pou ansarz direksion ek kontrol zeneral departman-la ek, sou rezerv sa direksion ek sa kontrol-la, ninport ki departman ki tom sou responsabilite enn Minis (inklian Premie Minis ouswa ninport ki lot Minis) pou trouv zot sou kontrol enn Sekreter Permanan ouswa enn ofisye siperyer ki okip enn pozision piblik:</p> <p>Lor kondision etabli:</p> <p>a) ki enn tel departman kapav plase sou kontrol 2 ouswa plizier ofisye siperyer;</p> <p>b) ki diferan seksion enn tel departman kapav plase sou kontrol diferan ofisye siperyer.</p>
<p>Article 69 Attorney-General</p> <p>(1) There shall be an Attorney-General who shall be principal legal adviser to the Government of Mauritius.</p> <p>(2) The office of Attorney-General shall be the office of a Minister.</p> <p>(3) No person shall be qualified to hold the office of Attorney-General unless he is entitled to practise as a barrister in Mauritius, and no person</p>	<p>Lartik 69. Attorney-General</p> <p>(1). Pou bizin ena enn Attorney-General ki pou prinsipal konseye ziridik Gouvènmàn Moris.</p> <p>(2). Fonksion Attorney-General pou okipe par enn Minis.</p> <p>(3). Okenn dimounn pa pou gagn drwa okip post Attorney General si li pa kalifie pou exers kouma avoka dan Moris; ek enn dimounn ki, pou enn</p>

<p>who is not a member of the Assembly shall be qualified to hold the office if he is for any cause disqualified from membership of the Assembly:</p> <p>Provided that a person may hold the office of Attorney-General notwithstanding that he holds or is acting in a public office (not being the office of Director of Public Prosecutions).</p> <p>(4) Where the person holding the office of Attorney-General is not a member of the Assembly, he shall be entitled to take part in the proceedings of the Assembly, and this Constitution and any other law shall apply to him as if he were a member of the Assembly:</p> <p>Provided that he shall not be entitled to vote in the Assembly.</p> <p>(5) Where the person holding the office of Attorney-General is for any reason unable to exercise the functions conferred upon him by or under any law, those functions may be exercised by such other person, being a person entitled to practise as a barrister in Mauritius (whether or not he is a member of the Assembly), as the President, acting in accordance with the advice of the Prime Minister, may direct.</p> <p>[Amended 48/91]</p>	<p>rezon ou enn lot, napa elizib pou vinn manb Lasanble pa pou gagn drwa okip post Attorney-General:</p> <p>Lor kondision etabli ki enn dimounn pou gagn drwa okip post Attorney-General, mem si li exers enn profesion piblik ouswa si li pe ranpli bann fonksion ki ena lien ek sa tip profesion la (sof dan ka bann fonksion Direkter Pourswit Piblik).</p> <p>(4). Kan enn dimounn ki pe okip post Attorney-General napa enn manb Lasanble, li pou gagn drwa kanmem partisip dan bann travo Lasanble, ek bann provizion Konstision ek ninport ki lalwa pou aplik pou li parey koumadir li enn manb Lasanble:</p> <p>Lor kondision etabli ki li pa pou gagn drwa vote dan Lasanble.</p> <p>(5). Kan enn dimounn ki pe okip post Attorney-General, napa kapav, pou enn rezon ou enn lot, okip bann fonksion ki sa post-la demande, dapre tel ou tel lalwa, sa bann fonksion-la pou bizin ranpli par enn lot dimounn ki abilite pou exers kouma avoka dan Moris (ki li enn manb Lasanble ouswa non), e ki Prezidan Repiblik, lor rekomandasion Premie Minis, pou dezigne.</p> <p>[Amandman 48/91.]</p>
<p>Article 70 Secretary to Cabinet</p> <p>(1) There shall be a Secretary to Cabinet whose office shall be a public office.</p> <p>(2) The Secretary to Cabinet shall be responsible, in accordance with such instructions as may be given to him by the Prime Minister, for arranging the business for, and keeping the minutes of, the Cabinet or any of its committees and for conveying the decisions of the Cabinet or any of its committees to the appropriate person or authority, and shall have such other functions as the Prime Minister may direct.</p>	<p>Lartik 70. Sekreter Konsey Minis</p> <p>(1). Pou bizin ena enn Sekreter Konsey Minis ki okip enn fonksion piblik.</p> <p>(2). Sekreter Konsey Minis pou responsab, an konformite ek bann instruksion ki Premie Minis pou kapav donn li, pou monitor bann travay Konsey Minis ou ninport ki lot komite ki tom sou so lotorite, pou gard zot bann prose-verbal ek pou transmet bann desizion Konsey Minis ou enn so bann komite ek dimounn ou otorite ki bizin; ek pou exers ninport ki lot fonksion ki Premie Minis pou kapav donn li.</p>

<p>Article 71 Commissioner of Police</p> <p>(1) There shall be a Commissioner of Police whose office shall be a public office.</p> <p>(2) The Police Force shall be under the command of the Commissioner of Police.</p> <p>(3) The Prime Minister, or such other Minister as may be authorised in that behalf by the Prime Minister, may give to the Commissioner of Police such general directions of policy with respect to the maintenance of public safety and public order as he may consider necessary and the Commissioner shall comply with such directions or cause them to be complied with.</p> <p>(4) Nothing in this section shall be construed as precluding the assignment to a Minister of responsibility under section 62 for the organisation, maintenance and administration of the Police Force, but the Commissioner of Police shall be responsible for determining the use and controlling the operations of the force and, except as provided in subsection (3), the Commissioner shall not, in the exercise of his responsibilities and powers with respect to the use and operational control of the force, be subject to the direction or control of any person or authority.</p>	<p>Lartik 71. Komiser Lapolis</p> <p>(1) Pou ena enn Komiser Lapolis ki pou exers enn fonksion piblik.</p> <p>(2) Lafors polisier pou plase sou responsabilite Komiser Lapolis.</p> <p>(3) Premie Minis, ouswa ninport ki lot Minis ki pou otorize par Premie Minis pou ranpli sa rol-la, ena drwa donn Komiser Lapolis bann orientasion zeneral ki li zize itil lor politik ki bizin adopte konsernan mintien sekirite ek lord piblik ek Komiser pou bizin konform li ek sa bann instriksion-la ek fer zot respekte.</p> <p>(4) Nanye dan seki kontenir dan sa seksion-la pa pou kapav interprete kouma enn obstak konsernan responsabilite ki enn enn Minis finn gagne dan kad aplikasion seksion 62, konsernan organizasion, mintien ek administrasion Lafors Polisier; selman, Komiser Lapolis pou ena responsabilite pou derminn itilizasion ek kontrol bann operasion Lafors Polisier, ek, sof dan bann ka ki finn prevwar dan sou-seksion (3), li pa pou ena pou soumet li ek direksion ouswa kontrol okenn dimounn ouswa otorite dan lexersis so bann reponsabilite ek pouvwar relatif ek itilizasion ek kontrol operasionel Lafors Polisier.</p>
<p>Article 72 Director of Public Prosecutions</p> <p>(1) There shall be a Director of Public Prosecutions 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 Director or Public Prosecutions unless he is qualified for appointment as a Judge of the Supreme Court.</p> <p>(3) The Director of Public Prosecutions shall have power in any case in which he considers it desirable so to do -</p>	<p>Lartik 72 Direkter Pourswit Piblik</p> <p>(1) Pou ena enn Direkter Pourswit Piblik ki pou exers enn fonksion piblik e ki pou nome par <i>Judicial and Legal Service Commission</i>.</p> <p>(2) Okenn dimounn pa pou kalifie pou okip post ou pou exerse antan ki Direkter Pourswit Piblik amwin ki li kalifie pou nome antan ki Ziz Lakour Siprem.</p> <p>(3) Direkter Pourswit Piblik pou ena pouvwar dan tou bann ka kot li estime ki li bon ki li fer li, pou:-</p>

(a) to institute and undertake criminal proceedings before any court of law (not being a court established by a disciplinary law);

(b) to take over and continue any such criminal proceedings that may have been instituted by any other person or authority; and

(c) to discontinue at any stage before judgment is delivered any such criminal proceedings instituted or undertaken by himself or any other person or authority.

(4) The powers of the Director of Public Prosecutions under subsection (3) may be exercised by him in person or through other persons acting in accordance with his general or specific instructions.

(5) The powers conferred upon the Director of Public Prosecutions by subsection (3)(b) and (c) shall be vested in him to the exclusion of any other person or authority:

Provided that, where any other person or authority has instituted criminal proceedings, nothing in this subsection shall prevent the withdrawal of those proceedings by or at the instance of that person or authority at any stage before the person against whom the proceedings have been instituted has been charged before the court.

(6) In the exercise of the powers conferred upon him by this section, the Director of Public Prosecutions shall not be subject to the direction or control of any other person or authority.

(7) For the purposes of this section, any appeal from any determination in any criminal proceedings before any court, or any case stated or question of law reserved for the purposes of any such proceedings to any other court, shall be deemed to be part of those proceedings:

Provided that the power conferred on the Director of Public Prosecutions by subsection (3)(c) shall not be exercised in relation to any appeal by a person convicted in any criminal proceedings or to any case stated or question of law reserved except at the instance of such a person.

(a) institue ek pou angaz bann prosedir kriminel devan enn lakour zistis (ki napa enn tribinal ki finn etabli par enn lalwa disiplinier);

(b) rebran ek pourswiv ninport ki prosedir kriminel ki kapav finn angaze par ninport ki lot dimounn ou otorite; ek

(c) aret, dan ninport ki letap avan ki enn zizman prononse, ninport ki prosedir kriminel ki finn institue ou ki finn antreprann par limem ou par ninport ki dimounn ou otorite.

(4) Bann pouvwar Direkter Pourswit Piblik dapre sou-seksion (3) pou kapav exerce par limem an-personn ou atraver bann lezot dimounn ki pe azir an konformite avek so bann instruksion zeneral ou swa spesifik.

(5) Bann pouvwar ki sou-seksion (3)(b) ek (c) finn akord Direkter Pourswit Piblik, se zis li tou tousel ki pou kapav exers zot, e ninport ki lot dimounn ou otorite trouv zot ekliir ladan:

Lor kondision etabli ki, kan enn lot dimounn ou otorite finn institue enn prosedir kriminel, nanye dan sa sou-seksion-la pa pou kapav anpes rete sa prosedir-la par sa dimounn ou otorite-la, ou swa lor zot demand, dan ninport ki moman avan ki dimounn kont lekel prosedir-la finn insitue, finn inkilpe devan lakour.

(6) Dan lexersis bann pouvwar ki sa seksion-la finn akord li, Direkter Pourswit Piblik pa pou ena pou soumet li ek direksion ou kontrol okenn lot dimounn ou swa otorite.

(7) Dan lobzektif sa seksion-la, ninport ki apel ki fer kont enn desizion konsernan enn prosedir kriminel, ou ninport ki ka ou kestion legal ki expoze ou swa ki rezerve pou enn tel prosedir devan ninport ki lot lakour zistis, pou konsidere koumadir li fer parti bann prosedir:

Lor kondision etabli ki pouvwar ki sou-seksion (3)(c) akord Direkter Pourswit Piblik pa pou gagn drwa exerce an relasion avek ninport ki apel ki finn fer par enn dimounn ki finn rekone koupab dan enn prosedir kriminel ou swa avek ninport ki ka ki finn expoze ou swa kestion legal ki finn rezerve, sof si li lor reket enn tel dimounn.

Article 73. Leader of Opposition

(1) There shall be a Leader of the Opposition who shall be appointed by the President.

(2) Where the President has occasion to appoint a Leader of the Opposition, he shall in his own deliberate judgment appoint –

(a) where there is one opposition party whose numerical strength in the Assembly is greater than the strength of any other opposition party, the member of the Assembly who is the leader in the Assembly of that party; or

(b) where there is no such party, the member of the Assembly whose appointment would, in the judgment of the President, be most acceptable to the leaders in the Assembly of the opposition parties:

Provided that, where occasion arises for making an appointment while Parliament is dissolved, a person who was a member of the Assembly immediately before the dissolution may be appointed Leader of the Opposition.

(3) The office of the Leader of the Opposition shall become vacant –

(a) where, after any general election, he is informed by the President that the President is about to appoint another person as Leader of the Opposition;

(b) where, under section 36(1), he is required to cease to perform his functions as a member of the Assembly;

(c) where he ceases to be a member of the Assembly otherwise than by reason of a dissolution of Parliament;

(d) where, at the first sitting of the Assembly after any general election, he is not a member of the Assembly; or

(e) where his appointment is revoked under subsection (4).

Lartik 73. Leader Lopoziyon

(1) Pou ena enn Leader Lopoziyon ki pou nome par Prezidan.

(2) Kan lokazion prezante pou ki Prezidan Repiblik nomm enn Leader Lopoziyon, li pou bizin, dapre so prop zizman delibere nomm dan sa post-la:

(a) kan ena, dan Lasanble Nasional, enn Parti Lopoziyon ki ena enn lafors nimerik ki pli gran ki lafors ninport ki lot Parti Lopoziyon, depite ki Leader sa Parti-la; ouswa

(b) si pa reisi trouv enn tel parti, manb Lasanble ki, dapre zizman Speaker, pou pli akseptab dan sa pozision-la, par bann Leader bann diferan Parti Lopoziyon:

Lor kondision etabli ki, kan lokazion prezante pou fer enn nominasion pandan ki Parlman finn disoud, enn dimounn ki ti manb Lasanble zis avan disolision kapav nome antan ki Leader Lopoziyon.

(3) Post Leader Lopoziyon pou vinn vakan:

(a) kan, apre enn eleksion zeneral, li gagn linformasion avek Prezidan Repiblik ki Prezidan pe prepar li pou nomm enn lot dimounn antan ki Leader Lopoziyon;

(b) kan, an fonksion seksion 36(1), li gagn instriksion ki li pou bizin aret exers so bann fonksion antan ki enn manb Lasanble;

(c) kan li nepli enn manb Lasanble pou enn lot rezon ki disolision Parlman;

(d) kan, dan premie seans Lasanble apre enn eleksion zeneral, li napa enn manb Lasanble; ouswa

(e) kan so nominasion finn revoke an fonksion sou-seksion (4).

<p>(4) Where the President, acting in his own deliberate judgment, considers that a member of the Assembly, other than the Leader of the Opposition, has become the leader in the Assembly of the opposition party having the greatest numerical strength in the Assembly or, as the case may be, the Leader of the Opposition is no longer acceptable as such to the leaders of the opposition parties in the Assembly, the President may revoke the appointment of the Leader of the Opposition.</p> <p>(5) For the purposes of this section, “opposition party” means a group of members of the Assembly whose number includes a leader who commands their support in opposition to the Government.</p> <p>[Amended 2/82; 48/91]</p>	<p>(4) Kan Prezidan, lor baz so prop zizman delibere, konsidere ki enn manb Lasanble, andeor Leader Lopoizion, finn vinn, dan Lasanble, Leader Parti Lopoizion ki ena pli gran lafors nimerik dan Lasanble ouswa si, depandan lor ka, Leader Lopoizion nepli aksepte antan ki tel par bann dirizan bann parti Lopoizion ki prezan dan Lasanble, Prezidan Repiblik kapav revok Leader Lopoizion depi so post.</p> <p>(5) Dan lobzektif sa seksion-la, “Parti Lopoizion” vedir enn group manb Lasanble ki kont parmi so bann manb enn sef ki ena zot soutien antan ki opozan fas ek Gouvernman anplas.</p> <p>[Amandman 2/82; 48/91]</p>
<p>Article 73A -</p> <p>[Added 31/00; Repealed 33/01]</p>	<p>Lartik 73A -</p> <p>[Azoute 31/00; Abroze: 33/01]</p>
<p>Article 74 Constitution of offices</p> <p>Subject to this Constitution and any other law, the President may constitute offices for Mauritius, make appointments to any such office and terminate any such appointment.</p> <p>[Amended 48/91]</p>	<p>Lartik 74 Kreasion bann post</p> <p>Sou rezerv sa Konstitision-la ek ninport ki lot lalwa, Prezidan Repiblik kapav kree bann post pou Moris ek fer bann nominasion konsernan sa bann post-la, ek ousi met fin ek manda-la.</p> <p>[Amandman 48/91]</p>